

ENC 3465: WRITING IN THE LAW

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Office Hours: MW 1:30-2:30 and by appointment
On-line Syllabus: <https://lss.at.ufl.edu/>
Class Number: 12652

COURSE DESCRIPTION

Credits: 3; Prereq: ENC 1101 or ENC 1102.

In courts of law, people depend on the ability of their attorneys to use language effectively, which generally means winning arguments. And while some of the most eloquent writing about our society has been set down by lawyers, legislators, and judges, the discipline of law is notorious for producing impenetrable and, as a result, ineffective documents. Our job will be to learn what we can from those well-stated arguments and opinions and to avoid what makes legal writing so notoriously difficult to read.

Writing well and winning arguments don't happen by accident, so this course is designed to be a practical workshop in which students put legal reasoning into practice. In this setting, students learn to write the most common legal forms: the legal brief and the researched legal memorandum. Conducting legal research, students become familiar with law library resources, and, in all of the work, develop the rhetorical skills of argument and persuasion while mastering the basic elements of style. Field trips to the county court or the UF Law School's moot court will show that speaking is also integral to the discipline of law; in class, students will have the opportunity to develop their own speaking skills in moot-court-style debates.

OUTCOMES AND OBJECTIVES

In ENC 3465, students will learn to

- plan, draft, revise, and edit documents for use in law school and the profession of law
- adapt writing to different audiences, purposes, and contexts
- synthesize and report on the professional literature in the legal field
- write in a clear, coherent, and direct style appropriate for law
- understand and employ the various forms of legal writing, including legal briefs and legal memoranda
- avoid plagiarism

REQUIRED & RECOMMENDED TEXTS

Readings, including instructional materials, cases, and research articles, are indicated in the schedule and will be made available online.

Recommended: Garner, Bryan A. *Legal Writing in Plain English, A Text with Exercises*, 2nd Edition. Chicago: University of Chicago Press. Available online at Scribd and as a paperback in the UF Bookstore as well as online.

ASSIGNMENTS AND PROJECTS

Brief Writing Exercise

Students will explore an everyday conflict between individuals, involving themselves or people they know. To develop an understanding of the form and purpose of the legal brief, the conflict will be discussed as if it were a lawsuit and one party were suing another.

Legal Brief

Using a structure applicable to legal reasoning (Issue-Rule-Application-Conclusion), students write a thorough legal brief that takes a strong stand for the plaintiff or the defense in one of the negligence or emotional distress cases read for class.

Researched Legal Memorandum

Students will write an interoffice memorandum of law on a topic of their choice. The topic might be derived from an actual case current in the news or from some personal experience. Having completed research on the case law and relevant statutes, students will examine the issue from all of the relevant angles and report the findings in the form of a memorandum so a hypothetical law firm can decide how to proceed.

Application Packet (Résumé & Personal Statement or Letter of Application)

In this multi-part assignment, students first identify a prospective law school or internship. Next, students research the school or internship and construct a profile for the ideal candidate for this position. Finally, students write a personal statement or letter of application and a résumé for this particular position.

Debates and Associated Briefs

Students participate in a series of legal debates (similar to moot court debate) and write up their arguments in trial briefs as a method of preparing to present the oral arguments.

In-Class Activities and Homework

Throughout the semester, students work in class and on homework assignments that prepare them for the major work described above. Included in that work are drafts, a research scavenger hunt, an annotated bibliography, and case flow charts.

GRADING

Grading for this course will be rigorous. Successful assignments will demonstrate understanding and practice of professional writing. Students are expected to follow the conventions of the discipline as specified in the appropriate manuscript form and illustrated in the major scholarly and professional publications in the field. To receive a passing grade, each paper must reach the minimum assigned word count.

Assignment Values and Word Counts

<u>Assignments</u>	<u>Points</u>	<u>Words</u>
Brief Writing Exercise	100	600
Legal Brief	200	1000
Researched Memorandum	300	2000
Application Materials	100	1200
Debates and 4 Trial Briefs	200	2000
In-Class Activities and Homework	100	
Total	1,000	6,800

Grading Scale

A	4.0	94%	94-100	940-1000	C	2.0	73%	74-76	740-769
A-	3.67	90%	90-93	900-939	C-	1.67	70%	70-73	700-739
B+	3.33	87%	87-89	870-899	D+	1.33	67%	67-69	670-699
B	3.0	84%	84-86	840-869	D	1.0	63%	64-66	640-669
B-	2.67	80%	80-83	800-839	D-	0.67	60%	60-63	600-639
C+	2.33	77%	77-79	770-799	E	0.00	<60%	0-59	0-599

Minor assignments, such as quizzes and homework, may be dropped or added to the schedule, which will change the total points available. In this case, final grades will be based on a percentage of points earned. Grades will not be rounded.

Note: A grade of C- is not a qualifying grade for major, minor, Gen Ed, or College Basic distribution credit. For further information on UF's Grading Policy, see:

<https://catalog.ufl.edu/ugrad/current/regulations/info/grades.aspx#hgrades>

<http://www.isis.ufl.edu/minusgrades.html>

GENERAL EDUCATION OBJECTIVES

This course confers General Education credit for Composition (C). Composition courses provide instruction in the methods and conventions of standard written English (i.e., grammar, punctuation, usage) and the techniques that produce effective texts. Composition courses are writing intensive, require multiple drafts submitted to your instructor for feedback before final submission and fulfill 6,000 of the university's 24,000-word writing requirement. Course content should include multiple forms of effective writing, different writing styles, approaches and formats, and methods to adapt writing to different audiences, purposes and contexts. Students should learn to organize complex arguments in writing using thesis statements, claims and evidence, and to analyze writing for errors in logic.

In Writing in the Law, these objectives will be met in a variety of ways. Each major writing assignment, such as the legal brief and the memorandum of law, constitutes a particular aspect or type of legal writing that requires a different writing style, approach, and format. Especially important in all of the assignments is adapting our rhetoric to different audiences, purposes, and contexts. For example, some legal briefs are written for colleagues in preparation for a trial, whereas other legal briefs are written to be presented to a judge in support of a particular argument or motion. Because understanding the audience and context is so important, students are required to write several of the assignments in two versions that present opposite positions. Every assignment in the course requires that students develop complex arguments, establishing a claim and providing effective evidence. Reasoning is based on the classical syllogism in which a law (the major premise) is applied to a set of facts (the minor premise) to arrive at a conclusion. In every assignment we will emphasize clarity and conciseness, stylistic elements essential to winning legal arguments.

GENERAL EDUCATION STUDENT LEARNING OUTCOMES

Content: Students demonstrate competence in the terminology, concepts, theories and methodologies used within the discipline.

Communication: Students communicate knowledge, ideas and reasoning clearly and effectively in written and oral forms appropriate to the discipline.

Critical Thinking: Students analyze information carefully and logically from multiple perspectives, using discipline-specific methods, and develop reasoned solutions to problems.

Student Learning Outcomes will be assessed in several ways. Content knowledge will be assessed primarily through students' performance on the written assignments in which students apply the information and practices described in the instructional materials. The communication outcome will also be assessed through the major writing assignments, in which students are required to reason well and convey their knowledge and ideas clearly, as well as through collaborative activities both in-class and out-of-class, such as the moot court debates. Critical thinking, a fundamental component of this course, will be assessed by measuring the

degree to which papers accurately analyze laws and effectively apply them to legal disputes, the ultimate test being whether a legal argument is likely to prevail.

WRITING REQUIREMENT

This course also confers 6000 words towards the Writing Requirement (WR), which ensures students both maintain their fluency in writing and use writing as a tool to facilitate learning. While helping students meet the broad learning outcomes of content, communication, and critical thinking, the instructor will evaluate and provide feedback on students' written assignments with respect to grammar, punctuation, clarity, coherence, and organization.

Course grades have two components. To receive Writing Requirement credit, a student must receive a grade of C or higher in the course and complete the writing component of the course satisfactorily. Thus, to earn WR-E6 credit, students must complete all the major writing assignments.

ASSESSMENT RUBRIC

	SATISFACTORY (Y)	UNSATISFACTORY (N)
CONTENT	Papers exhibit evidence of ideas that respond to the topic with complexity, critically evaluating and synthesizing sources, and provide an adequate discussion with basic understanding of relevant cases and laws.	Papers either include a central idea(s) that is unclear or off-topic or provide only minimal or inadequate discussion of ideas. Papers may also lack sufficient or appropriate sources.
ORGANIZATION AND COHERENCE	Documents and paragraphs exhibit identifiable structure for topics, including a clear issue statement, headings, and topic sentences. Format should be appropriate for legal reasoning and the legal profession.	Documents and paragraphs lack clearly identifiable organization, may lack any coherent sense of logic in associating and organizing ideas, and may also lack transitions and coherence to guide the reader.
ARGUMENT AND SUPPORT	Documents use persuasive and logical presentation of ideas, strongly supported with evidence. At the weak end of the satisfactory range, documents may provide only generalized discussion of ideas or may provide adequate discussion but rely on weak support for arguments.	Documents make only weak generalizations, providing little or no support, as in summaries or narratives that fail to provide critical analysis.
STYLE	Documents use a writing style with word choice appropriate to the context,	Documents rely on word usage that is inappropriate for the context, genre, or discipline.

	genre, and discipline. Sentences should display complexity and logical structure.	Sentences may be overly long or short with awkward construction. Documents may also use words incorrectly.
MECHANICS	Papers will feature correct or error-free presentation of ideas. At the weak end of the satisfactory range, papers may contain a few spelling, punctuation, or grammatical errors that remain unobtrusive and do not obscure the paper's argument or points.	Papers contain so many mechanical or grammatical errors that they impede the reader's understanding or severely undermine the writer's credibility.

COURSE POLICIES AND PROCEDURES

Attendance and Participation

Writing in the Law is a skills-based class. Because we develop skills through experience and practice, attendance and participation is vital--the more we write, the better writers we become. Instruction is often based on in-class activities, which are difficult or impossible to replicate outside of class. Consequently, frequent absences will affect students' success in the course.

Attendance is required. The policy of the University Writing Program is that if students miss more than six periods during the term, they will fail the entire course. Double periods count as two absences. The UWP exempts from this policy only those absences due to university-sponsored events, such as athletics and band, religious holidays, quarantine, illness, or serious family emergencies. Requirements for class attendance and make-up exams, assignments, and other work in this class are consistent with university policies that can be found at <https://catalog.ufl.edu/ugrad/current/regulations/info/attendance.aspx>.

For any synchronous Zoom classes, attendance will be taken by the students' visual presence and active engagement in the class.

Please note: If students are absent, it is their responsibility to make themselves aware of all due dates. If absent due to a scheduled event, students are still responsible for turning assignments in on time.

Since this class is based on active learning, unexcused absences will affect your grade because of missed workshops or activities that are graded, and each absence beyond three lowers your grade by 50 points. Repeated tardiness will also hurt your grade. Arriving more than 15 minutes after class starts will count as an unexcused absence.

Since so much of professional writing is collaborative, participation is a crucial part of the class. Students are expected to work with their peers in a professional manner designed to support the success of the groups.

Some portions of this course may be recorded. The instructor will announce when a recording is taking place. Students who keep a camera on and display a profile image are consenting to have these recorded as part of the session. Likewise, students who participate orally are consenting to have their voices recorded. If a student does not consent to being recorded, then the student should turn off the camera and microphone during the recorded session. The chat feature may be used for class activities. Chat content may be recorded but will only be shared with consent. As in all courses, unauthorized recording and unauthorized sharing of recorded materials is prohibited. Students should inform instructors of accessibility or technology assistance before the course begins.

Academic Honesty

As a University of Florida student, your performance is governed by the UF Student Honor Code, (<https://catalog.ufl.edu/ugrad/current/advising/info/student-honor-code.aspx>). The Honor Code requires Florida students to neither give nor receive unauthorized aid in completing all assignments. Violations include cheating, plagiarism, bribery, and misrepresentation, all defined in detail at the above site.

Plagiarism

Plagiarism is a serious violation of the Student Honor Code. The Honor Code prohibits and defines plagiarism as follows:

Plagiarism. A Student must not represent as the Student's own work all or any portion of the work of another. Plagiarism includes but is not limited to:

1. Stealing, misquoting, insufficiently paraphrasing, or patch-writing.
2. Self-plagiarism, which is the reuse of the Student's own submitted work, or the simultaneous submission of the Student's own work, without the full and clear acknowledgment and permission of the Faculty to whom it is submitted.
3. Submitting materials from any source without proper attribution.
4. Submitting a document, assignment, or material that, in whole or in part, is identical or substantially identical to a document or assignment the Student did not author.

(University of Florida, Student Honor Code, 8/19/2020)

University of Florida students are responsible for reading, understanding, and abiding by the entire [Student Honor Code](#). The University Writing Program takes plagiarism very seriously, and treats instances of plagiarism as dishonesty and as a failure to comply with the scholarly requirements of this course. You commit plagiarism when you present the ideas or words of someone else as your own.

Important tip: You should never copy and paste something from the Internet without providing the exact location and citation information for the source.

If a student plagiarizes all or any part of any assignment, he or she will be awarded a failing grade on the assignment. Additionally, instructors may impose a course grade penalty and report any incident of academic dishonesty to the Office of the Dean of Students. Each student's work may be tested for its originality against a wide variety of databases by anti-plagiarism sites to which the University subscribes, and negative reports from such sites may constitute proof of plagiarism. Other forms of academic dishonesty will also result in a failing grade on the assignment as a minimum penalty. Examples include cheating on a quiz or citing phony sources or quotations.

Classroom Conduct

Much of this class is discussion-based, so it is vital that we show respect for each other's views. Students are required to set cell phones to vibrate during class. Ringing phones and text messaging is an unprofessional disruption, which may result in your being asked to leave the classroom and being counted absent.

Due Dates, Make-up Policy, and In-Class Work

Papers and drafts are due at the beginning of class or online at the assigned deadline. Late papers will not be accepted without a valid excuse as outlined above. In these cases, students should consult with the instructor to turn in the work as soon as is feasible given the situation. Note that failure of technology is not an excuse.

Requirements for class attendance and make-up exams, assignments, and other work in this course are consistent with university policies that can be found in the online catalog at <https://catalog.ufl.edu/ugrad/current/regulations/info/attendance.aspx>.

Readings

Reading assignments typically appear in the syllabus on the date on which they are due. Students should have completed these readings before coming to class that day.

Conferences and Writing Studio

Students are encouraged to use the instructor's office hours if there are questions about progress in the course, work underway, or any other course-related concerns. If there is a conflict with the posted office hours, please contact the instructor to schedule a better time. Having conferences on assignments is often the best way to improve the quality of final drafts.

The [Writing Studio](#) also offers one-on-one assistance on writing projects and is available to students of all levels.

Evaluations

Students are expected to provide feedback on the quality of instruction in this course based on 10 criteria. These evaluations are conducted online at <https://evaluations.ufl.edu>. Evaluations are typically open during the last two or three weeks of the semester, but students will be given specific times when they are open. Summary results of these assessments are available to students at <https://evaluations.ufl.edu>.

Students with Disabilities

Students with disabilities requesting accommodations should first register with the Disability Resource Center (352-392-8565, www.dso.ufl.edu/drc/) by providing appropriate documentation. Once registered, students will receive an accommodation letter which must be presented to the instructor when requesting accommodation. Students with disabilities should follow this procedure as early as possible in the semester.

SCHEDULE OF CLASSES AND ASSIGNMENTS

Readings, activities, and assignments are listed here and in the learning modules portion of the website. Due dates are indicated in the website calendar and listed under the syllabus tab.

	Calendar Event Welcome and In-Class Activity
Week 1	Assignment Battery Activity
	Quiz Course Acknowledgements
	Assignment Study Prompt: The US Legal System
	Calendar Event Discuss: "The United States Legal System," Leonard Tourney and Gina Genova
	Assignment Canvas Profile & Professional Bio
	Calendar Event The Form of Legal Research
	Calendar Event Discuss: "IRAC: How to Write about Legal Cases," David Hrick

	Quiz The Form of Legal Research
Week 2	Calendar Event An Effective Style for Legal Writing
	Calendar Event Formats for Professional Writing
	Assignment Legal Brief 1: An Exercise Concerning an Everyday Situation
	Calendar Event In Class: Introduce New Cases and Discuss Negligence Rule
Week 3	Calendar Event In Class: Form debate teams, draft a rule section for your case, and outline your analysis.
	Assignment Outline of Analysis for Brief 2
	Calendar Event In Class: Causal Reasoning & Burden of Proof
Week 4	Calendar Event Burden of Proof
	Assignment Draft of Legal Brief 2
	Calendar Event In Class: Strengths & Weaknesses Analysis of Legal Brief 2
	Assignment Strengths and Weaknesses Analysis
	Calendar Event Debates Prep: Organize your team for the debate. Discuss strategies for arguments.
	Calendar Event Discuss Debate Format
	Calendar Event In Class: Debates
Week 5	Calendar Event In Class: Debates

Calendar Event [In Class: Debates](#)

Assignment [Legal Brief 2](#)

Calendar Event [In Class: Introduce The Researched Legal Memorandum](#)

Calendar Event [Law Library and Legal Research Orientation. Homework: Watch Video of Law School Librarian](#)

Week 6

Calendar Event [Principles of Legal Research](#)

Calendar Event [Discuss Issue Statements and Legal Research](#)

Calendar Event [Citation Format](#)

Calendar Event [Homework: Write annotated bibliography.](#)

Assignment [Legal Research Scavenger Hunt](#)

Assignment [Issue Statement](#)

Discussion Topic [Case Presentations--3 Points Extra Credit](#)

Calendar Event [Memorandum Structure](#)

Week 7

Calendar Event [The Statement of Facts](#)

Assignment [Annotated Bibliography](#)

Assignment [Revised Issue and Statement of Facts](#)

Calendar Event [Application of the Law: General Principles and Description of Rules](#)

Assignment [Rule for the Researched Memorandum](#)

	Calendar Event Application Activity: Organizing an Analysis based on Case Law
	Assignment Creating a Legal Test by Synthesizing Cases
Week 8	Calendar Event Application of the Law or Analysis: Using Case Precedent and Arguing by Analogy
	Calendar Event Style Lesson: Paragraph Coherence Use of Citations
	Assignment Application of the Law Peer Review
Week 9	Calendar Event Conclusions and Recommendations
	Calendar Event Editing for Punctuation
	Assignment Researched Legal Memorandum
	Calendar Event Discuss Law School and Internship Applications
	Assignment Request for Personal Statement or Job Ad
	Calendar Event Writing the Résumé for Graduate School. Bring your résumé to class, if you have an existing one.
Week 10	Assignment Draft of Résumé
	Calendar Event Topic: Writing a Personal Statement
	Assignment Application Materials for Peer Review
	Assignment Application Materials Individualized Peer Review--Up to 3 points
	Assignment Law School and Professional Applications: The Résumé & Personal Statement or Letter of Application

	Calendar Event Cases: Grandparent's Visitation Rights
Week 11	Calendar Event Logic: Flowcharts
	Quiz Grandparent Visitation Legal Concepts
	Calendar Event Share Flow Charts & Perform Strengths/Weaknesses Analysis
	Assignment Flowchart of Grandparents' Rights Case
	Assignment Draft of Grandparents' Visitation Rights Brief
	Calendar Event Discuss Oral Presentations
	Calendar Event Prep for Round 1
Week 12	Calendar Event Debates, Round 1
	Calendar Event Debates, Round 1
	Calendar Event Debates, Round 1
Week 13	Assignment Grandparent Visitation Brief
	Calendar Event New Cases for Final Rounds
	Calendar Event Harris v. Jones Prep Team Presentation
	Calendar Event Debates, Round 2: Harris v. Jones
Week 14	Calendar Event Debates, Round 2: Harris v. Jones
	Calendar Event Strong Prep Team Presentation

Assignment [Harris v. Jones Brief](#)

Quiz [New York v. Strong Worksheet](#)

Calendar Event [Debates, Round 2: New York v. Strong](#)

Week 15 Calendar Event [Debate Tournament](#)

Assignment [New York v. Strong Brief](#)

Calendar Event [Debriefing and Final Class](#)

Calendar Event [University of Florida GatorEvals](#)

Week 16 Debate Tournament
Course Debriefing
Quiz [Evaluation Extra Credit \(Up to 3 points\)](#)