

Legal Writing II
LAW 6930, Class #29600/01 (Section 5)
Spring 2021

Instructor: Paige L. Carlos
Mondays & Wednesdays, 1:15 p.m.-2:40 p.m.
Holland Hall, Room 345
Zoom Meeting ID: 972 8253 3669
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SYLLABUS

Professor: Paige L. Carlos
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Office Hours: Tuesdays, 10:30 a.m.-11:30 a.m.
Wednesdays, 3:30 p.m.-4:30 p.m.
Thursdays, 2:45 p.m.-3:45 p.m.
and by appointment

Course Website: <http://elearning.ufl.edu/> You are responsible for reviewing the page for course updates. I use the “Announcements” section of Canvas as my main source of communication with my students. Check it frequently.

Required Textbooks: Alexa Chew & Katie Pryal, *The Complete Legal Writer* (2nd ed., 2020).
Core Grammar for Lawyers (software), by Carolina Academic Press.
The Bluebook: A Uniform System of Citation (21st ed., 2020).
Additional Course Materials available on Canvas

Suggested: Deborah Cupples & Margaret Temple Smith, *Grammar, Punctuation & Style: A Quick Guide for Lawyers & Other Writers* (2013).

COURSE OBJECTIVES:

The primary objective of this course is for you to learn how to construct a rigorous legal argument and express it effectively and persuasively in writing. An additional objective is for you to learn how to perform effectively in presenting oral argument in support of your legal position. Finally, you will further refine your research strategies.

If you devote yourself to doing the best work you can, at the end of the semester you should be able to:

- ✓ 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 for using sources for maximum speed and accuracy.
- ✓ Continue practicing how to research, analyze, and write about legal issues under time constraints.
- ✓ Demonstrate increasing levels of citation literacy: the ability both to read legal citations and to write them with appropriate placement and style.
- ✓ Apply a lawyer's ethical and professional standards in the context of written and oral advocacy.
- ✓ Frame a legal issue to persuade a court to rule in your favor.
- ✓ Demonstrate ability to engage in effective legal analysis and advocacy through, for example, constructing persuasive rules, effectively employing analogical reasoning, strategically applying law to fact utilizing policy arguments and selecting a persuasive and logical organizational structure.
- ✓ Demonstrate an ability to effectively communicate that legal analysis in a polished, readable, and appropriately concise written product, including motion memos and appellate briefs.
- ✓ Demonstrate a fundamental understanding the trial process, including the filing of trial motions.
- ✓ Demonstrate an understanding of the basic appellate process and fundamental appellate concepts, including the decision to appeal.
- ✓ Edit and proofread persuasive legal documents.
- ✓ Present legal arguments, and answer questions effectively, in meetings or simulated hearings.
- ✓ Prepare and effectively present an oral argument in support of your legal position in a simulated appellate oral argument.

ATTENDANCE:

We will take attendance during each class period. Students attending class online must have their camera on to be counted as present. You are permitted to miss two classes without penalty. Your participation grade may be lowered due to additional unexcused absences. Missing more than six classes will result in a failing grade in the course.

Excessive tardiness may also result in a grade penalty. Requirements for class attendance, assignments, and other work in this course are consistent with UF policies posted at:

<https://catalog.ufl.edu/ugrad/current/regulations/info/attendance.aspx>.

CLASS PREPARATION:

You are expected to read all assigned materials, to review PowerPoint slides from the previous class (posted on Canvas) and to complete all assigned exercises, if any, before class. You will be

called on in class to discuss the material and exercises assigned. If you are unprepared to discuss the material or exercises assigned for class, you will be counted as absent for the day.

It is anticipated that you will spend approximately 2 hours out of class reading and preparing for in class assignments for every 1 hour in class.

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.

LEXISNEXIS INTERACTIVE CITATION WORKSTATION (“ICW”):

This is a free online platform that tests Bluebook citation proficiency. ICW exercises are tracked online and must be completed no later than the deadline specified below and in the Course Calendar. Prior to beginning the exercises, select my name so that I may see your certificates of completion as you receive them. For each question in the ICW, you have five chances to get the right answer. will earn 100 points for completing all assigned sets of these ICW exercises and providing a correct response to at least 50% of the questions, even if it takes you five chances. You will only receive credit for assignments if they are marked complete. Assignments that are left “in progress” will not be counted as complete.

Note that these assignments may be completed ahead of schedule, but they must be completed and submitted by 11:59 p.m. on the due date.

GRADING:

Assuming a student has a satisfactory attendance record, the student’s final course grade will be determined primarily by your performance on your Final Writing Assignment. This assignment will serve as your ‘final exam’ and will offer you the opportunity to apply the skills you develop during the course.

Timely and satisfactory performance in all class activities and interim assignments is also required. Thus, 65% of your grade is based on the Final Writing Assignment, and 35% on your timely and satisfactory performance on all other work including, but not limited to, written assignments, in-class quizzes, citation exercises, writing conferences, and class participation.

1. Completion Assignments. Students will be assigned completion assignments designed to allow students to develop and practice their legal research and writing skills. The completion assignments for this course are listed in the chart in the **Summary of**

Assignments, Due Dates and Their Relative Weight section below. For each completion assignment, a student will receive full credit (score of 100) if the student makes a good faith effort, substantially completes the assignment, and satisfies the minimum requirements of the assignment. The Professor will make the determination whether the student’s work product reflects a good faith effort, constitutes substantial completion of the assignment, and satisfies the assignment’s minimum requirements. If the student fails to make a good faith effort, substantially complete the assignment, or satisfy the minimum requirements of the assignment, the student will earn no credit (zero score) for the completion assignment. **The late submission of a completion assignment will not be accepted for any reason. A completion assignment that is submitted late will earn no credit (zero score).**

2. Hybrid Assignments. The ICW exercises are a hybrid assessment; these exercises are considered completion assignments with a threshold performance score. For these exercises, the standards of good faith effort, substantial completion, and satisfaction of minimum requirements will be based on whether the student achieves the minimum acceptable score on the exercise (correct answers for 50% of the exercise questions). To receive credit based on this 50% threshold, you must **complete all questions** in the assigned ICW exercise no later than the specified deadline.

Students who complete all questions in the ICW exercise and achieve at least the minimum acceptable score by the specified deadline will receive full credit (score of 100) for the ICW exercise. Students who fail to achieve the minimum acceptable score by the specified deadline will earn no credit (zero score) for the ICW exercise. To receive credit, you must **complete and submit** the exercise no later than the specified deadline; you will receive a completion certificate if you have completed the submission process. **The late submission of an ICW exercise will not be accepted for any reason. An ICW exercise that is submitted late will earn no credit (zero score).**

3. Assessed Assignments. Students will also be assigned assessed assignments designed to evaluate their development and level of mastery of legal writing skills. For each assessed assignment, students will be awarded points based on their individual performances.
4. Mandatory Individual Conferences. For the Appellate Brief Argument Assignment each student is required to attend a mandatory meeting during the time period assigned for mandatory meetings (review the Course Calendar for more information). An appointment schedule will be established during the mandatory meeting period. Any student who fails to attend a mandatory meeting, arrives late for a mandatory meeting, or is unprepared for a mandatory meeting will be penalized with a five percent (5%) deduction on their overall score for the Appellate Brief Argument Assignment.

Summary of Assignments, Due Dates and Their Relative Weight

Assignment	Assignment Type	Due Date*	Weight
Research Assignments (#1, #2, #3)	Completion	Due dates will vary	

		See course calendar below	
MSJ Standard for Trial Memo	Completion	January 31, 2021	35%
Trial Memo in Support of MSJ <i>Outline</i>	Completion	February 7, 2021	
<i>Draft</i> Trial Memo in Support of MSJ	Completion	February 14, 2021	
Oral Arguments for Trial Memo	Assessed	<i>In class on 2/15 & 2/17</i>	
Trial Memo in Support of MSJ	Assessed	February 21, 2021	
<i>Draft</i> Appellate Brief Argument	Completion	March 14, 2021	
Appellate Brief Argument	Assessed	March 28, 2021	
Appellate Brief Oral Argument	Assessed	<i>In class on 3/29 & 3/31</i>	
ICW Exercises	Hybrid	<i>TBD</i>	
Participation**	Completion	will vary	
Final Writing Assignment	Assessed	April 17	65%

* due by 11:59 p.m. on date listed

** participation assignments will vary

GRADE VALUES FOR CONVERSION:

Letter Grade	A	A-	B+	B	B-	C+	C	C-	D+	D	D-	E
Grade Points	4.0	3.67	3.33	3.0	2.67	2.33	2.0	1.67	1.33	1.0	.67	0

The law school grading policy is available at: <http://www.law.ufl.edu/students/policies.shtml#9>. Requirements for class attendance, and make-up exams, assignments, and other work in this course are consistent with University of Florida policies that can be found at: <https://catalog.ufl.edu/ugrad/current/regulations/info/attendance.aspx>.

POLICY REGARDING LATE SUBMISSION OF ASSIGNMENTS:

Assessed assignments must be submitted no later than the date and time specified in the Course Calendar. The late submission of assessed assignments will be subject to a late penalty. For each assessed assignment, a twenty percent (20%) deduction will be imposed for each twenty-four (24) hour period that the assignment is late. **The late submission of a completion or hybrid assignment will not be accepted for any reason. A completion assignment that is submitted late will earn no credit (zero score).**

If you have an emergency, you must contact me at your earliest opportunity to obtain a special arrangement. There is no guarantee that I will allow any special arrangement or late submission

of work absent a true emergency. This is the same professionalism you would be expected to provide to your law partner, a judge, or a client. Your professional career starts now.

If you have a religious holiday that falls on a class date or assignment due date, please contact me BEFORE that holiday to make arrangements. However, it is the University of Florida's policy to accommodate religious holidays, and that policy will be honored.

CLASS PARTICIPATION:

Students are expected to complete all readings prior to class. Your readings are outlined in the syllabus. Additional readings may be assigned during the semester and posted to the Canvas site for this course. Your participation grade is based on not only in class participation, but also on your successful completion of all assignments including discussion board entries. Each assignment will be evaluated for completeness, accuracy and timeliness.

OTHER POLICY STATEMENTS:

A. University policy related to make-up exams or other work.

The law school policy on delay in taking exams or submitting other assignments can be found at: <http://www.law.ufl.edu/students/policies.shtml#12>.

B. University policy related to accommodations for students with disabilities.

Students requesting accommodation for disabilities must first register with the Dean of Students Office (<http://www.dso.ufl.edu/drc/>). The Dean of Students Office will provide documentation to the student who must then provide this documentation to the instructor when requesting accommodation. You must submit this documentation prior to submitting assignments or taking the quizzes or exams. Accommodations are not retroactive, therefore, students should contact the office as soon as possible in the term for which they are seeking accommodations.

C. 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 or via <https://ufl.bluera.com/ufl/>. Summaries of course evaluation results are available to students at <https://gatorevals.aa.ufl.edu/public-results/>.

D. Honor Code.

University Policy on Academic Misconduct. Academic honesty and integrity are fundamental values of the University community. Students should be sure that they understand the UF Student Honor Code at <http://www.dso.ufl.edu/students.php>.

Collaboration. You are bound strictly by the Honor Code. We will have some in-class group assignments. However, for the main written assignments, the work you do must be your own. Although you may discuss assignments with each other, you may not give answers to anyone, receive answers from anyone, read the work of another student (whether or not that student is enrolled in Legal Writing) or allow student to read your work. From time to time, this rule may be relaxed for a specific project, but I will let you know if, and exactly when, this is done. If you need help completing your assignments, please see me or contact your teaching assistant.

Plagiarism. Representing another's work as your own constitutes plagiarism. Further, paraphrasing or quoting from a case, law review article, or any other source without properly acknowledging the source or without including quotation marks where such marks are appropriate constitutes plagiarism. The commission of plagiarism is prohibited. Any paper evidencing plagiarism will receive a failing grade and will be referred to the law school's Honor Committee. It is no defense to a charge of plagiarism to plead ignorance of what constitutes plagiarism or lack of intent to plagiarize.

E. Format Requirements.

All writing assignments this term should be written in 14-point Times New Roman font, double-spaced, one-inch margins on all sides, and NOT justified, so that the text has a jagged edge on the right (like the text in this document). Each page should be numbered (bottom, center), and all citations should comport with the rules of *The Bluebook* or FLORIDA RULES OF APPELLATE PROCEDURE 9.800.

F. Your Responsibilities to Other Classes

As an attorney you will be responsible for many clients at the same time. You must attend to the legal affairs of multiple clients at once, even when you have a big project for one client. Similarly, when you have an assignment for this course, you are still responsible for attending your other classes and completing the work for those classes on time.

G. Netiquette: Communication Courtesy

All members of the class are expected to follow rules of common courtesy in all email messages, threaded discussions and chats. <http://teach.ufl.edu/docs/NetiquetteGuideforOnlineCourses.pdf>

H. Headgear

Absent a medical need, you may not wear brimmed hats (e.g., baseball caps) or sunglasses during class. It is already difficult enough for us and your classmates to see your face in a mask or on a small Zoom screen. Religious headcoverings are of course permitted.

I. Getting Help

Resources are available at <http://www.distance.ufl.edu/getting-help> for:

- Counseling and Wellness resources
- Disability resources
- Resources for handling student concerns and complaints
- Library Help Desk support

Should you have any complaints with your experience in this course please visit <http://www.distance.ufl.edu/student-complaints> to submit a complaint.

J. Recording

Students may not take, circulate, or post photos or videos of classroom discussions, whether they are in-person, hybrid, or completely online. Students failing to follow this rule will be referred to the College of Law Honor Code Council and the University's Office of Student Conduct and Conflict Resolution.

K. COVID-19 Health and Safety Requirements

We will have face-to-face instructional sessions to accomplish the student learning objectives of this course. In response to COVID-19, the following policies and requirements are in place to maintain your learning environment and to enhance the safety of our in-classroom interactions:

- You are required to wear approved face coverings at all times during class and within buildings. 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. You also will no longer be permitted on the UF Law campus. Finally, Dean Inman will also report your noncompliance to the relevant state board of bar examiners.
- This course has been assigned a physical classroom with enough capacity to maintain physical distancing (6 feet between individuals) requirements. Please utilize designated seats and maintain appropriate spacing between students. Please do not move desks or stations.
- Sanitizing supplies are available in the classroom if you wish to wipe down your desks prior to sitting down and at the end of the class.
- Follow your TA's guidance on how to enter and exit the classroom. Practice physical distancing to the extent possible when entering and exiting the classroom.
- If you are experiencing COVID-19 symptoms (<https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>), please do not come to campus or, if you are already on campus, please immediately leave campus. Please use the UF Health screening system and follow the instructions about when you are able to return to campus. <https://coronavirus.ufhealth.org/screen-test-protect/covid-19-exposure-and-symptoms-who-do-i-call-if/>.
- Course materials will be provided to you with an excused absence, and you will be given a reasonable amount of time to make up work. <https://catalog.ufl.edu/UGRD/academic-regulations/attendance-policies/>.

No conferences will be held within the 48 hours prior to an assignment due date. This rule applies to conferences with me and with your TA

COURSE CALENDAR

Class Meeting Schedule and Assignments

Class/ Date	Topics	Reading and Assignments to be Completed Before Class*	Notes
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Class 1 1/20 Weds.	Introduction to Legal Writing II Motion/Memo Document Map	<u>CLW</u> Chapter 14 Syllabus	
Class 2 1/25 Mon.	Overview of Persuasive Writing	Supplemental reading in Canvas	
Class 3 1/27 Wed.	Research Review Description of Research Assignment #1	Supplemental reading in Canvas	

Draft MSJ Standard for Trial Memo is due by 11:59 p.m. on Sunday, January 31, 2021

Class 4 2/1 Mon.	Trial Motion Analysis	Supplemental reading in Canvas	
Class 5 2/3 Wed.	Trial Motion Analysis		

Trial Memo in Support of MSJ Outline is due by 11:59 p.m. on Sunday, February 7, 2021

Class 6 2/8 Mon.	Trial Motion Peer Review	Supplemental Reading in Canvas	
Class 7 2/10 Wed.	Motion Hearings Research Assignment #1 Q&A	<u>CLW</u> Chapter 15	

Draft Memo in Support of MSJ is due by 11:59 p.m. on Sunday, February 14, 2021

Class 8 2/15 Mon.	Peer Review Motion Hearing Oral Arguments	Supplemental Reading in Canvas	
Class 9 2/17 Wed.	Common Issues with Drafts Motion Hearing Oral Arguments	Supplemental Reading in Canvas	

Memo in Support of MSJ Assignment is due by 11:59 p.m. on Sunday, February 21, 2021

Class 10 2/22 Mon.	Appellate Briefs Description of Appellate Brief Argument Assignment	<u>CLW</u> Chapter 16 Supplemental Reading in Canvas Appellate Brief Document Map	
Class 11 2/24 Wed.	Discussion/Q&A of Research Assignment #1 Description of Research Assignment #2	Supplemental Reading in Canvas	
Research Assignment #1 is due by 11:59 p.m. on Sunday, February 28, 2021			
Class 12 3/1 Mon.	Appellate Brief Argument Structure	Supplemental Reading in Canvas	
Class 13 3/3 Wed.	Appellate Brief Argument Structure	Supplemental Reading in Canvas	
Outline of Appellate Argument is due by 11:59 p.m. on Sunday, March 7, 2021			
Class 14 3/8 Mon.	Introduction to Appellate Argument Peer Review	Supplemental Reading in Canvas	Asynchronous
Class 15 3/10 Wed.	Statement of Case and Facts	<u>CLW</u> Chapter 16 Supplemental Reading in Canvas	Asynchronous
Draft of Appellate Argument is due on Sunday, March 14, 2021			
Class 16 3/15 Mon.	Appellate Argument	Supplemental Reading in Canvas	Mandatory Individual Conferences re: Appellate Argument will take place over a

			two week period from 3/15 – 3/24
Class 17 3/17 Wed.	Common Issues with Drafts Mini-Oral Arguments	Supplemental Reading in Canvas	Mandatory Individual Conferences re: Appellate Argument will take place over a two week period from 3/15 – 3/24
Research Assignment #2 is due by 11:59 p.m. on Sunday, March 21, 2021			
Class 18 3/22 Mon.	Appellate Oral Arguments Description of Research Assignment #3	Supplemental Reading in Canvas	Mandatory Individual Conferences re: Appellate Argument will take place over a two week period from 3/15 – 3/24
Class 19 3/24 Wed.	TBD	Supplemental Reading in Canvas	Mandatory Individual Conferences re: Appellate Argument will take place over a two week period from 3/15 – 3/24
Appellate Brief Argument is due by 11:59 p.m. on Sunday, March 28, 2021			
Class 20 3/29 Mon.	Oral Arguments	Reading in Canvas	Virtual Synchronous Class
Class 21 3/31 Wed.	Oral Arguments	Reading in Canvas	Virtual Synchronous Class
Research Assignment #3 is due by 11:59 p.m. on Sunday, April 4, 2021			
Class 22 4/5 Mon.	Review Motion Writing	Supplemental Reading in Canvas	

	Common Issues with Appellate Brief Argument		
Class 23 4/7 Thurs.	Course Evaluations Research Assignment #3 Review	TBD	Final Writing Assignment released on Saturday, April 10, 2021
Class 24 4/12 Mon.	Editing and Polishing Q&A re: Final Writing Assignment	TBD	
Class 25 4/14 Wed.	Guest Speakers Advice for Summer	TBD	
Class 26 4/19 Mon.	Final Class Goodbyes	TBD	

Final Writing Assignment is due by 11:59 p.m. on Saturday, April 17, 2021

DISCLAIMER: This syllabus represents my current plans and objectives. As we go through the semester, those plans may need to change to enhance the class learning opportunity. Such changes are not unusual and should be expected. If modifications are made, students will be notified through Canvas, email and/or in class.