

**University of Florida Levin College of Law
Legal Writing II – Spring 2025
LAW 5793 Class Number 21046 Section R
Mondays and Wednesdays 1:15pm to 2:40pm
Holland Hall 285D**

COURSE DESCRIPTION

Persuasive Writing continues the first-year legal writing curriculum by focusing on various forms of persuasive writing, including trial briefs and appellate briefs. Students will also prepare and deliver an oral argument.

PROFESSOR

Heather M. Kolinsky
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Holland Hall 343
(407) 701-4552 (cell)

OFFICE HOURS

I will hold regular drop-in office hours:

Mondays from 2:45pm to 4:30pm

Wednesdays from 10:30 a.m. to 12:00 p.m. and 2:30 p.m. to 4:30 p.m.

You may also schedule an appointment with me during regular business hours Monday through Thursday.

Finally, if you want to drop by, I have an **open door** policy and I am happy to meet with you briefly at **any time** if I am not attending a meeting or otherwise engaged. Additionally, if you have questions regarding the course or a specific assignment, please feel free to email me. I try to respond to emails quickly. TAs will be available to assist you as well, and information about their availability will be forthcoming.

Note: Office hours and other conferences will not be held (with me or with your TA) within the 24 hours prior to graded-assignment due dates.

Teaching Assistants

Caitlyn Khan	caitlynkhan@ufl.edu
Talha Pala	tpala@ufl.edu
David Safir	david.safir@ufl.edu
Madeline Smith	smithmadeline@ufl.edu

COURSE WEBSITE

You will be able to access the course Canvas site beginning a few days before our first class. I will use Canvas to send announcements, to provide detailed instructions for your assignments, and to post slides and supplemental materials. Please check Canvas frequently. While you may customize your notifications as you wish, you are responsible for frequently reviewing this course page for updates and for accessing course content. You will use Canvas for turning in written work, and for receiving feedback (from your TAs and from me).

REQUIRED TEXTS/PLATFORMS

1. Rocklin, Rocklin, Coughlin, and Patrick, *An Advocate Persuades* (2d ed. 2022) (indicated as “AAP” in the course schedule)
2. *The Bluebook: A Uniform System of Citation* (21st ed. 2020)
3. Lexis/Nexis Interactive Citation Workstation.

ADDITIONAL RESOURCES (OPTIONAL)

1. Linda Barris, *Understanding and Mastering the Bluebook* (3d ed. 2015)
2. Richard C. Wydick & Amy Sloan, *Plain English for Lawyers* (6th ed. 2019)
3. Bryan A. Garner, *Redbook: A Manual on Legal Style* (4th ed. 2018)
4. Deborah Cupples & Margaret Temple Smith, *Grammar, Punctuation & Style: A Quick Guide for Lawyers & Other Writers* (2013).

COURSE OBJECTIVE AND GOALS

Welcome to Legal Writing II! The primary objective in Legal Writing II is for you to learn to construct thorough legal arguments and to express those arguments persuasively in writing. You will also learn to prepare and present an oral argument in support of your legal position on your appellate brief. Finally, you will continue to practice and further refine your research strategies. If you devote yourself to doing your best work, upon completion of this course you should be able to:

- Apply ethical and professional standards in crafting your written and oral advocacy;
- Find and use the fundamental sources of U.S. legal research, including constitutions and statutes, cases and digests, secondary sources, administrative law, and legislative history;
- Develop research strategies that maximize your efficiency and accuracy;
- Continue to improve your research, analysis, and legal writing under time constraints;
- Demonstrate increasing levels of citation literacy, including reading, writing, and placement;
- Frame legal issues to persuade a court to rule in your favor;
- Present compelling accounts of relevant facts;

- Analyze and advocate effectively, using compelling narratives, persuasive rule structures, analogical reasoning, relevant policy, strategic application of law to fact, and logical and persuasive organization;
- Communicate legal analyses in impactful, concise, and polished written products, including motion memoranda and appellate briefs;
- Understand the fundamentals of the trial process, including the filing of trial motions;
- Understand the fundamentals of the appellate process and appellate concepts, including the decision to appeal;
- Understand the importance of adhering to procedural rules and formatting requirements when submitting documents to a court;
- Effectively and critically edit, revise, and proofread your own persuasive legal writing as well as the writing of colleagues;
- Present legal arguments and answer questions effectively in meetings and simulated hearings;
- Prepare and effectively present an oral argument in support of your legal position in a simulated appellate oral argument;
- Continue to use and improve your writing generally, including effective topic sentences, transitions, paragraphs, as well as proper grammar, syntax, punctuation, and document format.

ASSIGNMENTS AND COURSE SCHEDULE (subject to change)

Reading: All reading should be completed *in advance* of the date for which it is assigned. All chapters on the syllabus refer to your assigned textbook. All other material can be found in Canvas; additional reading and reference material may be added to Canvas throughout the term. All assigned material is meant to be read carefully unless I have noted that you may “skim” the material. PLEASE READ.

Assignments: Writing Assignments must be uploaded to Canvas, in Word. Many ungraded assignments will also require Canvas uploads—please consult the syllabus and mark your calendars accordingly.

The Unexpected: **For various reasons, including to ensure you receive one-on-one assistance while working on your independent writing projects, I have altered some of the day and meeting times for this course. Please review the dates and times of our class sessions, listed below. Yellow highlighting on the schedule below denotes a day class is not usually held.** While I encourage you to attend all class sessions in person, if you are unable to attend one of the class sessions held on a day or time other than our assigned day and time, you will be excused from attending class if, within 10 days of class, you (1) send an email to me that includes any in-class activity (completed independently to the best of your ability).

This syllabus represents my current plans and objectives. As we proceed through the term, I may need to alter them to enhance your learning opportunities or in response to factors internal or external to our course. Such changes, communicated clearly, are not unusual and should be expected.

Week 1 Introduction to Advocacy and Client-Centered Writing – Classes 1 and 2				
Date	Topic	Reading to be completed before class	Work due by the beginning of class	Work assigned in this class
1/13	Introduction to Advocacy and Persuasive Writing	<ul style="list-style-type: none"> • Course Syllabus • AAP, Chapters 1 and 2 • Case File #1 (Slip and Fall Redux) 	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • Read and listen for next class • Research refresher requests • Research for Case File #1 (Best and worst)
1/15	Client-Centered Writing Ethos, Pathos, and Logos	<ul style="list-style-type: none"> • Listen to <i>The Drop Out</i>, “Closing Arguments” • AAP, Chapter 4 	<ul style="list-style-type: none"> • Best and Worst • Requests for Research Refresher 	<ul style="list-style-type: none"> • Research for Case File #1 • Case List (with whys) • Persuasive narrative for client

Week 2 Persuasive Facts and Trial Motions -- Classes 3 and 4				
Date	Topic	Reading to be completed before class	Work due before the beginning of class	Work assigned in this class
1/20	NO CLASS MLK Holiday			
1/22	Writing a Persuasive Fact Statement	<ul style="list-style-type: none"> • AAP, Chapters 4 and 10 • Model Rule 3.3 Candor to the Tribunal 	<ul style="list-style-type: none"> • Case List • Narrative 	<ul style="list-style-type: none"> • Read for next class • Case Charts
1/24 MAKE UP CLASS 9:00am	Trial Motions Standards of Review	<ul style="list-style-type: none"> • AAP, Chapter 8 • <u>BB</u>: Trial court documents, B17, BT1 • Fla. R. Civ. P. 1.100; 1.510 • F.R.C.P. 56 	<ul style="list-style-type: none"> • Case Charts • Draft of Statement of Facts 	<ul style="list-style-type: none"> • Read for next class • Edit and comment on assigned Statement of Facts • Draft Standard of Review

Week 3 Developing Persuasive Arguments – Classes 5 and 6				
Date	Topic	Reading to be completed before class	Work due by the beginning of class	Work assigned in this class
1/27	Drafting Persuasive Arguments: Rules	<ul style="list-style-type: none"> • AAP, Chapters 3 and 5 • <u>BB</u>: Prior and Subsequent History; R10.7 	<ul style="list-style-type: none"> • Standard of Review • Deliver edits and comments on Draft of Statement of Facts 	<ul style="list-style-type: none"> • Read for next class • Rules and Tests Roadmap
1/29	Case Illustrations and Analysis	<ul style="list-style-type: none"> • AAP, Chapter 6 • Choosing Between In-Text Illustrations and Parenthetical Illustrations and Guidelines for Drafting Parenthetical Illustration Narratives (on Canvas) • <u>BB</u>: R1.5, 1.6 & 10.6 	<ul style="list-style-type: none"> • Rules and Tests Roadmap 	<ul style="list-style-type: none"> • Read for next class • Draft CREACs

Week 4 Headings Introduction and Conclusions – Classes 7, 8, and 9				
Date	Topic	Reading to be completed before class	Work due by the beginning of class	Work assigned in this class
2/3	Persuasive Headings and Writing Five Sentence Exercise	<ul style="list-style-type: none"> • AAP, Chapter 7 	<ul style="list-style-type: none"> • Draft CREACs 	<ul style="list-style-type: none"> • Read for next class • Draft Headings
2/5	Introductions and Conclusions	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • Draft Headings 	<ul style="list-style-type: none"> • Draft Introduction and Conclusion • Refine Arguments and Headings
2/7	Writing Workshop 9:00am to 10:25am (Required class)	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • Draft of Introduction and Conclusion 	<ul style="list-style-type: none"> • Collaborative Trial Memo due Sunday, February 9, 2025 at 11:59 p.m.

Week 5 Case File #2 Independent Memo in Support of MTD – Classes 10 and 11				
Date	Topic	Reading to be completed before class	Work due by the beginning of class	Work assigned in this class
2/10	Introduction to Case File #2 and WA #2	<ul style="list-style-type: none"> • Case File #2 • Supplemental Materials on Canvas • F.R.C.P. 12; Fla. R. Civ. P. 1.420 	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • Three Cases (email) • Standard of Review
2/12	Research Refresher <ul style="list-style-type: none"> • Federal Research 	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • Three cases (email) • Standard of Review 	<ul style="list-style-type: none"> • Case List (uploaded to Canvas) • Best and worst email

Week 6 Lather, Rinse, Repeat – Classes 12 and 13				
Date	Topic	Reading to be completed before class	Work due by the beginning of class	Work assigned in this class
2/17	Research – Counterarguments and Candor Check (async)	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • Case List (uploaded to Canvas) • Best and worst cases (email) 	<ul style="list-style-type: none"> • Read for next class • Cases I have to use and why (email)
2/19	Getting Started: Story, Structure, Arguments	<ul style="list-style-type: none"> • Drafting the Argumentative Headings (from Oates, <i>Just Briefs</i>, pgs. 134-40 on Canvas • <i>Storytelling, The Sound of Music, and Special Teams</i>, on Canvas 	<ul style="list-style-type: none"> • Cases I have to use and why (email) 	<ul style="list-style-type: none"> • Read for next class • Draft Statement of Facts, Point Headings, and CREAC with cases listed, summarized.

Week 7				
Lather, Rinse, Repeat Part 2 – Classes 14, 15 and 16				
Date	Topic	Reading to be completed before class	Work due by the beginning of class	Work assigned in this class
2/24	Revisiting the Rest: CREAC, Counterarguments and Point Headings	<ul style="list-style-type: none"> • AAP, Chapters 5 and 6 • Supplemental Materials on Canvas 	<ul style="list-style-type: none"> • Draft Statement of Facts, Point Headings, and CREAC with cases listed 	<ul style="list-style-type: none"> • Keep drafting your trial memo
2/26	Editing and Proofreading	<ul style="list-style-type: none"> • AAP, Chapter 7 • Supplemental Materials on Canvas • <u>BB</u>: R 15, 16, and 17, B15, 16; T 13 	<ul style="list-style-type: none"> • Bring draft of trial memo 	<ul style="list-style-type: none"> • None
2/26	Writing Workshop (6:00 p.m. required to 7:25pm, but we will stay as late as needed)			<ul style="list-style-type: none"> • Read for next class • WA#2 Independent Trial Memo DUE Sunday, March 2, 2025 by 11:59 p.m.

Week 8				
Introduction to Appellate Advocacy Classes 17 and 18				
Date	Topic	Reading to be completed before class	Work due by the beginning of class	Work assigned in this class
3/3	Research (async) Standard of Review	<ul style="list-style-type: none"> • WA #3 Appellate Brief Problem 	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • Begin appellate research • Gem mining • Three Best/Three Worst
3/5	Introduction to Appellate Advocacy and Appellate Briefs	<ul style="list-style-type: none"> • AAP, Chapter 9 and 11.4 • <u>BB</u>: Appellate Court Documents, Record; B17 & BT1 • F.R.A.P. 3, 4, 28, 31, 32 	<ul style="list-style-type: none"> • Three Best Three Worst Email • Gem mining results 	<ul style="list-style-type: none"> • Preliminary case list

Week 9 Introduction to Appellate Advocacy Classes 19 and 20				
Date	Topic	Reading to be completed before class	Work due by the beginning of class	Work assigned in this class
3/10	Statement of the Case: Revisiting Theme, Perspective, and Facts	<ul style="list-style-type: none"> • AAP, Chapter 10 • Page: <i>Come a Little Closer</i> (on Canvas) 	<ul style="list-style-type: none"> • Preliminary Case List 	<ul style="list-style-type: none"> • Rules and Tests Roadmap
3/12	Statement of the Case: Standard of Review Developing a Roadmap, Point Headings, and Subheadings	<ul style="list-style-type: none"> • Beazley, <i>A Practical Guide to Appellate Advocacy</i> Chapter 10 Kevin Bacon (on Canvas) 	<ul style="list-style-type: none"> • Rules and Tests Roadmap (uploaded to Canvas) 	<ul style="list-style-type: none"> • Draft Standard of Review • Work on appellate brief • Read for next class

WEEK 10 - SPRING BREAK MARCH 17-21

Week 11 Persuasion and Counterarguments, Questions Presented Classes 21 and 22				
Date	Topic	Reading to be completed before class	Work due by the beginning of class	Work assigned in this class
3/24	Persuasive Touchpoints; Opposing Arguments; Counterargument	<ul style="list-style-type: none"> • Beazley, <i>A Practical Guide to Appellate Advocacy</i> Chapter 11, Exploiting Opportunities for Persuasion (on Canvas) • Responding to the Other Side's Argument (on Canvas) • AAP, Ch. 5, III A., pp. 117-22 	<ul style="list-style-type: none"> • Draft Standard of Review (uploaded to Canvas) 	<ul style="list-style-type: none"> • Read for next class • Work on appellate brief
3/26	Questions Presented; Procedural History; Statement of Jurisdiction; Tables	<ul style="list-style-type: none"> • Drafting Issue Statements (from Oates, <i>Just Briefs</i>, pgs. 159-67) (on Canvas) 	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • Outline for Individual Conferences due March 29, 2025 at 11:59 p.m. • Work on appellate brief

Week 12 Conference Week – Class 23				
Date	Topic	Reading to be completed before class	Work due by the beginning of class	Work assigned in this class
3/31-4/5	Individual Conferences	<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> Robust Outline submitted by March 29, 2025 at 11:59 p.m. 	<ul style="list-style-type: none"> Work on Appellate Brief

Week 13 Transitioning to Oral Advocacy – Classes 24 and 25				
Date	Topic	Reading to be completed before class	Work due by beginning of class	Work assigned in class
4/7	Appellate Brief Q & A	<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> Watch video of Moot Court final four
4/9	Transitioning to Oral Advocacy	<ul style="list-style-type: none"> AAP, Chapter 11 Stetson Oral Advocacy Guide 	<ul style="list-style-type: none"> Three observations 	<ul style="list-style-type: none"> None
4/9	Writing Workshop (6:00 p.m.) optional	<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> Appellate Brief Due Sunday, April 13, 2025 by 11:59 p.m.

Week 14 Oral Arguments Class 26				
Date	Topic	Reading to be completed before class	Work due by the beginning of class	Work assigned in this class
4/14-16	Meet with TA groups to practice for OA (as scheduled) Oral Arguments evenings of April 14, 15, 16	<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> ICW 17 (optional)
4/16	Course Evaluations Oral Argument Debriefs TA Panel: Looking Forward to Summer	<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> None

GRADING PERCENTAGES

5%	WA#1	Collaborative Memo in Support of a Trial Motion (Completion Points Only)
25%	WA#2	Independent Memo in Support of a Trial Motion
10%	WA#3	Robust Outline of Appellate Brief (Completion Points Only)
50%	WA#4	Appellate Brief
10%	Participation	In-class and group work, timely good faith completion of ungraded assignments, overall professionalism. I may use class participation to assist in determining a final grade for students who fall on the cusp between two grades at the end of the semester.

ATTENDANCE POLICY

This is a skills-based course, which means that your attendance is essential to achieving the course objectives. Your active and consistent participation in class discussions and exercises is expected and required. ABA standards and the law school policy, which can be found [here](#), require regular and punctual class attendance.

While you should plan to attend all class periods, you are permitted *two* unexcused absences *without* penalty.

- More than six unexcused absences will result in a failing grade in the course.
- More than two unexcused absences will likely result in a reduction of your final grade.
- Excessive tardiness will likely result in a reduction of your final grade in the course.

ASSIGNMENT PREPARATION/SUBMISSION/GROUP WORK POLICIES

ABA Out-of-Class Hours Requirement

Consistent with the American Bar Association Standard 310, you should spend **at least 6 hours per week** preparing for this 3-credit course. Participation grades are based on class attendance and preparation; the quality of class participation (both online and in person); timely and successful completion of all assignments (graded and ungraded) including oral advocacy; active and thoughtful participation in small group discussions; use of TA office hours; preparation for any out-of-class meetings with me, your TA and your colleagues, and your professionalism, generally.

Academic Honesty, Plagiarism, and Unauthorized Collaboration with People or AI

All work you submit in this class must be your own independent work, unless I have specified that an assignment is “collaborative.” Where I have indicated an assignment as “collaborative,” please closely follow my directions about how and with whom you may collaborate.

For all other work, you may discuss cases and ideas with your classmates; doing so is often helpful in refining and testing your interpretation and analysis. However, the UF Law Honor Code requires that your assignments represent your own work. Written work must be done independently. Your written work may be shown only to me and to your TA, unless I expressly authorized otherwise; for example, I may authorize you to share your work product with a particular student for purposes of completing a peer review. Unauthorized collaboration on writing assignments (with anyone—UF Law affiliated or not) is a UF Law Honor Code violation. In addition, giving your work to another student violates the collaboration policy as much as taking work from another student does.

Unless I instruct otherwise you may not use large language models (LLMs) or generative artificial intelligence (for example, Chat GPT, Claude, and Omni) to assist you with any of our assignments. This includes the generative text feature of Grammarly. However, you may use both Word and Grammarly for non-generative features such as grammar, spelling, syntax, and punctuation support, for all assignments in my course. While I encourage you to use the non-generative features of Word and Grammarly, as the author, you remain solely responsible for all choices you make in your document. In addition to my course rules, the UF Law Honor Code also prohibits students from using artificial intelligence unless it is authorized by the professor for the particular assignment. **Please e-mail me a picture of a whale shark prior to our first class to confirm you have read and understand these policies.**

Assignment Submission and Late Policy

Lawyers *must* be organized: failing to meet a deadline can create disastrous results for your client. If you are not yet in the habit of keeping a personal calendar, please start now.

Unless otherwise stated in Canvas or on the syllabus, your assignments must be turned in on Canvas. Key assignment due dates and times are on the syllabus. **Please read the syllabus carefully and mark your calendars accordingly.** I may announce additional assignments or assignment details during class—please pay attention to these announcements.

If you turn in an assignment late (according to Canvas' timestamp), your *grade for that assignment* will be lowered by 10% per day (24-hour period from the time the assignment is due). Assignments will not be accepted if they are more than three days late. Grades tend to be grouped tightly; 10% is a major deduction and it is rarely in a student's interest to hold an assignment past the due date in hopes of making additional progress on it.

If you have an extraordinary circumstance outside of your control, please contact me in advance of the deadline or, if the emergency prevents you from doing so, as soon as possible thereafter. Contacting me does not guarantee a particular result. Computer and electronic platform problems, internet connectivity issues, car trouble, traffic, and the like should be foreseen by you. Please plan your time accordingly.

Classroom Ethos and Professionalism

As a law student and future lawyer, I expect that you will be able to engage in rigorous discourse and critical evaluation of texts and arguments while also demonstrating civility and respect for others. This is even more important in the case of controversial issues and other topics that may elicit strong emotions. I encourage each of us to:

- commit to self-examination of our values and assumptions;
- speak honestly, thoughtfully, and respectfully;
- listen carefully and respectfully;
- reserve the right to change our mind and allow for others to do the same; and
- allow ourselves and each other to verbalize ideas and to push the boundaries of logic and reasoning both as a means of exploring our beliefs as well as a method of sharpening our skills as lawyers.

Please be on time to class and do not leave early absent extenuating circumstances. As a law student and future lawyer, you are expected to conduct yourself with professionalism in the classroom and in all course-related activities. This includes common courtesy in the classroom as well as in all email messages, threaded discussions, and chats. Please silence cell phones and computer notifications; please do not use electronics for non-course purposes during class; and please minimize all other class disruptions. In all course activities, students are expected to participate in good faith. If you have questions about professionalism, do not hesitate to ask.

Formatting, Plagiarism, and Proofreading

All assignments are to be submitted electronically via the course Canvas website in Word. In addition to any formatting requirements specific to an assignment, documents should conform to the following standards:

- Double-space text (except for footnotes)
- Left-justify or full-justify text but be consistent;
- Do not use a page number on the first page; all other pages should be numbered at the bottom, center, in a matching font and point-size;
- Use one or two spaces between sentences (just be consistent);
- Use Bookman Old Style 14-point font
- Use *italics*, not underlining, for Bluebook citations where appropriate.
- **Please include a picture of an octopus in your email to me to confirm you have reviewed and understand these requirements.**

Plagiarism is an Honor Code violation. Sources must be acknowledged, not only when you quote text, but also when you paraphrase. Citing the original source when you paraphrase not only avoids plagiarism but also gives your position more credence by showing that someone else has supported your view.

Direct quotes must be indicated by quotation marks, and the source should be cited immediately after the quoted passage or at the conclusion of the sentence in which the quoted passage appears. What is within the quotation marks should correspond exactly with the original; any changes should be indicated by square brackets ([]), and any omissions should be indicated by an ellipsis (. . .). Be sure you specifically double-check the accuracy of all quotations against the original sources. When you cite a case directly, you are representing to the court that you read the opinion and that the opinion supports the proposition you are asserting. The headnotes, syllabus, and synopsis of a case are not part of the court opinion. Never cite to or quote from the headnotes, syllabus, or synopsis of a case.

Proofreading is essential. Careless errors undermine your credibility. Excessive typographical, spelling, format, grammatical, or citation errors may cause a paper to be deemed unsatisfactory, regardless of its substantive merit. Merely proofreading for typographical errors, however, will not reveal inaccuracies in your pinpoint citations. Therefore, you should double-check the accuracy of your pinpoint citations against the original sources.

UF LEVIN COLLEGE OF LAW STANDARD SYLLABUS POLICIES:

Other information about UF Levin College of Law policies, including compliance with the UF Honor Code, Grading, Accommodations, Class Recordings, and Course Evaluations can be found at this link:

<https://ufl.instructure.com/courses/427635/files/74674656?wrap=1>.