

Legal Writing
LAW 5792, Class #14742 (Section S)
Fall 2021

Instructor: Timothy McLendon
Mondays & Thursdays, 3.30pm
Martin Levin Advocacy Center, Room 213

SYLLABUS

Professor: Timothy McLendon
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Office Hours: Mondays, 9.30-10.30am
Tuesdays, 4.30-5.30pm
Thursdays, 4.30-5.30pm
and always by appointment.

Required Textbooks: Christine Coughlin et al., *A Lawyer Writes* (3rd ed., 2018).
Core Grammar for Lawyers (software), by Carolina Academic Press.
The Bluebook: A Uniform System of Citation (21st ed., 2021).
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 2-credit course is to teach you how to perform a rigorous analysis of a legal problem and express that analysis effectively in writing.

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

- Demonstrate an understanding of the U.S. legal system and how lawyers use law to advise clients and resolve legal problems;
- Apply ethical and professional obligations in crafting your written work;
- Identify legal issues affecting a client's situation;

- Review facts and evaluate their relevance to a client’s legal situation;
- Analyze, interpret, and use statutes and case law to construct legal arguments;
- Apply legal rules to relevant client facts, analogizing and distinguishing precedent;
- Write an analysis of a legal issue predicting its outcome;
- Use effective organizational techniques;
- Write effective topic sentences, transitions, and paragraphs;
- Write precisely, clearly, and concisely;
- Use good grammar, syntax, punctuation, and document format;
- Use legal citation correctly; and
- Revise, edit, and proofread your legal writing.

Note: You will learn how to conduct legal research in a separate course. However, your research professor and I will collaborate, and one of your research exercises will require you to locate authority to use in a memorandum for my class. We will provide more details as they become relevant.

Grading:

There are two major writing assignments in this course: the first is due in mid-semester, while the final assignment is due towards the end of the semester. We will review and critique your submitted assignments, and you will usually have the opportunity to revise your assignments.

Your grade in the class will be determined primarily by your performance on your **final** writing assignment (**WA #5**). 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, 50% of your grade is based on the final written assignment, 30% on the second written memo, and 20% on your timely and satisfactory performance on all other written assignments, in-class quizzes, citation and grammar exercises, writing conferences, as well as on your class participation.

50% Final Memo

30% performance on second written memo

20% Participation (includes successful and timely completion of all other assignments and in class exercises)

In addition, in order to pass this class you must satisfactorily complete the *Core Grammar* pre-test and every module for which you do not “test out” in the pre-test.

Please note that *Core Grammar* has a post-test as well; you will be required to complete that test post-before Friday, 1. October, with a minimum score of 85.

Information on Accessing *Core Grammar*:

1. Go to <http://coregrammar.com/getcgl> in your browser.
2. 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.
3. On the payment page, enter "UFLL2021" in to the Access Code field. Your discounted price will appear immediately. You need to purchase a one-year subscription.
4. Enter your credit card information below, verify the purchase, and continue on to create your Core Grammar for Lawyers account.
5. To activate your subscription, enter this exact Class Code (which is unique for our section): **321-72-1276**.
6. You will be able to start using CGL immediately. However, before we meet for Week 2 of classes, you should take the Pre-Test (available on a link from the home page or "Bookshelf").

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: <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/uf-law-student-handbook-and-academic-policies>.

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:

If you turn in a writing assignment, and have not received prior permission from me, the grade on **that assignment** will be lowered by one letter grade for every 24 hours the paper is late. Your FINAL GRADE will be lowered by one step (for example, B+ to B) for every 48 hours any paper is late. 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.

Attendance:

We will take attendance during each class period. 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 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 TWEN site for this course. Your participation grade is based on not only in class participation, but also on your successful completion of all assignments. Each assignment will be evaluated for completeness, accuracy and timeliness.

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

B. Statement related to accommodations for students with disabilities.

Students requesting classroom accommodation must first register with the Disability Resource Center (tel: 352-392-8565, or online at: <http://www.dso.ufl.edu/drc/>) by providing appropriate documentation. Once registered, students will receive an accommodation letter which must be presented to the Dean Mitchell when requesting an accommodation. Students with disabilities should follow this procedure as early as possible in the semester.

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.

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. 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 12-point Times New Roman or Bookman Old Style font, double-spaced, and NOT right-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 the FLORIDA RULES OF APPELLATE PROCEDURE 9.800.

F. Class Preparation.

This course complies with ABA Standard 310. The required readings for this course, posted below, will require approximately 120 minutes of reading and preparation for each class session.

G. 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.

H. Basic Needs Assistance.

Any student who has difficulty accessing sufficient food or lacks a safe place to live is encouraged to contact the Office of Student Affairs. If you are comfortable doing so, you may also notify me so that I can direct you to further resources.

I. In-Class Recording.

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. Recording for any other purpose is 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.

J. Policies To Prevent the Spread of CoVid-19.

The UF Student Health Center offers CoVid-19 vaccines to students at no charge. The College of Law encourages all students to become vaccinated, if you have not already done so. If you need an excused absence to get your vaccine or to recover from post-vaccine symptoms, please contact me.

You are welcome to wear a mask during class or anywhere else in the College of Law. At the time of drafting this syllabus, masks are optional. We all hope this will not be necessary, but as the CoVid-19 pandemic develops, the University and College of Law may need to impose requirements to keep our community safe, such as mandatory masking or social distancing.

If you have been exposed to CoVid-19 or are experiencing CoVid-like symptoms, 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 permitted to return to campus. I am happy to allow any students quarantining because of exposure to CoVid-19 to participate in the class using Zoom.

Overview of Major Assignment Deadlines (due via Canvas by 11.59pm on date listed):

September 3	Writing Assignment #1 [Case Description]
September 30	Writing Assignment #2 [Facts and Discussion of Memo 1]
October 7	Writing Assignment #3 [Client Letter on Memo 1]
October 28	Writing Assignment #4 [Professional E-mail & Discussion Section of Memo 2]
November 5	Writing Assignment #4 [Memo 2 Final Draft]
November 21	Final Exam Memo (follow instructions on how to submit this)

In addition, you will need to complete 5 exercises in the Interactive Citation Workstation (ICW) on Lexis by the following deadlines:

September 21	ICW exercise #1 (case names)
September 28	ICW exercise #2 (case location) & ICW exercise #3 (court & date)
October 9	ICW exercise #5 (short forms of cases) & ICW exercise 6 (federal statutes)
October 16	ICW exercise #13 (signals)

Note that these assignments may be completed ahead of schedule, but they must be completed and submitted by 11.59pm on the deadline. Writing Assignments must be submitted to me on Canvas and a copy must be sent to the teaching assistant assigned to you.

Class Schedule:

Generally, classes will meet Tuesdays and Thursdays at 3.30pm in Room 213, MLAC.

Note: This is a tentative syllabus - assigned readings and assignment due dates may change. "ALW text" refers to Coughlin et al., *A Lawyer Writes*.

Outline of the Course:

Week 1

Tuesday, August 24, 2021

Read:	Course syllabus & calendar; ALW text, chapter 1; 1 st Day Assignment on Canvas (DUI Pedicab Issue)
Discuss:	Welcome to Legal Writing; Overview of course; DUI Pedicab Issue (Facts, Statute & Case)

Thursday, August 26, 2021

Read: ALW text, chapter 2

Discuss: Overview of Legal Authority; Legal Reasoning

Friday, August 27, 2021

Complete the Core Grammar pre-test (allow ca. 90 minutes to do this exercise)

Week 2

Week of August 24-27, 2021

Short TA group introductory Zoom meetings with Prof. McLendon

Tuesday, August 31, 2021

Read: ALW text, chapters 3, 4

Discuss: Reading & interpreting cases; IRAC/T-FIHRR; first case for Memo # 2, *State v. Hunter*, 586 So. 2d 319 (Fla. 1991).

Thursday, September 2, 2021

Read: ALW text, chapter 7 & FLORIDA RULES OF APPELLATE PROCEDURE 9.800

Discuss: Using cases in legal analysis

Friday, September 3, 2021

Writing Assignment #1 due (Case Description – *State v. Hunter*)

Week 3

Tuesday, September 7, 2021

Read: ALW text, chapter 5 & 6

Discuss: Synthesizing rules from several cases

Thursday, September 9, 2021

Read: *Bluebook*, pp. 1-13 (through B.10.1.3), and ALW text, chapter 7

Discuss: Review of Case Discussion; Introduction to citation

Week 4

Tuesday, September 14, 2021

Read: Materials provided for September 14

Discuss: Introducing the 1st memo

Thursday, September 16, 2021

ICW Exercise #1 – completed by 11.59pm

Read: ALW text, chapters 7

Discuss: Rule explanation

Week 5

Tuesday, September 21, 2021

Read: ALW text, chapters 12, 14

Discuss: Global introduction; Facts Section

Thursday, September 23, 2021

ICW Exercise #2 & #3 – completed by 11.59pm

Read: ALW text, chapters 8 & 9

Discuss: Rule application

Week 6

Tuesday, September 28, 2021

Read: ALW text, chapters 13,15

Discuss: Drafting preliminary sections (QP, BA, Facts); Conclusion

Thursday, September 30, 2021

Writing Assignment #2 due (Facts & Discussion section of 1st Memo)

Read: *Bluebook*, pp. 1-13, 78-79, 117; review ALW text, chapter 16

Discuss: Thesis sentences; Citations (signals & short form cites)

Friday, October 1, 2021

Complete the Core Grammar post-test with minimum score of 85.

Attend Moot Court Final Four Competition before Florida Supreme Court justices.

Time TBA (or watch the recorded Competition)

Write a 150-200 word evaluation of the Moot Court Final Four Competition & submit to me & your TA (due by Sunday, October 3, at 11.59pm).

Week 7

Tuesday, October 5, 2021

Read: ALW text, chapter 17; *Bluebook*, Rule 5 (pp. 82-86).

Discuss: Drafting client letters; citation (quotations)

Thursday, October 7, 2021

Writing Assignment #3 due (Letter to Client about 1st issue)

Read: Materials for 2nd Memo

Discuss: Introducing issues for 2nd memo; cases for 2nd Memo

Friday, October 8, 2021

ICW Exercise #5 – completed by 11.59pm

Week 8

Tuesday, October 19, 2021

ICW Exercise #6 – completed by 11.59pm

Read: Materials for 2nd Memo

Discuss: Global introduction & rule explanation for 2nd Memo

Wednesday, October 20, 2021

First District Court of Appeal – oral arguments at College of Law

Thursday, October 21, 2021

Read: Materials for 2nd Memo

Discuss: Rule application for 2nd Memo

Friday, October 22, 2021

ICW Exercise #13 – completed by 11.59pm

Week 9

Tuesday, October 26, 2021

Read: ALW text, chapter 18

Discuss: Professional E-mail communications

Thursday, October 28, 2021

Writing Assignment #4 due (Professional E-mail & Discussion Section for Memo 2)

Read: ALW text, chapters 13 & 14

Discuss: Drafting QP, BA & Facts for 2nd Memo

In-class QP, BA & Facts exercise

Drafting professional e-mail communications.

Week 10

Tuesday, November 2, 2021

Read: Materials for 2nd Memo

Discuss: Rule Explanation & Rule Application for 2nd Memo

Thursday, November 4, 2021

Read: ALW text, chapters 15 & 16; supplemental materials

Discuss: Writing Tips & editing

Week 11

Week of November 8-12, 2021

Writing conferences with Prof. McLendon about Memo 2

Tuesday, November 9, 2021 – No Class (Conferences with Prof. McLendon)

Thursday, November 11, 2021 – No Class (Veteran’s Day Holiday)

Friday, November 12, 2021

Writing Assignment #5 due (Memo #2 Final Draft)

Saturday, November 13, 2021

Final Exam Memo Assignment Released

Week 12

Tuesday, November 16, 2021

TA Symposium on externships & summer jobs

Thursday, November 18, 2021

Read: Checklist for Final Memo; Q&A

Discuss: final editing tips; citation issues

Sunday, November 21, 2021

Final Exam Memo due by 11.59pm

Week 13

Tuesday, November 23, 2021

Discuss: Last Class; course evaluation; final tips