

Legal Writing II – Persuasive Writing § V
LAW 5793, Class # 29944
Spring 2023

Instructor: Timothy McLendon
Mondays & Wednesdays, 3:30 PM
Holland Hall, Room 355B

SYLLABUS

Professor: Timothy McLendon
Office: 320 Holland Hall (on the 3rd floor at the far west of the building, in the office suite of the Center for Governmental Responsibility)
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Office Hours: Mondays, 11.00am-12.00pm
Tuesdays, 5.00-5.30pm
Thursdays, 5.00-5.30pm
and other times by appointment.

Required Textbooks: Joan M. Rocklin et al., *An Advocate Persuades* (2016).
The Bluebook: A Uniform System of Citation (21st ed., 2020).
Additional Course Materials available on Canvas

Course Objectives:

This course is designed to help students learn how to read, think, and write like a lawyer at the trial and appellate levels. The course build upon the foundation students received last semester in legal research and writing, using this to become effective persuasive writers. Together we will dissect and analyze your client's case and will practice applying cogent legal arguments to support your client's position. Students will then have the opportunity to argue their case in both a trial and appellate court format.

Upon completion of this course, you should be able to:

- Apply a lawyer's ethical and professional standards in the context of written and oral advocacy;
- Demonstrate an understanding of appellate standards of review of trial court decisions;
- Use effective techniques of persuasion;
- Develop a theme and integrate that theme into your argument;
- Frame a legal issue to persuade a court to rule in your favor;

- Present a compelling account of all relevant facts;
- Write a persuasive argument, supported by credibility, logic, the law, and a commanding narrative;
- Use effective organizational techniques;
- Demonstrate an understanding of the importance of adhering to appellate procedural rules and formatting requirements for submitting appellate briefs to a court;
- Demonstrate an understanding of the basic appellate process and fundamental appellate concepts, including the decision to appeal;
- Edit and proofread a persuasive legal document; and
- Prepare and effectively present an oral argument in support of your legal position.

Grading:

10% Participation (includes successful and timely completion of research assignments, in class exercises, and oral argument presentations)

25% Appellate Brief

15% Trial Court Memorandum of Law

50% Final Project

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, your FINAL GRADE will be lowered by one step (for example, B+ to B) for every 48 hours each 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. It is the University of Florida's policy to accommodate religious holidays, and that policy will be honored.

Professional Behavior during Class:

Please do not arrive late to class, leave early, or leave during class absent extenuating circumstances. Please turn off cell phones during class. I reserve the right to lower your final grade if you engage in behavior that disrupts the learning environment.

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.

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. 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.

This 2-credit course complies with ABA Standard 310. It is anticipated that you will spend approximately 2 hours out of class reading and/or preparing for in-class assignments for every 1 hour in class.

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 available online at: <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/additional-information/honor-code-and-committee/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 II) 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 14-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. 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.

You are required to follow the policies and requirements set forth by the University of Florida with respect to CoVid-19. These policies are subject to change from time to time. The latest UF guidelines on CoVid-19 are available at:

<https://coronavirus.ufl.edu/university-updates>. Following and enforcing these policies and requirements are all of our responsibility. Failure to comply will lead to a report to the Office of Student Conduct and Conflict Resolution and may result in removal from the course.

If you have been exposed to CoVid-19 or are experiencing CoVid-like symptoms, please do not come to campus. I am happy to allow any students quarantining because of exposure to CoVid-19 to participate in the class using Zoom by prior request.

Summary of Assignments & Due Dates.

Assignment	Due Date	Weight
Final Trial Memo	February 18	15%
Final Appellate Brief	April 1	25%
Final Project	April 23	50%
Participation, Research Assignments, Drafts	<i>Due dates will vary</i>	10%

Class Schedule:

Classes will generally meet Tuesdays and Thursdays at 3:30pm in Room 355B Holland Hall. **Note:** This is a tentative syllabus - assigned readings and assignment due dates may change.

Outline of the Course:

Date	Subject Matter & Reading Assignment	Assignment due
Tues., January 17	Joint Class with Tuesday & Thursday class. Intro to Persuasive Writing. Motion & Memo document maps. Read AAP ch. 1,2,3 & 8; read Record for MSJ on Canvas.	
Wed., January 18	Standards of Review; jurisdiction of district & appellate courts; Title VII cases. Read: AAP ch. 4 & 10 & sample trial memos; <i>Meritor Savings Bank v. Vinson</i> , 477 U.S. 47 (1986); <i>Parkins v. Civil Constructors of Ill., Inc.</i> , 163 F.3d 1027 (7th Cir. 1998).	
Mon., January 23	Read AAP ch. 6; Cases: <i>Guess v. Bethlehem Steel Corp.</i> , 913 F.2d 463 (7th Cir. 1990); <i>Young v. Bayer Corp.</i> , 123 F.3d 672 (7th Cir. 1997); <i>Bernier v. Morningstar, Inc.</i> , 495 F.3d 369 (7th Cir. 2007); <i>Wilson v. Tulsa Junior Coll.</i> , 164 F.3d 534 (10th Cir. 1998).	

Wed., January 25	Continue discussing key Title VII cases. Description of Writing Assignment #1 (Memo of Law in support of Motion for Summary Judgment, due Feb. 18, 2023).	
Mon., January 30	Read AAP ch. 6, 7.1, 12. Theme & Persuasive Statement of Facts.	
Wed., February 1	Read AAP ch. 7. Review Statement of Facts & Theme. Discuss organizing arguments & point headings.	
Mon., February 6	Read AAP ch. 8 & 9. Persuasive arguments. Counter-arguments.	
Wed., February 8	Work on application for Trial Memo (Writing Assignment #1).	
Fri., February 10	Maguire Moot Court Competition – attend & 150-word statement on your impressions.	
Fri., February 10	Joint extra class with Tuesday & Thursday class. Introductions for trial motions; Q&A for Trial Memo (Writing Assignment #1)	
Mon., February 13	Read AAP ch. 13.1 & 13.2. Editing for persuasion: focus, emphasis & flow. Checking citations & quotations.	
Wed., February 15	Read AAP ch. 13. Grammar; proofreading; editing.	
Sat., February 18		Writing Assignment #1 (Trial Memo) due by 11.59pm.
Mon., February 20	Intro to appellate argument. Federal appellate jurisdiction. Read: Supplemental readings on Canvas; federal jurisdictional statutes (28 U.S.C. §§ 1331, 1332; 18 U.S.C. § 3231; 28 U.S.C. § 1291).	

Wed., February 23	Read supplemental readings on Canvas (Statement of Issues/QP). Draft Jurisdictional Statement & Statement of Issues.	
Week of Feb. 27- March 3	Mini-oral arguments with TA groups (5-minute practice sessions)	
Mon., Feb. 27	Introduction to Appellate Oral Argument. Read AAP ch. 14. TA oral argument demonstration.	
Wed., March 2	Read: AAP ch. 12; Sample briefs. Standard of Review on appeal. Draft Statement of Case & Facts; ICW #16.	
Week of March 6-10	Individual Writing Conferences with Prof. McLendon	
Mon., March 6	No class – individual writing conferences.	
Wed., March 8	Asynchronous assignment: Listen to appellate argument on Title VII case; respond with short summary of impressions.	
March 13-17	SPRING BREAK.	
Week of March 20-24	Practice Oral Arguments this week	
Mon., March 20	Outlining Argument. Draft Summary of Argument.	
Wed., March 22	Common issues & problems with Arguments. Drafting in class.	
Friday, March 24	Optional writing workshop. Details to be announced.	
March 27-31	Final oral arguments scheduled one evening this week.	
Mon., March 27	Q&A re Appellate Brief.	

Wed., March 30	Appellate Brief. Drafting in class.	
Sun., April 2		Appellate Brief due
Mon., April 3	Course evaluations. Oral argument post-mortem. ICW 6 (federal statutes); 7 (state statutes); 12 (parentheticals); 13 (signals)	
Wed., April 5	In-class exercise: legal standard for Motion to Dismiss	
Mon., April 10	No class.	
Wed., April 12	Review of Research Project; focus on Trial Memo; Final Project tips.	
Sun., April 16, 5pm	Final Project Drops	
Mon., April 17	No class – working on Final Project	
Wed., April 19	No class – working on Final Project	
Sun., April 23		Final Exam Due by 11.59pm
Mon., April 24	Joint Class with Tuesday & Thursday class. TA discussion about journal writing competition; trial team & moot court; how to deal with your summer job.	