

LEGAL WRITING I

LAW 5792 (2 credits)

Professor Kristen Hardy | k.hardy@law.ufl.edu

(352) 273-0883

Fall 2021

This class will meet on Tuesdays and Thursdays from 3:15 p.m. - 4:10 p.m. in Holland Hall 284.

COURSE OVERVIEW, SYLLABUS & POLICIES

Welcome to *Legal Writing I!* This document provides an overview of the course and its learning objectives (Section I), university policies (Section II), and a topical syllabus with assignments (Section III).

I.

Course Description and Learning Objectives

I am excited to partner with you as you begin your law school career. You may, or may not, consider yourself to be a “great writer.” However, what you need to know before we embark on this journey is that learning how to write like a lawyer is like learning another *writing language*. There are rules, structures, customs, and expectations.

This course is designed to introduce you to the form and content of accepted legal analysis and writing. This class is the first half of a two-part introductory legal writing program. Both sections are required for graduation. This course emphasizes written legal structure and analysis, although you will present orally once this semester. This course lays the foundation and offers preparation for the second half of the program, which will focus on predictive legal writing.

By the end of this course, you should be able to:

1. Understand the framework of the U.S. legal system and how lawyers use law to resolve legal problems;
2. Identify the legal issues that affect a client’s situation;
3. Properly evaluate the relevance of related facts to a client’s legal situation;
4. Appropriately analogizing and distinguishing precedent from relevant case facts;
5. Analyze, interpret, and use statutes and case law to construct cogent legal arguments;
6. Write a clear and organized analysis of a legal issue to predict its outcome;
7. Use effective topic sentences, transitions, and organization;
8. Use accepted grammar, syntax, punctuation, and legal citation formats;
9. Effectively revise, edit, and proofread your legal writing;

And, at all times:

10. Apply ethical and professional standards in crafting your work product.

Course Texts

1. COUGHLIN, ROCKLIN, AND PATRICK, A LAWYER WRITES: A PRACTICAL GUIDE TO LEGAL ANALYSIS (3rd ed. 2018)
2. THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION (Columbia L. Rev. Ass'n et al. eds., 21st ed. 2020)
3. MCKINNEY AND ROSE, CORE GRAMMAR FOR LAWYERS (Online)

Note: To purchase this program at a discounted rate, go to:

<http://coregrammar.com/getcgl>. Complete the form and be sure to select "FL" for your state and "University of Florida - F. G. Levin College of Law" for your school. On the payment page, enter "UFLL2021" into the Access Code field. Your discounted price will appear immediately. Enter your credit card information, verify the purchase, and continue to create your Core Grammar for Lawyers account. You will be able to start using CGL immediately. **Our class code is: 321-72-4053.**

Course Website

You may access the course website at: <http://elearning.ufl.edu/>. All course business will be conducted through the website. I will post all reading assignments, supplemental readings, and course announcements there; you will turn in all your written work there; you will receive feedback from your TAs and me there; and you can sign up for office hour appointment slots there.

Office Hours

I will hold office hours on Thursdays between 10:00 a.m.-12:30 p.m., beginning the week of September 6, 2021. My office is located in Holland Hall 370C.

I will hold an **in-person office hour on Thursdays between 10:00 a.m.-11:00 a.m.** You can drop by or schedule an appointment through the course website. You will be expected to wear a mask if you meet with me in my office regardless of your vaccination status, as per the University's updated COVID guidance (<https://coronavirus.ufl.edu/university-updates/august-6-campus-brief-.html>) .

I will hold a **second office hour on Thursdays between 11:30 a.m. and 12:30 p.m. for students who can meet via Zoom**. My Zoom office "door" will remain open during that time and students may meet with me with or without an appointment. My Zoom office hour link can be found on the course website.

I am also happy to meet with you at other times. I will try to accommodate any student who needs to meet with me, even if it is outside of the listed hours. These meetings may be conducted in person or via Zoom. Please contact me, should the need arise, and we will find a time that works.

Please note that **no conferences will be held within the 24 hours prior to an assignment due date. This rule applies to conferences with me and with the TAs. Also, no conferences will be held after you receive your final memorandum assignment and before you turn it in.**

I reserve the right to amend this guidance as the semester progresses.

Legal Writing Teaching Assistants

Your amazing Legal Writing TAs for this semester are:

1. Ashley Carlisle (ashleybcarlisle@ufl.edu)
2. Kyler Gray (kylergray@ufl.edu)
3. Anastasia Regnier (aregnier123@ufl.edu)
4. Bethany Richey (bethanyrichey@ufl.edu)

They are all 2L students who did well in their first-year writing courses and are committed to helping you succeed! You can always feel free to contact me with any course concerns or questions, but they are your **best** first line resource.

II.

Communication

Changes in class meeting times or assignments may be necessary during the semester, and you will be notified of the changes as early as possible. You are responsible for checking your e-mail and the course website daily for changes in meeting times or assignments. Further, you are responsible for complying with announcements regarding revisions to the content of this course.

Attendance and Assignments

This is a skills-based course, which means that your attendance is essential to achieving the course objectives. Your active and consistent participation in the class discussions and exercises is expected and required. Put another way, class attendance is mandatory.

Missing Class. Despite our best efforts, unplanned circumstances sometime arise. Therefore, you may miss two (2) classes without penalty. If you miss more than two (2) classes, I may reduce your final grade. **If you miss more than six (6) classes, you will fail the course.**

Any days missed to observe a holy day of your faith will not be counted against you for attendance purposes if you notify me of the absence in advance.

Excessive tardiness will also result in a grade penalty.

Assignment Submission. You must turn in your written assignments via the course website **by 11:59 p.m. on the due date.** *Computer problems, including e-mail or Canvas problems, should be foreseen and are not grounds for an extension.* Plan your time accordingly. Late assignments **will result** in your grade being lowered by one grade increment per day. An assignment will not be accepted if it is more than three days late.

Please note that: **No conferences will be held within the 24 hours prior to an assignment due date. This rule applies to conferences with me and with the TAs.**

Extensions. Extensions will be granted only for serious matters beyond the student's control. If you find yourself in an emergency situation, contact me. Exceptions may be made for legitimate emergencies. If possible, request an extension before the assignment's due date.

Computer Policy

Electronic devices (laptops, tablets, cell phones) should remain stowed away during class time. Please plan to take notes with paper and pen or pencil. However, we will be using electronic devices in class frequently, so do plan to have them accessible.

Course Workload and Class Preparation

Students should expect to spend at least two hours outside of class reading and preparing for every hour of class.

Grading and Evaluation

In this course, a student’s grade will be based on the following:

- (10%) Class participation
- (20%) Written Assignments #1-3, Core Grammar for Lawyers, and ICW activities
- (20%) Performance on Written Assignment #4 (Second Memorandum)
- (50%) Final Memorandum (final exam)

Grading Scale.

Grades are recorded permanently by the Office of the University Registrar. The grade point average (GPA) is determined by computing the ratio of grade points of semester hours of work attempted in courses in which letter grades are assigned. Students receive grade points according to the following scale:

Grade	Points
A (Excellent)	4.0
A-	3.67
B+	3.33
B (Good)	3.0
B-	2.67
C +	2.33
C (Satisfactory)	2.0
C-	1.67
D+	1.33
D (Poor)	1.0
D-	0.67
E (Failure)	0.0

Possible Grade Increases/Decreases. A student’s grade may be raised by one step (*i.e.*, B to B+) for participation of exceptionally high quality (not to be confused with quantity) or lowered by one step (*i.e.*, C to C-) for repeated failure to contribute to discussion when called upon or repeated absences from class, as explained above in the section on “Attendance.”

Students must complete each assignment in good faith and in a timely fashion. Written

assignments will be evaluated based upon the quality of legal analysis, research, and writing skills and style. In addition, the assignments will be evaluated on compliance with the instructions for the assignment, timeliness of submissions, and preparation for conferences (if any).

Additional information on the law school's grading and evaluation policies is available in the UF Levin College of Law's website.

Exam Delays/Accommodations Statement

The law school policy on exam delays and accommodations can be found at:

<https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/forms-applications/exam-delays-accommodations-form>.

Disability Accommodation Statement

Students with temporary or permanent medical conditions or physical, cognitive, or psychological disabilities may be able to receive accommodations to eliminate barriers to their success. Accommodations allow such students to not be at a disadvantage relative to other students as a result of conditions beyond their control.

In order to receive consideration for reasonable accommodations, you must complete the disability accommodation registration with the Dean of Students Office (<http://www.dso.ufl.edu/drc/>) or the UF Disability Resource Center (<https://disability.ufl.edu/get-started/>). You will be provided with documentation which you must then present to your instructor when requesting accommodation. You must submit this documentation **prior to** submitting assignments or taking exams. Accommodations are not retroactive, therefore, students should contact the office as soon as possible in the term for which they are seeking accommodations.

Recordings & Publication of Class Discussions

Students are allowed to record video or audio of class lectures. However, the purposes for which these recordings may be used are strictly controlled. The only allowable purposes are (1) for personal educational use, (2) in connection with a complaint to the university, or (3) as evidence in, or in preparation for, a criminal or civil proceeding. All other purposes are prohibited. Specifically, students may not publish recorded lectures without the written consent of the instructor.

A "class lecture" is an educational presentation intended to inform or teach enrolled students about a particular subject, including any instructor-led discussions that form part of the presentation, and delivered by any instructor hired or appointed by the University, or by a guest instructor, as part of a University of Florida course. A class lecture does not include lab sessions, student presentations, clinical presentations such as patient history, academic exercises involving solely student participation, assessments (quizzes, tests, exams), field trips, private conversations between students in the class or between a student and the faculty or lecturer during a class session.

Publication without permission of the instructor is prohibited. To "publish" means to share, transmit, circulate, distribute, or provide access to a recording, regardless of format or medium, to

another person (or persons), including but not limited to another student within the same class section. Additionally, a recording, or transcript of a recording, is considered published if it is posted on or uploaded to, in whole or in part, any media platform, including but not limited to social media, book, magazine, newspaper, leaflet, or third-party note/tutoring services. A student who publishes a recording without written consent may be subject to a civil cause of action instituted by a person injured by the publication and/or discipline under UF Regulation 4.040 Student Honor Code and Student Conduct Code.”

Academic Integrity and Plagiarism

Academic integrity is the pursuit of scholarly activity in an open, honest and responsible manner. Academic integrity is a basic guiding principle for all academic activity at the University of Florida Levin College of Law, and all members of the law school community are expected to act in accordance with this principle. Students may find the law school Honor Code at:

<https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/additional-information/honor-code-and-committee/honor-code>.

Written work must be done independently. Unauthorized collaboration is an Honor Code violation. **Do not read any other student's work, and do not share your written work with any student other than your TA, unless you have obtained my written permission to do so.** Giving your work to another student violates the collaboration policy as much as taking work from another student does.

You are permitted to discuss ideas relating to the writing assignments, and the importance or interpretation of cases. Such discussion is often helpful in refining and testing your interpretation and analysis. However, do not discuss which cases you plan to use in your memo, or how you plan to use them. Instead, frame your discussions around the legal issues. For example, it's fine to say "I don't think the _____ decision contributes anything to the analysis of any of the burglary elements," but don't say "I'm not planning to discuss _____ in my memo."

Students are expected to review, understand, and abide by the Honor Code.

COVID-19 Policy

You are required to follow the policies and requirements set forth by the University of Florida with respect to COVID-19. These policies are subject to change from time to time. Please refer to <https://coronavirus.ufl.edu/university-updates> for the latest guidelines. Following and enforcing these policies and requirements are all of our responsibility. Failure to do so will lead to a report to the Office of Student Conduct and Conflict Resolution and removal from the course.

Zoom Policy

Please comply with the following during Zoom sessions:

- Cameras are required to remain ON during the entire session.
- Use the "Raised Hand" button under the Chat icon to ask questions during a session.

- Please dress appropriately—as you would during an in-person class—during Zoom sessions.

Course Evaluations

Students are expected to provide professional and respectful feedback on the quality of instruction in this course by completing course evaluations online via GatorEvals. Guidance on how to give feedback in a professional and respectful manner is available at <https://gatorevals.aa.ufl.edu/students/>. Students will be notified when the evaluation period opens and can complete evaluations through the email they receive from GatorEvals in their Canvas course menu under GatorEvals OR via <https://ufl.bluera.com/ufl/>. Summaries of course evaluation results are available to students at <https://gatorevals.aa.ufl.edu/public-results/>.

Student Support

Any student who has difficulty accessing sufficient food, lacks a safe place to live, or who is experiencing any other personal hardship, is encouraged to contact the Office of Student Affairs at the phone number or email address that appears below. If you are comfortable doing so, you may also notify me so that I can direct you to further resources.

Counseling and Psychological Services

Many students at University of Florida Levin College of Law face personal challenges or have psychological needs that may interfere with their academic progress, social development, or emotional health. The law school and Gainesville community offer a variety of confidential services to help you through difficult times, including individual and group counseling, crisis intervention, consultations, online chats, and mental health screenings. Some of the entities equipped to help in such circumstances include:

UF Counseling & Wellness Center/Gator-2-Gator
401 Peabody Hall
Gainesville, FL
Phone: 352-392-1575
Website: <https://counseling.ufl.edu/services/crisis/>

UF Crisis Hotline (24 hours/7 days/week)
Phone: 352-392-1575

Alachua County Crisis Center
Phone: 352-264-6789
Website: <https://www.alachuacounty.us/Depts/CSS/CrisisCenter/Pages/CrisisCenter.aspx>

University of Florida Levin College of Law
The Office of Student Affairs
Phone: 352-273-0620
Email: student.svc@law.ufl.edu

University of Florida

“U Matter, We Care”

Phone: 352-294-CARE (2273)

Email: umatter@ufl.edu

Website: <https://umatter.ufl.edu>

	= Core Grammar for Lawyers Assignments
	<u>text</u> = Use Case File #1
	<u>text</u> = Use Case File #2
	= Final Exam (Case File #3)

III.

Course Outline & Assignments

The following outline is preliminary. **I may change as the course progresses.** You are expected to check the course website regularly for updates, supplemental material, and announcements.

Assignments are due by 11:59 p.m. on the due date. Grading is subject to the late policy set forth in this syllabus.

Readings are from the A Lawyer Writes (“ALW”) unless otherwise noted.

Week	Class	Topics Covered
Week 1	Class 1 8/24/21	Overview of the Course and Introduction to How Attorneys Communicate Read: ALW, Chapter 1
	Due: Complete Canvas Intro Questionnaire or Video August 26, 2021 at 11:59 p.m. EST via Canvas	
	Class 2 8/26/21	Sources and the Systems of Law; Reading a Case for Comprehension Read: ALW, Chapters 2 and 3.2
Due: Core Grammar for Lawyers Pre-Test Sunday, August 29, 2021 at 11:59 p.m. EST via Canvas		
Week 2	Class 3 8/31/21	Case Illustrations Read: ALW, Chapter 7.2
	Class 4 9/2/21	Statutory Analysis Read: ALW, Chapters 3.1 and 11
Week 3	Class 5 9/7/21	Structure of Legal Memorandum; Organizing Legal Authority; Finding Your Argument Read: ALW, Chapters 4 and 5
	Class 6 9/9/21	Review: Working With Cases No additional reading

Week 4	Class 7 9/14/21	Building Your Argument – A Template; Formulating Your Rules/Explaining the Law Read: ALW, Chapters 6 and 7.1
	Class 8 9/16/21	Applying the Law; Effective Conclusions; Putting It All Together Read: ALW, Chapters 8 and 9
Due: Written Assignment #1: Case Illustration Thursday, September 16, 2021 at 11:59 p.m. EST via Canvas		
Week 5	Class 9 9/21/21	Discussion Section of a Memorandum Read: ALW, Chapter 12
	Class 10 9/23/21	Writing Workshop: Discussion Section of a Memorandum; Oral Presentations No additional reading
Week 6	Class 11 9/28/21	Asynchronous Learning Day – Complete Oral Presentation Workshop with TAs
	Class 12 9/30/21	Professional Communications : E-mails to Supervising Attorneys and Client Letters Read: ALW, Chapters 17 and 18 and supplemental information about appropriateness
Due: Written Assignment #2: First Memorandum (Discussion Section only) Thursday, September 30, 2021 at 11:59 p.m. EST via Canvas		
Deadline to complete ALL Core Grammar for Lawyers modules satisfactorily and complete the Post-Test with a minimum score of 85% Friday, October 1, 2021 at 11:59 p.m. EST		
	10/1/21	Moot Court Final Four Competition (attendance in person or viewing competition remotely is required)
Week 7	Class 13 10/5/21	Professional Communications: Internal Memorandum (Questions Presented and Brief Answers) Read: ALW, Chapter 13
	Class 14 10/7/21	Introduction to Citations; Citations Workshop Read: ALW, Chapter 7.3 Bluebook (Bluepages, pp. 3-60); Florida Rule of Appellate Procedure 9.800

Due: Written Assignment #3: The Client Letter Thursday, October 7, 2021 at 11:59 p.m. EST via Canvas		
Week 8	Class 15 10/12/21	Outlining Your Legal Memorandum; Point Headings Read: Supplemental material about outlines
	Class 16 10/14/21	Statement of Facts; Conclusion of the Memorandum ALW, Chapters 14 and 15
Week 9	Class 17 10/19/21	Asynchronous Learning Day – Complete Writing Workshop/Outline Assignment by 4 p.m.
	Class 18 10/21/21	Writing Workshop: Draft Email to Partner(Outline) for Memorandum #2
Week 10	Class 19 10/26/21	Editing and Polishing ALW, Chapter 16
	Class 20 10/28/21	Writing Workshop
Week 11	Class 21 11/2/21	Asynchronous Learning Day –Writing Workshop
	Due: Written Assignment #4: Second Memorandum (Full) Tuesday, November 2, 2021 at 11:59 p.m. EST via Canvas	
	Class 22 11/4/21	Class Cancelled
Week 12	Class 23 11/9/21	Individual Conferences
	11/10/21	Individual Conferences

	Class 24 11/11/21	No Class November 11, 2021 (Veteran's Day)
Saturday, November 13, 2021 – Written Assignment #5: Final Memorandum/Exam Is Made Available Due: Sunday, November 21, 2021 at 11:59 p.m. EST via Canvas		
Week 13	Class 25 11/16/21	Final Question & Answer Session (TBD)
	Class 26 11/18/21	Guest Speaker or [Fun] Bluebook Exercise
Week 14	Class 27 11/23/21	Evaluations and Closeout
		Thanksgiving Holiday (11/24/21 – 11/26/21) Last Day of Classes: 11/29/21 (Monday)