

Legal Writing and Research for LL.M. in U.S. Law
Course # 7805, Section 14519 – 2 credits
Prof. Henry T. Wihnyk
Fall 2021

SYLLABUS

Henry T. Wihnyk, J.D., LL.M.
Senior Legal Skill Professor
339 Holland Hall
U.F. Levin College of Law
Gainesville, FL
wihnyk@law.ufl.edu
352-273-0881

Office Hours

Tuesday & Thursday: 1:00 p.m. – 2:00 p.m. and by appointment.

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:

- 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

Becoming a Legal Writer by Boyle-Laisure, Coughlin, and Patrick

The Bluebook 20th ed.

eLearning on Canvas.

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)

Grading

Legal Writing is graded by letter grade.

Your final grade in the course will be determined by:

1. Writing Assignments: 80%

Writing Assignments 1, 2, and 3 will be graded on a pass/fail basis and will comprise 20% of the total writing assignments grade. The final writing assignment will comprise 80% of the total writing assignments grade.

2. Participation: 20%

This includes satisfactory work on all assignments and compliance with course policies and class expectations. (See Class Expectations below)

You must complete all assignments to pass the course.

Information on UF Law Grading Policies

Grade	Points
A (Excellent)	4.0
A-	3.67
B+	3.33

B (Good)	3.00
B-	2.67
C+	2.33
C (Satisfactory)	2.00
C-	1.67
D+	1.33
D (Poor)	1.00
D-	0.67
E (Failure)	0.0

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>

Class Expectations

I expect you to:

- (1) satisfactorily and timely complete all writing assignments, and writing exercises;
- (2) attend and demonstrate preparedness in class; and
- (3) demonstrate professionalism.

What this means:

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.

You must complete all assignments to pass the course.

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 serious illness (yours, a close friend's, or a family member's), 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 before 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 not constitute an excuse for missing a deadline – so please don't even ask: a job interview; reasonably foreseeable transportation trouble; reasonably foreseeable computer or printer problems - this includes any difficulties submitting assignments on the course Canvas page; typist trouble; “ran out of time”; “left it at home”; “didn't understand the assignment or how to complete it.”

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 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.
- Silence cell phones and beepers.

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

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.

Attendance

Attendance is mandatory. I will allow one unexcused absence per semester on a no-questions-asked basis. Additionally, I am willing to be flexible about allowing a few excused absences, late arrivals or early departures, for good cause —such as a doctor's appointment, illness, child-care problem or job interview— provided that the good cause is brought to my attention beforehand or as soon as possible thereafter in the case of unanticipated occurrences. Absences due to observance of a religious holy day shall be treated as excused absences. Requests for excused absences must be submitted to me via E-mail.

Your final grade in the course may be lowered one level (e.g. B to B-) for each unexcused absence.

Requirements for class attendance and makeup exams, assignments, and other work in this course are consistent with university policies that can be found at:

<https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/uf-law-student-handbook-and-academic-policies>

Getting in Touch with Me

Get in touch with me by e-mail if you have any questions regarding this course or an assignment. wihnyk@law.ufl.edu

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.
- Do not align or justify the right margin.
- Each page should be numbered (center, bottom).
- Type must be Times New Roman 12 point.

- All citations must follow Bluebook Citation Manual rules or the Florida Uniform Citation System. You'll be instructed as to which to follow for each assignment.

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, you are still responsible for attending your other classes and completing the work for those classes.

The Honor Code - its Role in Our Course

In every aspect of this course – from written assignments of all types, to meetings with me, to class attendance – you're strictly bound 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.

Collaboration

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 can't do this if the work I review isn't your own. Only you, your teaching assistant, and I may review your work for the purpose of planning revisions. No other person may 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 will automatically 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.

Students should be sure that they understand the UF Student Honor Code at <http://www.dso.ufl.edu/students.php>.

Accommodation for Students with Disabilities

Students requesting accommodation for disabilities must first register with the Disability Resource Center (<http://www.dso.ufl.edu/drc/>). 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.

Health and Wellness:

U Matter, We Care:

If you or a friend is in distress, please contact umatter@ufl.edu or 352-392-1575 so that a team member can reach out to the student.

Counseling and Wellness Center:

<http://www.counseling.ufl.edu/cwc/Default.aspx>, 352-392-1575, and the University Police Department: 352-392-1111, or 911 for emergencies.

Sexual Assault Recovery Services (SARS)

Sexual Health Care Center, 352-392-1161.

University Police Department

352-392-1111, or 911 for emergencies.

<http://www.police.ufl.edu/>

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/>.

Class Meetings – Topics and Assignments

This syllabus represents my current plans and objectives. As we go through the semester, those plans may need to change to enhance the class learning opportunity. Such changes, communicated clearly, are not unusual and should be expected.

◆Week 1

Tuesday

August 24, 2021

Topic

Introduction to Legal Writing

Read for class:

- Becoming a Legal Writer:
 - Chapter 2 – Sources and Systems of the Law, **pages 19-25** (omit exercises)
 - Chapter 6 – One Legal Argument, **pages 101-103** (omit exercises)

- Readings Posted on Canvas:
 - Syllabus
 - Sample Memorandum of Law

Thursday

August 26, 2021

Topic

Reading and Understanding Statutes and Cases

Read for class:

- Becoming a Legal Writer:
 - Chapter 3 – Preparing for the Deep Read, **pages 33-40** (omit exercises); **pages 47-52** (omit exercises); **pages 57-64** (omit exercises)
 - Chapter 12 – Statutory Interpretation, **pages 215-222** (omit exercises)

- Readings Posted on Canvas:
 - Dog Bite Hypotheticals
 - Dog Bite Statute
 - Dog Bite Case – *Flick v. Malino*

Be prepared to discuss the hypotheticals, the statute, and the case, in depth, applying the principles covered in the assigned reading.

◆Week 2

Tuesday

August 31, 2021

Topic

Formulating Rules; Organizing, Explaining, and Applying the Law

Read for class:

- Becoming a Legal Writer:
 - 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 113-117** (omit exercises); **pages 129-131** (omit exercises); **pages 129-131** (omit exercises)
 - Chapter 8 – Applying the Law, **pages 141-144** (omit exercises); **pages 151-154** (omit exercises)

- Readings Posted on Canvas:
 - Checklist for Preparing and Evaluating Case Illustrations
 - Checklist for Crafting and Evaluating the Application Portion of the Discussion

Be prepared to apply the principles covered in the assigned reading to the statute, the case, and the hypothetical.

Thursday

September 2, 2021

Topic

Formulating Rules; Organizing, Explaining, and Applying the Law- continued

◆Week 3

Tuesday

September 7, 2021

Topic

-Preparing the Introduction and Conclusion

Read for class:

- Becoming a Legal Writer:

-Chapter 9 – Tying it All Together: Introducing, Connecting, and Concluding Legal Arguments, § I. Roadmaps and Umbrellas: Introducing Legal Arguments – **pages 169 – 172**; § III. Using Transitions to Connect the Dots – **pages 173-174**; § IV. Drafting Conclusions – **pages 174-175** (omit exercises)

- Readings Posted on Canvas:

-Dog Bite Memo Template

Be prepared to apply the principles covered in the assigned reading.

Thursday

September 9, 2021

Topic

-Finalizing Writing Assignment #1

Read for class:

- Becoming a Legal Writer:

Chapter 13—Revising, Editing, and Polishing, pages 233-237 (omit exercises)

Friday

September 10, 2021



Writing Assignment #1

(submit according to instructions on Canvas)

◆ Week 4

Tuesday

September 14, 2021

Topic

-Introduction to Writing Assignment # 2

Read for class:

- Readings Posted on Canvas:

-Partner Memo for Writing Assignment #2

-Burglary Statute

-*State v. Warner* and *State v. Douglas*

- Be prepared to discuss the partner's memo, the statute, and the cases.
- Print out the burglary statutes.
- Outline the statute's elements that the prosecution would need to prove to establish (1) that a thing is a burglar's tool and (2) that a person is guilty of Burglary in the First Degree.

Thursday

September 16, 2021

Topic

- Formulating a Rule

Using *Warner* and *Douglas*, be prepared to synthesize a rule that will explain when an article is "adapted" for use as a burglary tool. See if you can state more precisely than the courts did when the courts find that an article is adapted.

◆ Week 5

Tuesday

September 21, 2021

Topic

- Explaining the Rule

Be prepared to explain the rule regarding when an item is "adapted" to be a burglary tool using case illustrations of *Warner* and *Douglas*.

Thursday

September 23, 2021

Topic

- Applying the Rule

Read for class:

- Readings Posted on Canvas:
 - Burglary application case chart.

Complete the chart and be prepared to discuss it in class.

◆Week 6

Tuesday

September 28, 2021

Topic

-Applying the Rule - continued

Thursday

September 30, 2021

Topic

-Finalizing Writing Assignment # 2

Read for class:

- Readings Posted on Canvas:
 - Outline/Template of the Discussion of the Burglary Issue

◆Week 7

Monday

October 4, 2021



Writing Assignment #2

(submit according to instructions on Canvas)

Tuesday

October 5, 2021

-Introduction to Writing Assignment # 3

Read for class:

- Readings Posted on Canvas:
 - Partner's Memo for Writing Assignment # 3
 - Cases
 - In Re Marriage of Coward*
 - In Re Marriage of Rudder*
 - Statute re Premarital Agreements

Be prepared to discuss the Partner's Memo, the cases, and the statute.

Thursday

October 7, 2021

Topic

In-Class Work on Writing Assignment # 3

◆Week 8

Tuesday

October 12, 2021

Topic

In-Class Work on Writing Assignment # 3

Thursday

October 14, 2021

Topic

In-Class Work on Writing Assignment # 3

◆Week 9

Tuesday

October 19, 2021

Topic

In-Class Work on Writing Assignment # 3

Thursday

October 21, 2021

Topic

In-Class Work on Writing Assignment # 3

◆Week 10

Tuesday

October 26, 2021

Topic

Introduction to Final Writing Assignment

Read for class:

- Readings Posted on Canvas:
 - Partners Memo and Cases for Final Writing Assignment

Thursday

October 28, 2021

Topic

In-Class Work on Final Writing Assignment

◆Week 11

Tuesday

November 2, 2021

Topic

- In-Class Work on Final Writing Assignment

Thursday

November 4, 2021

Topic

-In-Class Work on Final Writing Assignment

◆Week 12

Tuesday

November 9, 2021

Topic

-Preparing for and Answering Law School Exam Questions

Read for class:

- Readings Posted on Canvas: TBA

Thursday

November 11, 2021

NO CLASS – Veterans Day

◆ Week 13

Tuesday

November 16, 2021

Topic

-Preparing for and Answering Law School Exam Questions continued

Thursday

November 18, 2021

Topic

-In-Class Work on Final Writing Assignment

◆ Week 14

Tuesday

November 23, 2021

Topic

-In-Class Work on Final Writing Assignment

Monday

November 29, 2021



Final Writing Assignment
(submit according to instructions on Canvas)