

Legal Writing and Research for LL.M. in Comparative Law
Course # 7805, Section 15638 – 2 credits
LL.M. in Comparative Law – American Law
Prof. Henry T. Wihnyk
Fall 2019

SYLLABUS

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Office Hours

Tuesday & Thursday: 10:00 – 10:30; 2:00 - 2:30; 4:00 - 5:30; 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

Materials – To be supplied by Prof. Wihnyk

The Bluebook 20th ed.

Course TWEN page: *Legal Writing and Research for LL.M. in Comparative Law (Fall 2019) – Professor Henry T. Wihnyk*

Grading

Legal Writing is graded by letter grade.

Your final grade in the course will be determined by:

1 Final Writing Assignment: 80%

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:

<http://www.law.ufl.edu/student-affairs/current-students/academic-policies#9>

Class Expectations

I expect you to:

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

Demonstrate preparedness in writing conferences

You will be required to meet with me to confer about your work in the course. I expect that before a writing conference you will have reviewed all comments written on your paper by your teaching assistant and by me. I expect that you will have reviewed all portions of our text and course materials relevant to the revisions you'll need to perform. I expect that you will come to the conference with specific questions for me about your work and how to improve it.

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.
- Do not wear hats in class.
- You may not record class sessions without my express consent.

Attendance

You are required to attend all scheduled class meetings, writing conferences, and mandatory special events. I will excuse absences caused by illness, emergencies, and observance of religious holidays.

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

<http://www.law.ufl.edu/student-affairs/current-students/academic-policies#3>

Getting in Touch with Me

Please come see me in my office (339 Holland Hall) or get in touch with me by e-mail if you have any questions regarding this course or an assignment. My office hours are:

Tuesday & Thursday: 10:00 – 10:30 (§A); 2:00 - 2:30 (§B); 4:00 - 5:30 (§A&B) and by appointment.

You may stop by my office at other times and I'll be happy to meet with you or

schedule an appointment for another time if I'm busy. I keep my office door closed, so please feel free to knock.

My office phone number is (352) 273-0881. My e-mail address is 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/>.

**Schedule of Class
Meetings starts on the
following page.**

Legal Writing and Research for LL.M. in Comparative Law

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.

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
August 2019						
25	26	27 <u>Introduction to Legal Writing</u> Read for class: TWEN - Syllabus: Course Description, Grading Policies, My Expectations, Class Meetings – Topics and Assignments Materials – Pages 1 – 4	28	29 <u>Reading and Thinking Like a Lawyer</u> Read for class: Materials – Pages 5 – 11. TWEN – Dog Bite Statute; <i>Flick v. Malino</i> ; Dog Bite story. Be prepared to apply the principles discussed in the materials to the statute and the case and Be prepared to find and explain the rule from the Dog Bite Statute in the context of Dog Bite Story.	30	31

S	Monday	Tuesday	W	Thursday	Friday	Saturday
September 2019						
	2	3 <u>-The Structure of Legal Analysis</u> <u>-Explaining the Law</u> READ: TWEN – Sample Discussion of a Legal Issue; Writing Assignment Materials - Read the Facts in Writing Assignments 1,2,3 Materials - pages 15 - 32 -pay close attention to pages 22-32, Be prepared to begin working on a case illustration of <i>Flick</i> .	4	5 <u>Explaining and Applying the Law</u> Read for class: Materials - Pages 33 – 51 Be prepared to continue working on a case illustration of <i>Flick</i> and be prepared to apply the rule from <i>Flick v. Malino</i> to the facts of Writing Assignment 1, 2, 3,	6	7
8	9 DUE: Writing Assign. #1 9:00 a.m.	10 <u>Applying the Law</u>	1 1	12 <u>Applying the Law</u>	13	14
15	16 DUE: Writing Assign. #2 9:00 a.m.	17 <u>Preparing the Roadmap/Introduction</u>	1 8	19 <u>Introduction to Writing Assignments 4, 5, 6</u> READ: TWEN- Writing Assignment Materials - -Partner Memo for Writing Assignments 4, 5, 6. -Burglary Statute - <i>State v. Warner</i> and <i>State v. Douglas</i> -Print out the burglary statutes. Outline the 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.	20	21
22	23 DUE: Writing Assign. #3 9:00 a.m.	24 <u>Is a Cow a Car?</u>	2 5	26 <u>Lexis Training</u>	27	28
29	30					

Sunday	Monday	Tuesday	W	Thursday	Friday	Saturday
October 2019						
		<p>1</p> <p><u>Formulating a Rule</u></p> <p>Read <i>State v. Warner</i> and <i>State v. Douglas</i>. 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.</p>	<p>2</p>	<p>3</p> <p><u>Explaining the Rule</u></p> <p>Be prepared to explain the rule regarding when an item is "adapted" to be a burglary tool using case illustrations of <i>Warner</i> and <i>Douglas</i></p>	<p>4</p>	<p>5</p>
6	<p>7</p> <p><i>DUE: Writing Assign. #4 9:00 a.m.</i></p>	<p>8</p> <p><u>Applying the Rule</u></p>	<p>9</p>	<p>10</p> <p><u>Applying the Rule</u></p>	<p>11</p>	<p>12</p>
13	14	<p>15</p> <p><u>Westlaw Training</u></p>	<p>16</p>	<p>17</p> <p><u>Preparing for and Answering Law School Exam Questions</u></p>	<p>18</p>	<p>19</p>
20	<p>21</p> <p><i>DUE: Writing Assign. #5, 9:00 a.m.</i></p>	<p>22</p> <p><u>Preparing for and Answering Law School Exam Questions</u></p>	<p>23</p>	<p>24</p> <p><u>Preparing for and Answering Law School Exam Questions</u></p>	<p>25</p>	<p>26</p>
27	<p>28</p> <p><i>DUE: Writing Assign. #6, 9:00 a.m.</i></p>	<p>29</p> <p><u>Introduction to Final Writing Assignments</u></p>	<p>30</p>	<p>31</p> <p><u>In-Class Work on Final Writing Assignments</u></p>		

Sunday	Monday	Tuesday	W	Thursday	Friday	Saturday
November 2019						
					1	2
3	4	5 <u>Statutory Analysis</u> Read for class: Handout re: Statutory Analysis.	6	7 <u>In-Class Work on Final Writing Assignments</u>	8	9
10	11	12 <u>In-Class Work on Final Writing Assignments</u>	13	14 <u>In-Class Work on Final Writing Assignments</u>	15	16
17	18	19 <u>In-Class Work on Final Writing Assignments</u>	20	21 <u>In-Class Work on Final Writing Assignments</u>	22	23
24	25	26 No Class Friday Classes Meet	27	28  HAPPY THANKSGIVING!	29	30

<i>Sunday</i>	<i>Monday</i>	<i>Tues</i>	<i>Wed</i>	<i>Thursday</i>	<i>Fri</i>	<i>S</i>
<i>December 2019</i>						
1	2 DUE: Final Writing Assign. 9:00 a.m.	3 NO CLASS	4	5	6	7