**Legal Writing II**

**Persuasive Writing**

**Tentative Syllabus**

**(Revised as of 1/5)**

LAW 6930, Section C3WF / 29591 and R3WF / 25592

3 Credit Hours

sPRING, 2021

Class location: HH 270

MONDAYS AND thursdays, 3:00 p.m. – 4:25 p.m., 10:30 A.M. - 11:55 A.M.

**professor:** Ben L. Fernandez

Email:[fernandez@law.ufl.edu](mailto:fernandez@law.ufl.edu)

Office Phone:(352) 273-0937

Office Location: Holland 312I

**office Hours:**

Any time by appointment. **All office hours will be held virtually until further notice.**

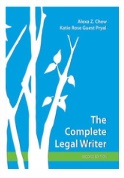
Please keep in touch with me! I try to respond to emails quickly. Please contact me if you have any questions regarding the course or a specific assignment.

**Course Website:** <http://elearning.ufl.edu/>You are responsible for reviewing the page for course updates. I use the “Announcements” section of Canvas as my main source of communication with my students. Check it frequently.

**Required Text:**

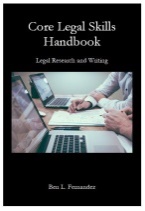
*The Complete Legal Writer* (2nd ed. 2020)by Alexa Chew and Katie Guest Rose Pryal

The Bluebook: *A Uniform System of Citation* (21st ed.)

**Supplemental Materials:**

*Core Legal Skills Handbook: Legal Research and Writing* (2nd ed. 2020)by Ben L. Fernandez, available as a Kindle Book. **Download for free during the first week of class at Amazon.com (1/19-1/23).**

****

**Course Objective and Goals:**

The primary objective of this course is for you to learn how to construct a thorough legal argument and express it effectively and persuasively in writing.  An additional objective is for you to learn how to perform effectively in presenting oral argument in support of your legal position.

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 the basic processes for civil litigation and appeals.
* 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 civil and appellate procedural rules and formatting requirements for submitting civil motions and appellate briefs to a court.
* Edit and proofread a persuasive legal document.
* Prepare and effectively present an oral argument in support of your legal position.

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

**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. 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 in their Canvas course menu under 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/.

Course Policies:

**Attendance Policy:**

Teaching assistants will take roll during each class period. You are permitted to miss two class periods without penalty. **Missing more than two class periods may result in a reduction of your final grade.** **Missing more than six classes will result in a failing grade in the course.**

Excessive tardiness will also result in a grade penalty.

**Quiz/Exam Policy:**

There may be “pop quizzes” over the course of the semester. These scores will be considered as part of your participation grade.

**group work and Assignment PolicieS:**

During the semester, our class may be divided into small groups working with a teaching assistant. We may use these groups for in-class activities including writing labs, case discussions, peer review, research assignments, oral arguments and other in-class exercises. Your teaching assistant will also assist out of class with assignments.

I encourage you to get to know your TA and speak with him or her regularly.

*Class Participation*

Participation grades are based on class preparation, class participation (both online and in person), successful completion of all assignments, and active participation in small group discussions.

*Late Policy*

Late assignments may result in your grade being lowered by one grade increment per day. An assignment may not be accepted if it is more than three days late

*Professionalism*

I will run our classroom like a law office. Students are the new “associates”; TAs are the senior associates; and I am the law partner. I expect professionalism at all times. Each assignment is important and I expect you to write, revise, proofread, and then proofread again.

*Plagiarism and Collaboration*

All work in this class must be your own. You may discuss cases and ideas; however, you may show your written work product only to me and your TA. In this class, you may not review the work of a fellow student or allow another student to review your work, unless expressly authorized by me.

Plagiarism is a very serious offense. There are detailed policies regarding what constitutes plagiarism in your student handbook. Ignorance of the policies is not a defense to a charge of plagiarism.

**COMPuter policy:**

Electronic devices (laptops, tablets, cell phones) must remain stowed away during class time. We will be using computers in class frequently, so do plan to have it available.

**ZOOM policy:**

Please comply with the following during Zoom sessions:

* Cameras are required to remain ON during the entire session.
* Use the “Raised Hand” button under the Chat icon to ask questions during a session.
* Please dress appropriately—as you would during an in-person class—during Zoom sessions.

UF Policies:

**University Policy on Accommodating Students with Disabilities:** Students requesting accommodation for disabilities must first register with the Dean of Students Office (<http://www.dso.ufl.edu/drc/>). The Dean of Students Office will provide documentation to the student who must then provide this documentation to the instructor when requesting accommodation. You must submit this documentation prior to submitting assignments or taking the quizzes or exams. Accommodations are not retroactive, therefore, students should contact the office as soon as possible in the term for which they are seeking accommodations.

**University Policy on Academic Misconduct:** Academic honesty and integrity are fundamental values of the University community. Students should be sure that they understand the UF Student Honor Code at <http://www.dso.ufl.edu/students.php>.

**Netiquette: Communication Courtesy:** All members of the class are expected to follow rules of common courtesy in all email messages, threaded discussions and chats. <http://teach.ufl.edu/docs/NetiquetteGuideforOnlineCourses.pdf>

**pandemic policies:** In response to COVID-19, the following policies and requirements are in place to maintain your learning environment and to enhance the safety of our in-classroom interactions:

* You are required to wear approved face coverings **at all times during class** and within buildings. Following and enforcing these policies and requirements are all of our responsibility.
* This course has been assigned a physical classroom with enough capacity to maintain physical distancing (6 feet between individuals) requirements. Please utilize designated seats and maintain appropriate spacing between students. Please do not move desks or stations.
* Sanitizing supplies are available in the classroom if you wish to wipe down your desks prior to sitting down and at the end of the class.
* Practice physical distancing to the extent possible when entering and exiting the classroom.
* If you are experiencing COVID-19 symptoms (<https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>), 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 able to return too campus. <https://coronavirus.ufhealth.org/screen-test-protect/covid-19-exposure-and-symptoms-who-do-i-call-if/>.

Getting Help:

Resources are available at <http://www.distance.ufl.edu/getting-help> for:

* Counseling and Wellness resources
* Disability resources
* Resources for handling student concerns and complaints
* Library Help Desk support

Grading/Course Policies:

25% Timely and successful completion of any writing assignments, research assignments, oral arguments, quizzes, class exercises, attendance and participation.

75% Final Exam

**Grading Scale:**

Grades are recorded permanently by the Office of the University Registrar. The grade point average (GPA) is determined by computing the ratio of grade points of semester hours of work attempted in courses in which letter grades are assigned. Students receive grade points according to the following scale:

|  |  |  |
| --- | --- | --- |
| **Grade** | | **Points** |
| A (Excellent) | | 4.0 |
| A- | | 3.67 |
| B+ | | 3.33 |
| B (Good) | | 3.0 |
| B- | | 2.67 |
| C + | | 2.33 |
| C (Satisfactory) | | 2.0 |
| C- | | 1.67 |
| D+ | | 1.33 |
| D (Poor) | | 1.0 |
| D- | | 0.67 |
| E (Failure) | | 0.0 |
|  |  |

**COURSE SCHEDULE**

|  |  |  |  |
| --- | --- | --- | --- |
| **Class** | **Assigned Reading (Due Before Class)** | **Assigned Writing (Due Before Class)** | **Class Discussion** |
| 1/21 | *Core Legal Skills*, Chapters 11 & 12 | Download *Core Legal Skills (Kindle Book)* | Introduction to Course, Credibility and Bias, Assign Clients for MSJ Memo |
| 1/25 | Read MSJ Fact Pattern, Statute and Regulation, *Core Legal Skills*, Chapters 13 - 15 |  | Discuss Motion Documents, Memo Structure, Rules of Procedure |
| 1/28 | Read MSJ Memo Cases | Draft Mini Briefs for Cases (Meritor, Guess, Young), Upload to Canvas | Discuss Cases and Relevant Facts |
| 2/1 | Read MSJ Memo Cases | Draft Mini Briefs for Cases (Wilson, Parkins, Bernier), Upload to Canvas | Discuss Cases and Relevant Facts |
| 2/4 | *Core Legal Skills*, Chapter 16 | Draft Argument Outline: Substantive Rule & Relevant Facts, Upload to Canvas | Discuss Structure of Arguments for Each Side |
| 2/8 | *Complete Legal Writer*, Chapter 14, *Core Legal Skills*, Chapter 17 | Draft Fact Section for MSJ Memo, Upload to Canvas | Work on MSJ Intro., Facts |
| 2/11 | (Robert Dubose, *Eight Common Writing Mistakes in Motion Practice*, 92 ADVOCATE (Texas)) | Draft Argument for MSJ Memo, Upload to Canvas | Work on MSJ Argument, Conclusion |
| 2/15 | (Roger B. Cosbey, *Motion Practice Pointers*, 44 Res Gestae 21 (2000)) | Draft Argument for MSJ Memo, Upload to Canvas | Work on MSJ Argument |

|  |  |  |  |
| --- | --- | --- | --- |
| 2/18 | Complete Legal Writer, Chapter 15, Core Legal Skills, Chapter 18 | Complete MSJ Memo, Upload to Canvas | Discuss Motion Session, Videos |
| 2/22 |  |  | Complete Practice Argument with TA |
| 2/25 | Work on Research Assignment #1 | Complete Research Assignment #1, Upload to Canvas | Review Research Assignment #1 |
| 3/1 | *Complete Legal Writer*, Chapter 16 (*Core Legal Skills*, Chapter 19), Read Record on Appeal |  | Discuss Applicable Rules of Procedure, Motion Requirements and Substantive Rule |
| 3/4 |  | Draft Substantive Rule, Relevant Facts, Upload to Canvas | Discuss Marshaling of Facts |
| 3/8 | (Emily Ambrose, *The Art of Writing a Persuasive Fact Section*, 16 Com. & Bus. Litig. (2015)) | Draft Appellate Brief Facts and Standard of Review, Upload to Canvas | Work on Appellate Brief Facts and Standard of Review |
| 3/11 | (Jennifer M. Warren, *Building a Better Brief*, 90 OKLA. B.J. 36 (2019)) | Draft Argument for Appellate Brief, Upload to Canvas | Work on Appellate Brief Argument |
| 3/15 | Work on Research Assignment #2 | Complete Research Assignment #2, Upload to Canvas | Review Research Assignment #2 |
| 3/18 | (William Eich, *Writing the Persuasive Brief*, 76 Wis. LAW 20 (2003)) | Draft Argument for Appellate Brief, Upload to Canvas | Work on Appellate Brief Argument |
| 3/22 | *(Complete Legal Writer*, Chapter 17 (*Core Legal Skills*, Chapter 20)) | Appellate Brief Due, Upload to Canvas | Discuss Oral Argument |
| 3/25 |  |  | Writing Conferences |
| 3/29 | (Nicholas M. Cripe, *Fundamentals of Persuasive Oral Argument*, 20 FORUM 342 (1984)) |  | Discuss Oral Argument, Videos |
| 4/1 |  |  | Student Oral Arguments |
| 4/5 |  |  | Student Oral Arguments |

|  |  |  |  |
| --- | --- | --- | --- |
| 4/8 | Work on Research Assignment #3 | Complete Research Assignment #3, Upload to Canvas | Review Research Assignment #3 |
| 4/12 | Work on Final Exam |  | Final Exam Review |
| 4/15 | Work on Final Exam |  | Proofreading Strategies |
| 4/19 |  | **Final Exam Due** | Guest Speaker or Video |
| 4/22 |  |  | **Closing Arguments** |