

Legal Writing II – Persuasive Writing § X
LAW 5793, Class # 27568
Spring 2024

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, 4.30-5.30pm
Tuesdays, 11.00am-12.00pm
Thursdays, 4.30-5.30pm
and other times by appointment.

Required Textbooks: Joan M. Rocklin et al., *An Advocate Persuades* (2nd ed., 2022).
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)

15% Trial Court Memorandum of Law

25% Appellate Brief

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.

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.

Other Policy Statements:**A. Policy related to Make-up exams or other work.**

The law school policy on exam delays and accommodations can be found [here](#).

B. Statement related to accommodations for students with disabilities.

Students requesting accommodations for disabilities must first register with the Disability Resource Center (<https://disability.ufl.edu/>). Once registered, students will receive an accommodation letter, which must be presented to the Assistant Dean for Student Affairs (Assistant Dean Brian Mitchell). Students with disabilities should follow this procedure as early as possible in the semester. It is important for students to share their accommodation letter with their instructor and discuss their access needs as early as possible in the semester. Students may access information about various resources on the UF Law Student Resources Canvas page, available at <https://ufl.instructure.com/courses/427635>.

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. Click [here](#) 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 <https://ufl.bluera.com/ufl/>. Summaries of course evaluation results are available to students [here](#).

D. Honor Code.

Academic honesty and integrity are fundamental values of the University community. Students should be sure that they understand the UF Law Honor Code located [here](#). The UF Law Honor Code also prohibits use of artificial intelligence, including, but not limited to, ChatGPT and Harvey, to assist in completing quizzes, exams, papers, or other assessments unless expressly authorized by the professor to do so.

Collaboration. 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.

E. Observance of religious holidays.

UF Law respects students' [observance of religious holidays](#).

- Students, upon prior notification to their instructors, shall be excused from class or other scheduled academic activity to observe a religious holy day of their faith.
- Students shall be permitted a reasonable amount of time to make up the material or activities covered in their absence.
- Students shall not be penalized due to absence from class or other scheduled academic activity because of religious observances.

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, 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.

All classes will be recorded via Mediasite in case students must miss class for health reasons. The Office of Student Affairs will work with faculty to determine when students may have access to these recordings, and the recordings will be password protected. It is the student's responsibility to contact the Office of Student Affairs as soon as possible after an absence.

Summary of Assignments & Due Dates.

Assignment	Due Date	Weight
Trial Memo of Law	February 11	15%
Outline of Appellate Brief	March 8	
Final Appellate Brief	March 31	25%
Final Project	April 21	50%
Participation, Research Assignments, Drafts	<i>Due dates will vary</i>	10%

Class Schedule:

Classes will generally meet Mondays and Wednesdays 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
Wed., January 17	Intro to Persuasive Writing. Motion & Memo document maps. Read AAP ch. 1,2,3 & 5; read Record for MSJ on Canvas.	
Fri., January 19	Standards of Review; jurisdiction of district & appellate courts. Read: AAP ch. 8 & App. B & sample trial. Research Project #1 – Standard of Review for Motion for Summary Judgment – complete by Monday	
Mon., January 22	Read AAP ch. 4 & Record on Canvas. Charting key cases in TA groups	

Wed., January 24	Read AAP ch. 4, 3.1 & 10. Discuss key cases. Theme & Persuasive Statement of Facts. Homework: 1-3 sentence theme & 1-page Statement of Facts.	
Mon., January 29	Read AAP ch. 3,6 & 10. Review themes & statement of facts. Organizing Argument & Point Headings. Homework: draft point headings & initial conclusions. Sketch of argument	
Wed., January 31	Read AAP 5.1 & 5.2, 6.2. Review point headings. Discuss persuasive rule statements & case illustrations for CREAC. Homework: Draft Rule & Rule Explanation for Trial Memo (WA#1).	
Fri., February 2	Maguire Moot Court Competition – attend & 150-word statement on your impressions.	
Mon., February 5	Read AAP ch. 5.3, 6 & 7. Persuasive arguments & counter-arguments. Homework: Draft Application for Trial Memo (WA#1).	
Wed., February 7	Intro sections of Trial Memo, Q&A for Trial Memo. Editing, checking citations & quotations. Writing Lab.	
Sun, February 11		Writing Assignment #1 (Trial Memo) due
Mon., February 13	Legal Research Refresher with LIC faculty. Research Project #2: Standard of Review for Appeal & additional cases for appellate brief.	

Wed., February 15	Read AAP ch. 9. Work on Research Project #2	
Thurs., February 16		Submit Research Project #2 by
Mon., February 19	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 22	Read AAP, Appendix C & supplemental readings on Canvas (Statement of Issues/QP). Draft Jurisdictional Statement & Statement of Issues.	
Mon., Feb. 26	Introduction to Appellate Oral Argument. Read: AAP ch. 12; Sample briefs. Standard of Review on appeal.	
Wed., Feb. 28	Read: Draft Statement of Case & Facts. Read AAP ch. 14. Draft Statement of Case & Facts. TA oral argument demonstration.	
Week of March 4-8	Mini-oral arguments with TA groups (5-minute practice sessions)	
Mon., March 4	In-class exercises on plain writing & case illustrations.	
Wed., March 6	Writing Lab in Class	
Fri., March 8		Outline of Argument for Appellate Brief Due
March 11-15	SPRING BREAK.	
Week of March 18-22	Practice Oral Arguments this week	
Week of March 18-22	Individual Writing Conferences with Prof. McLendon	

Mon., March 18	AAP ch. 11 & supplemental material on Canvas. Oral argument tips.	
Wed., March 20	Common issues & problems with Arguments. Drafting in class.	
Fri., March 22	Optional writing workshop. Details to be announced.	
March 25-29	Final oral arguments scheduled one evening this week.	
Mon., March 25	Q&A re Appellate Brief. Drafting in class	
Wed., March 27	Appellate Brief. Drafting in class.	
Sun., March 31		Appellate Brief due
Mon., April 1	Course evaluations. Oral argument post-mortem. ICW 6 (federal statutes); 7 (state statutes); 12 (parentheticals); 13 (signals)	
Wed., April 3	Research Project #3: legal standard for Motion to Dismiss	
Mon., April 8	No class.	
Wed., April 10	Review of Research Project; focus on Trial Memo; Final Project tips.	
Fri., April 12, 5pm	Final Project Drops	
Mon., April 15	TA discussion about journal writing competition; trial team & moot court; how to deal with your summer job.	
Wed., April 17	No class – working on Final Project	
Sun., April 21		Final Exam Due by 11.59pm
Mon., April 24	No class	