

Legal Writing
LAW 5792, Class #15946 (Section T)
Fall 2019

Instructor: Timothy McLendon
Mondays & Wednesdays, 3.45pm
Holland Hall, Room 270

SYLLABUS

Professor: Timothy McLendon
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Office Hours: Tuesdays, 9.30-10.30am
Wednesdays, 4.00-5.00pm
Thursdays, 2.30-3.30pm
and always by appointment.

Required Textbooks: Linda Edwards, *Legal Writing: Process, Analysis & Organization* (6th ed., 2014).
Core Grammar for Lawyers (software), by Carolina Academic Press.
The Bluebook: A Uniform System of Citation (20th ed., 2016).
Additional Course Materials available on TWEN
(These books will also be used during spring 2018 for Appellate Advocacy.)

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, 70% of your grade is based on the final written assignment, and 30% 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.

30% Participation (includes successful and timely completion of all assignments, in class exercises, and oral argument presentations)

70% Final Memo

In addition, to pass the 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 Tuesday, 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 "UFL2019" 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): **319-72-7508**.
6. You will be able to start using CGL immediately. However, before we meet for Week 2 of classes, you must 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: <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:

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: <http://www.law.ufl.edu/students/policies.shtml#12>.

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.ua.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.ua.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 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 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.

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

September 13	Writing Assignment #1 [Case Description]
October 7	Writing Assignment #2 [Facts and Discussion of 1 st issue]
October 23	Writing Assignment #3 [Client Letter on 1 st issue]
November 6	Writing Assignment #4 [E-mail summarizing issues for 2 nd memorandum & optional Outline of 2 nd Memo]
November 25	Writing Assignment #5 [Full memorandum on 2 nd issue]

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

September 23	ICW exercise #1 (case names)
September 30	ICW exercise #2 (case location) & ICW exercise #3 (court & date)
October 9	ICW exercise #5 (short forms of cases)
October 16	ICW exercise #6 (federal statutes)
October 27	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.

Class Schedule:

Generally, classes will meet Mondays and Wednesdays at 3.45pm in Room 270. **Note:** This is a tentative syllabus - assigned readings and assignment due dates may change.

Outline of the Course:

Monday, August 26, 2019

Read: Course syllabus & calendar; Edwards text, introduction & chapter 1; 1st Day Assignment on TWEN (DWI Issue)

Discuss: Welcome to Legal Writing; Overview of course; DWI Issue (Facts, Statute & Case)

Wednesday, August 28, 2019

Read: Edwards text, chapter 2

Discuss: Overview of Legal Authority; Legal Reasoning

Friday, August 30, 2019

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

Week of August 26-30, 2019

Short TA group introductory meetings with Prof. McLendon

Monday, September 2, 2019

Labor Day - No Class

Wednesday, September 4, 2019

Read: Edwards text, chapter 4

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

Monday, September 9, 2019

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

Discuss: Using cases in legal analysis

Wednesday, September 11, 2019

Read: Edwards text, chapter 5 & 6

Discuss: Synthesizing rules from several cases

Friday, September 13, 2019

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

Monday, September 16, 2019

Read: *Bluebook*, pp. 1-13 (through B.10.1.3), and Edwards text, chapter 14

Discuss: Review of Case Discussion; Introduction to citation

Wednesday, September 18, 2019

Read: Materials provided for September 18

Discuss: Introducing the first memo

Friday, September 20, 2019

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

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

Monday, September 23, 2019

ICW Exercise #1 – completed by 11.59pm

Read: Edwards text, chapter 7

Discuss: Rule explanation

Wednesday, September 25, 2019

Read: Edwards text, chapter 9

Discuss: Global introduction

Monday, September 30, 2019

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

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

Discuss: Rule application

Wednesday, October 2, 2019

Read: Edwards text, chapter 13

Discuss: Drafting preliminary sections (Facts)

Monday, October 7, 2019

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

Read: *Bluebook*, pp. 1-13, 78-79, 117; review Edwards text, chapter 14

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

Wednesday, October 9, 2019

ICW Exercise #5 – completed by 11.59pm

Guest Speaker: Prof. Deb Cupples

Monday, October 14, 2019

Read: Edwards text, chapter 13

Discuss: Drafting preliminary sections (Question Presented, BA & Facts); Common issues with Writing Assignment #2

Wednesday, October 16, 2019

ICW Exercise #6 – completed by 11.59pm

Read: Edwards text, chapter 16; *Bluebook*, Rule 5 (pp. 82-86).

Discuss: Drafting client letters; citation (quotations); Evaluating QP, BA & Facts

Monday, October 21, 2019

Read: Materials provided; bring legal research results from Legal Research

Discuss: Introducing 2nd issue for final memo; closing cases for Final Memo

Wednesday, October 23, 2019

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

Read: Materials provided

Discuss: Global introduction & rule explanation for 2nd issue

Monday, October 27, 2019

ICW Exercise #13 – completed by 11.59pm

Discuss: Rule application for 2nd issue

Wednesday, October 29, 2019

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

Monday, November 4, 2019

Discuss: Drafting professional e-mail communications

Wednesday, November 6, 2019

Writing Assignment #4 due (E-mail summarizing Memo #2 & optional outline of discussion section of Memo #2)

Discuss: Common issues & editing tips for Memo #2

Week of November 11-15, 2019

Writing conferences with Prof. McLendon (have specific questions prepared)

Monday, November 11, 2019

Symposium on externships & summer opportunities

Wednesday, November 13, 2019

Guest Speaker: Neil Chonin, former Director, Legal Services of Greater Miami

Monday, November 18, 2019

Read: Checklist for Writing Assignment #5; common issues

Discuss: final editing tips; citation issues

Wednesday, November 20, 2019

Discuss: Last Class; course evaluation; exam-taking tips.

Monday, November 25, 2019 – No Class

Writing Assignment #5 (Full Memo #2) due by 11.59pm