Legal Writing and Research for LL.M. in U.S. Law Course # 7805, Section 14151 – 2 credits Professor Brittan L. Mitchell Fall 2022

Course Syllabus

Professor Brittan L. Mitchell, Esq. U.F. Levin College of Law Email: brittanmitchell@law.ufl.edu Office: Phone: (352) 681-8287 LinkedIn Profile: Link

Meeting Time: Mondays, 5:30 p.m. – 7:30 p.m. Location: HH 285D Office Hours: Mondays, 7:30-8:30 p.m. HH285D; Fridays, 12-1pm on Zoom or by appt.

Course Description, Grading Policies, My Expectations, Class Meetings and Assignments

The primary objective of this course is to teach you how to construct a thorough analysis of a legal problem using common law principles and express it effectively in writing.

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

- . Demonstrate an understanding of the U.S. legal system and how lawyers use law to advise clients and resolve legal problems;
- Review facts and evaluate their relevance to a client's legal situation;
- Identify legal issues affecting a client's 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;
- Prepare effective answers to law school exam questions;
- Use effective organizational techniques;
- Use legal citation correctly; and
- Revise, edit, and proofread your legal writing.

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

Required Texts:

- Boyle-Laisure, Coughlin, and Patrick, *Becoming a Legal Writer* (2019)
- The Bluebook 21st ed.
- Thornton, U.S. Legal Reasoning, Writing, and Practice for International Lawyers (2014)

<u>eLearning on Canvas</u>: This Syllabus, "handouts," extra reading assignments, and other course materials will be posted on our Canvas course page. I do not place materials on reserve in the library and I will not print out the material posted on the Canvas page. It is your responsibility to review the Canvas course page regularly for updated class information; this is considered as part of your class participation for my course.

If you have any problems accessing the course Canvas page, please contact the UF Helpdesk: Available 24 hours a day, 7 days a week (352) 392-HELP (4357) helpdesk@ufl.edu (mailto:helpdesk@ufl.edu)

<u>Grading</u>: Legal Writing and Research is graded by letter grade. Your final grade in the course will be determined by the following:

Assignment	Due Date	Percent of Grade
Assignment #1: Case Brief	Friday, 8/26/2022 by 11:59 pm	5
Assignment #2: Case Chart	Friday, 9/2/2022 by 11:59 pm	5
Assignment #3: IRAC Exercise	Friday, 9/9/2022 by 11:59 pm	5
Assignment #4: Office E-Mail	Friday, 9/16/2022 by 11:59 pm	10
Assignment #5: Legal Opinion Exercise	Friday, 9/30/2022 by 11:59 pm	10
Assignment #6: Inter-Office Memorandum	Friday, 10/21/2022 by 11:59 pm	20
Assignment #7: Persuasive Writing Exercise	Friday, 11/18/2022 by 11:59 pm	20
Assignment #8: Oral Arguments	In class exercise on Monday, 11/21/2022	10
Attendance, Participation, and Classroom Work		15
Total		100

Assessments:

You must complete all assignments to pass the course.

Information on UF Law Grading Policies: The Levin College of Law's mean and mandatory distributions are posted on the College's website and this class adheres to that posted grading policy. The following chart describes the specific letter grade/grade point equivalent in place:

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

The law school grading policy is available at the following <u>link</u> online.

<u>Class Expectations:</u> I expect you to do the following:

- satisfactorily and timely complete all writing assignments, and writing exercises;
- attend and demonstrate preparedness in class; and
- demonstrate professionalism.

Satisfactorily complete assignments: The goals of all assignments in this course are to teach you the principles of and give you practice in developing legal writing skills. I want you to use the assignments to practice writing techniques, to learn from my feedback, to learn from your strengths and weaknesses and to improve.

For each assignment I will provide to you a checklist of my expectations for the project and will use the checklist to aid me in assessing the quality of your work. I will evaluate your performance based on the skill and effort you demonstrate in doing the best work that you can on each assignment, the skill and effort you demonstrate in applying the principles discussed in the assigned reading and during our class meetings, and the skill and effort you demonstrate in revising your work.

Timely complete assignments: As it is in law practice, time management is a critical component of our class. Just as clients, senior partners, and judges expect work to be submitted timely, I expect your work to be submitted no later than the specified deadline. If you worked for me as a law clerk and you submitted an assignment after the deadline, without excuse, I'd likely fire you and definitely would not offer you a permanent position in the firm. Therefore, I will not accept such conduct in this course.

Your final grade may be lowered one level (e.g. B to B-) for each assignment not submitted by the deadline. The grade on your final writing assignment may be lowered one level (e.g. B to B-) for every day or portion of a day that the assignment is late.

I will excuse late submissions only in limited emergency situations. As to emergencies involving your serious illness, accident, or the complete death of your computer (i.e., it blows up, the hard

drive crashes), please call me, e-mail me, or see me **<u>before</u>** the date that the assignment is due. Under such circumstances, I will delay the deadline for your paper to give you enough time to deal with the emergency. The following examples do <u>not</u> constitute an excuse for missing a deadline:

- a job interview;
- reasonably foreseeable transportation trouble;
- reasonably foreseeable computer or printer problems (including but not limited to difficulties submitting assignments on the course Canvas page and other user technological issues);
- lack of time to complete;
- leaving the assignment at home; and
- not understanding the assignment.

Additionally, the law school policy on exam delays and accommodations can be found here.

Demonstrate preparedness in class: You are responsible for the information contained in all Canvas postings, handouts, and assigned reading. I expect that you will have completed the reading assignment, and that you will participate in class. I will call on students during class and expect them to be prepared. I also expect that you will be prepared to participate during in-class group exercises. This is not a lecture course. I will not use our valuable class time to reiterate what you've read. Instead, I will use class meetings to give you practice using the skills and applying the principles covered in the assigned reading. Our class meetings will have value to you only if you come prepared to participate.

I understand that sometimes things will complicate your life and that you may not be prepared for a particular class session. If you are unprepared to participate in a class session, please let me know before class begins, and I will not call on you that day. Do not, however, make a habit of this.

Unpreparedness may result in the lowering of your final grade.

Professional Quality Work: I expect you to produce work that exhibits a professional quality conforming to all format requirements and that is carefully proofread. You have the ability and maturity to approach your work with diligence. When preparing an assignment for this course pay attention to detail as you would if you were a law clerk or practicing attorney preparing a document for review by a senior partner or by a client. Just as an employer or client would not accept sloppy work from you, I will not accept such work in this course.

Professional Conduct in Class: In law practice, your role as a member of the legal profession and as an officer of the court requires that you conduct yourself with honor, courtesy, civility, and professionalism. I expect this conduct in class. This means arriving on time, focusing on what is going on in class and not distracting others. I expect each of you to listen courteously to your colleagues, even if they express ideas that you do not agree with. You will be given the same uninterrupted opportunity to express your own ideas.

Do not call out in class. I welcome and encourage class participation. If you want to contribute to the class discussion raise your hand and wait to be recognized. Additionally, silence cell phones, smart watches, and any other device that makes noise.

Recording of Classes: 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.

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.

<u>Class Attendance</u>: Students are expected to attend and participate in class. I am assuming that each student enrolled in this course is committing to attend every class to the best of their abilities, and class attendance is required by both the ABA and the Law School.

• Nevertheless, to allow for exigencies in life, you are permitted two absences from class without impacting your final grade so long as you still complete the readings and submit any required assignments prior to the subsequent class after the absence. For ease of administration and to respect your privacy, I do not make any differentiation between "excused" or "unexcused" absences, so your absences can be for any reason, including for job interviews, school activities, work tasks, illness or medical appointments, COVID-19, and life. This means that there is no need to tell me why you will be or were absent from class, so long as you have two or fewer absences total. If possible, professional courtesy encourages you to notify me if you will not be in class. Please budget accordingly so that

you are not left at the end of the semester with a needed absence and your budget depleted.

- The two exceptions to this policy are (1) absences for a recognized religious holiday that are consistent with University policy (Link) and Law School policies (Link) and require appropriate documents and/or notification before or shortly after class about your absence; and (2) absences due to testing positive for COVID-19 after you have exhausted your other two absences. I do not want you jeopardizing your health or others. I am reasonable. Communication is key.
- In addition, please notify me should you have a family or medical situation or an emergency that will require missing more than two classes, and we will discuss how to accommodate your situation.
- For each absence beyond two, your grade will be reduced by one-third of a grade (e.g., Ato B+). If you miss four or more scheduled classes, I have the discretion to render you ineligible to receive credit for the course.
- This policy starts on the first day of classes, not the end of the drop/add period.

COVID-19 Information: Although the University is not requiring faculty, staff, and students to wear masks, everyone is welcome to wear masks. I will have spare masks available with me in the classroom so please do not be shy to ask for them. As UF Health indicates, "Please know that wearing a mask, being vaccinated and boosted, and continuing good hygiene practices remain our strongest universal tools to support the health of our community." More information is available at the following: (Link). Most importantly, however, please do not come to class if you feel sick. If you are test positive for COVID-19, please follow CDC guidance on when it is safe to return to class. Any positive COVID-19 related absences will be accommodated (see "Class Attendance" above), and the Office of Student Affairs may provide access to class recordings for medical absences. Please email the Office of Student Affairs and me as soon as possible to let us know of any such absences. Finally, the UF Student Health Center continues to offer vaccines to students at no charge, and we will strongly encourage all students to become vaccinated if they have not already done so. Information is available here: (Link).

<u>Getting in Touch with Me</u>: Get in touch with me by e-mail if you have any questions regarding this course or an assignment through the following channels: <u>brittanmitchell@law.ufl.edu</u> or (352) 681-8287.

Format Requirements for Writing Assignments: The following strictly enforced rules govern the form of all writing assignments:

- All assignments must be typewritten, double-spaced, with one-inch (bottom, top, left, right) margins. The bottom margin should be one inch from the last line of the text, not from the page number;
- Each page should be numbered (center, bottom);
- Type must be Times New Roman or Calibri;
- Type must be in 12 point font; and
- All citations must follow Bluebook Citation Manual rules unless otherwise instructed.

Responsibilities to Your Other Classes: As lawyers you will be responsible for many clients or legal matters at the same time. When you are engaged in a big project involving one client, you must still attend to the legal affairs of your other clients. Likewise, when you are engaged in preparing an assignment for Legal Writing and Research, you are still responsible for attending your other classes and completing the work for those classes.

<u>The Honor Code - its Role in Our Course</u>: In every aspect of this course – from written assignments of all types to meetings with me, to class attendance – you are <u>strictly bound</u> by the Honor Code as well as all rules, codes, regulations, and policies of the University and of the College of Law regarding student conduct.

<u>Collaboration</u>: All work in this course must be your own. You must do your own writing, proofreading, and editing. I want to help you develop your skills. I cannot do this if the work I review is not your own. Only you, your teaching assistant, and I may review your work for the purpose of planning revisions. **No other person my review your work**. Unless I specifically instruct you otherwise, you may not read another student's work – either a present student's or a past student's – and you may not allow another student to read your work.

You may discuss cases, arguments, and citation techniques with each other. You may not, however, provide answers to exercises to each other. If you need help completing the exercises, please contact me or your teaching assistant.

Plagiarism: Representing another's work as your own constitutes plagiarism. Also, paraphrasing or quoting from a case or a law review article without properly acknowledging the source or without including quotation marks where such marks are appropriate constitutes plagiarism. Any paper evidencing plagiarism <u>will automatically receive a failing grade and will be referred to the</u> <u>law school's Honor Committee</u>. It is no defense to a charge of plagiarism to plead ignorance of what constitutes plagiarism or lack of intent to plagiarize. Students should be sure that they understand the UF Student Honor Code available at the following (<u>Link</u>).

<u>Accommodation for Students with Disabilities:</u> Students requesting accommodation for disabilities must first register with the <u>Disability Resource Center</u>. Once registered, students will receive an accommodation letter which must be presented to the Assistant Dean for Student Affairs (Dean Mitchell) when requesting accommodation. Students with disabilities should follow this procedure as early as possible in the semester.

<u>Health and Wellness Resources:</u> Law school can be a daunting experience, especially when life outside the law becomes challenging and when you are expected to function at high levels during a pandemic. UF Law provides numerous resources for your support, and I encourage you to seek help if you have concerns. 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.

- *U Matter, We Care*: If you or someone you know is in crisis, please contact <u>umatter@ufl.edu</u>, (352) 392-1575 (available 24/7), or visit the <u>U Matter, We Care</u> <u>website</u> to refer or report a concern and a team member will reach out to the student in crisis.
- Counseling and Wellness Center: <u>Visit the Counseling and Wellness Center website</u> or call (352) 392-1575 for information on crisis services as well as non-crisis services.
- *Student Health Care Center*: Call (352) 392-1161 for 24/7 information to help you find the care you need, or <u>visit the Student Health Care Center website</u>.
- University Police Department: <u>Visit UF Police Department website</u> or call (352) 392-1111 (or 9-1-1 for emergencies).
- UF Health Shands Emergency Room / Trauma Center: For immediate medical care call (352) 733-0111 or go to the emergency room at 1515 SW Archer Road, Gainesville, FL 32608; <u>Visit the UF Health Emergency Room and Trauma Center website</u>.

Student 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. <u>Click here</u> for guidance on how to give feedback in a professional and respectful manner. Students will be notified when the evaluation period opens and may complete evaluations through the email, they receive from GatorEvals, in their Canvas course menu under GatorEvals, or via the following link: (Link). Summaries of course evaluation results are available to students here.

Preferred Name and Pronouns: Many of you may have a preferred name that is not the name given to me on the official roll. It is important to the learning environment that you feel welcome and safe in this class. I want you to be comfortable participating in class discussions and communicating with me on any issues related to the class. I would like to refer to you by your preferred pronoun and last name. As such, if your preferred name is not the name listed on the official UF roll, please let me know as soon as possible by e-mail or otherwise before the first day of class. Feel free to ask for instructions on changing your display name in Canvas.

Class Meetings – Topics and Assignments

Weekly Course Schedule of Topics and Assignments:

This syllabus is offered as a guide to the direction of the course. I suggest you use the Canvas site to access your assignments as everything should be linked and easy to find there. I will post future assignments on Canvas at least a week before the class and may be adjusted. Our pace will depend in part on the level of interest and the level of difficulty of each section, but I try hard to keep us on track so you should try hard not to fall behind.

PART 1:	INTRODUCTION		
1 8/22	Class 1: Introduction to Legal Research & Writing		
0,22	 Required Readings before class: Syllabus Becoming a Legal Writer Textbook: Chapter 2—Sources and Systems of the Law, pages 19-25 (omit exercises) Chapter 3—Preparing for the Deep Road, pages 33-64 (omit exercises) Chapter 12 – Statutory Interpretation, pages 215-222 (omit exercises) Optional Reading before class: U.S. Legal Reasoning, Writing, and Practice Textbook: Chapter 5—Reading Cases, pages 61-84 		
	 Chapter 6—Writing a Case Brief, pages 85-92 Discuss assignment: Assignment 1: Case Brief due Friday, 8/26/2022 by 11:59 pm. You must timely complete all assignments to pass this course 		
2 8/29	 Class 2: Getting Organized & Applying the Law Required Readings before class: Becoming a Legal Writer Textbook: Chapter 4 – Finding Your Argument, pages 77-80 (omit exercises) Chapter 5 – Organizing Legal Authority, pages 87-89 (omit exercises) Chapter 7 – Explaining the Law, pages 113-131 (omit exercises) Chapter 8 – Applying the Law, pages 141-154 (omit exercises) Canvas Readings: TBD 		
	 Optional Reading before Class: U.S. Legal Reasoning, Writing, and Practice Textbook: Chapter 7—Organizing Information from Cases, pages 93-98 		

3	Discuss assignment: • Assignment 2: Case Chart due Friday, 9/2/2022 by 11:59 pm. You must timely complete all assignments to pass this course Class 3: Preparing a Legal Argument
3 9/5	Cluss S. Frepulling a Legal Argument
575	Required Readings before class:
	Becoming a Legal Writer Textbook: Charter G. One Legal Argument, pages 101, 102 (amit everyines)
	 Chapter 6—One Legal Argument, pages 101-103 (omit exercises) U.S. Legal Reasoning, Writing, and Practice Textbook:
	 Chapter 10- Introduction to U.S. Legal Rhetoric, pages 129-142
	Canvas Readings: TBD
	Discuss assignment:
	 Assignment 3: IRAC Exercise due Friday, 9/9/2022 by 11:59 pm.
	You must timely complete all assignments to pass this course
_	Class 4: Legal Writing-Office Email
4 9/12	Required Readings before class:
5/12	Becoming a Legal Writer Textbook:
	 Chapter 9 – Tying it All Together – pages 169 – 175 (omit exercises)
	U.S. Legal Reasoning, Writing, and Practice Textbook:
	 Chapter 19- Overview of Legal Research, pages 263-276 Chapter 21-Writing emails , pages 295-304
	 Appendix D & Appendix E, pages 373-379
	Canvas Readings: TBD
	Discuss assignment:
	• Assignment 4: Office Email due Friday, 9/16/2022 by 11:59 pm.
	You must timely complete all assignments to pass this course
5	Class 5: Revising Legal Writing
9/19	Required Readings before class:
	Becoming a Legal Writer Textbook:
	 Chapter 13—Revising, Editing, and Polishing, pages 233-237 (omit exercises)
	U.S. Legal Reasoning, Writing, and Practice Textbook:
	 Chapter 18- Editing Unnecessary Language , pages 253-262
	Canvas Readings: TBD

	Optional Readings before class:
	 U.S. Legal Reasoning, Writing, and Practice Textbook:
	 Chapter 11- Contrasts between the rhetorical styles of English and of
	other languages, pages 143-152
	Discuss assignment:
	 Assignment 5: Legal Opinion Exercise due Friday, 9/30/2022 by 11:59 pm.
	You must timely complete all assignments to pass this course
6	Class 6: Legal Citations (Bluebook)
9/26	
	Required Readings before class:
	Bluebook:
	 Preface, Table of Contents, pages VII – XVI
	 Introduction, pages 1-6
	 Rules 1, 4 - 8 pages 61-67, 79-93
	Canvas Readings TBD
	A portion of the class time will be devoted to answering questions about the Legal Opinion
	Letter due Friday, 9/30/2022 by 11:59 pm.
	You must timely complete all assignments to pass this course
7	Class 7: Interoffice Memorandum, Part 1
10/3	Required Readings before class:
	Required Readings before class:
	U.S. Legal Reasoning, Writing, and Practice Textbook: Chapter 12, Writing the Office Memorandum pages 152, 168
	 Chapter 12- Writing the Office Memorandum, pages 153-168 Chapter 12 The Heart of Legal Pages ping, pages 160, 181
	 Chapter 13-The Heart of Legal Reasoning, pages 169-181 Appendix C: Office Mamp with Case Law, pages 262, 272
	 Appendix C: Office Memo with Case Law, pages 363-372 Conversi TRD
	Canvas: TBD
	Discuss assignment:
	 Assignment 6: Interoffice Memorandum due Friday, 10/21/2022 by 11:59
	pm.
	pm.
	You must timely complete all assignments to pass this course
8	Class 8: Interoffice Memorandum, Part 2
10/10	cluss 6. Interojjice Wemorundum, 1 urt 2
10/10	Required Readings before class:
	 U.S. Legal Reasoning, Writing, and Practice Textbook:
	 Chapter 16-The Introduction/Statement of Facts, pages 217-224
	 Chapter 10- The introduction/statement of Facts, pages 217-224 Canvas: TBD

	Memorandum due Friday, 10/21/2022 by 11:59 pm.
	You must timely complete all assignments to pass this course
9	Class 9: Legal Citations (Bluebook) (continued)
10/17	Dequired Deadings before class
	 Required Readings before class: Bluebook:
	 Rules 10, 12, 15, 18 pages 95-118, 120-134, 147-156, 174-185
	Canvas Readings: TBD
	A portion of the class time will be devoted to answering questions about the Interoffice
	Memorandum due Friday, 10/21/2022 by 11:59 pm.
	You must timely complete all assignments to pass this course
10 10/24	Class 10: Appellate Advocacy: The Persuasive Brief, Part 1
	Required Readings before class:
	U.S. Legal Reasoning, Writing, and Practice Textbook:
	 Appendix L, the Appellate Brief, 425-449 Canvas: TBD
	Discuss assignment:
	• Assignment 6: Persuasive Writing Exercise due Friday, 11/18/2022 by 11:59
	pm.
	You must timely complete all assignments to pass this course
11 10/31	Class 11: Appellate Advocacy: The Persuasive Brief, Part 2
10,51	Required Readings before class:
	Canvas: TBD
	A partian of the class time will be devoted to ensure time supertises about the Appellate Drief
	A portion of the class time will be devoted to answering questions about the Appellate Brief due Friday, 11/18/2022 by 11:59 pm.
	You must timely complete all assignments to pass this course
12 11/7	Class 12: Appellate Advocacy: Oral Arguments
	Required Readings before class:
	Canvas: TBD
	A portion of the class time will be devoted to answering questions about the Appellate Brief
	due Friday, 11/18/2022 by 11:59 pm.
12	You must timely complete all assignments to pass this course
13	Class 13: Writing for Law School

11/14	
	 Required Readings before class: Schedule of Oral Arguments for Monday, 11/22/2022 in-class activity U.S. Legal Reasoning, Writing, and Practice Textbook: Chapter 24- Law School Skills, pages 339-350
	A portion of the class time will be devoted to answering questions about the Appellate Brief due Friday, 11/18/2022 by 11:59 pm.
	You must timely complete all assignments to pass this course
11/22	Class 14: Oral Arguments
	A portion of the class time will be devoted to answering questions about the Appellate Brief due Friday, 11/18/2022 by 11:59 pm.
	You must timely complete all assignments to pass this course