

# ENC 3465: Writing in Law (11808)

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**Instructor:** Dan Dougherty

**Email:** danieldougherty@ufl.edu

**Office Hours:** TBA

Office: 2215 Turlington; Zoom link:

**Class Meeting Days/Times:** T/R 7/7-8

## COURSE DESCRIPTION

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 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 do not 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

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 forms of legal writing, including legal briefs and legal memoranda
- avoid plagiarism

Students must pass this course with a “C” or better to satisfy the CLAS requirement for Composition (C). The University Writing Requirement (WR) ensures students both maintain their fluency in writing and use writing as a tool to facilitate learning. Course grades now have two components. To receive University Writing Requirement (WR) credit (E6), a student must earn a course grade of C or higher and papers must meet minimum word requirements totaling 6000 words.

## REQUIRED TEXTS & TECHNOLOGIES

- **There is no text book to buy for this course.** Cases and research articles are 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.
- Per CLAS policy, using Canvas is required in this class.

- The UWP adheres to the [UF Student Computing Requirements](#).
  - If you're in a noisy or distracting environment, we strongly recommend headphones with a microphone for synchronous classes.
  - All students should have access to a web cam of some kind.
- If conducted remotely, synchronous classes will require that you access Zoom using your UF Gatorlink account.

**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. 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.

## GRADING AND COURSE CREDIT POLICIES

### WRITING ASSIGNMENT PROMPTS AND ASSESSMENT RUBRICS

Each writing assignment listed below is described in its own prompt on Canvas. These prompts provide details of the expectations and guidelines for successful writing given the assignments' different readers and purposes. Rubrics explaining assignment expectations and grading logic will be attached to assignment entries on our Canvas site, and you are advised to consult them as you write.

### GRADING EXPECTATIONS

Grading for this course is rigorous. Successful assignments demonstrate the understanding and practice of legal writing. Students should follow the conventions of the discipline as specified in the appropriate manuscript form and illustrated in the major scholarly and professional law publications. To earn a passing grade, each paper must reach the minimum assigned word count.

Grade Distribution	Points	Words	Totals
Syllogism Exercises	25	600	1000 points
Legal Brief 1 (Writing Exercise)	50	600	7400 words
First Debate	50		
Legal Brief 2	100	1000	
Legal Memorandum	200	2000	
Application Materials	100	1200	
Debates and Briefs 3 and 4	280	2000	
Homework	85		
Includes: Document Outlines, Annotated Bibliography, and Other Activities			
Peer Reviews	60 (6x10)		
Attendance	50		

**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.**

## Grading Scale

The University Writing Program uses the UF recommended grading scale.

A	100 %	to 94.0%
A-	< 94.0 %	to 90.0%
B+	< 90.0 %	to 87.0%
B	< 87.0 %	to 84.0%
B-	< 84.0 %	to 80.0%
C+	< 80.0 %	to 77.0%
C	< 77.0 %	to 74.0%
C-	< 74.0 %	to 70.0%
D+	< 70.0 %	to 67.0%
D	< 67.0 %	to 64.0%
D-	< 64.0 %	to 60.0%
E	< 60.0 %	to 0.0%

**Note: A grade of C- does not qualify for major, minor, Gen Ed, or College Basic distribution credit.** For more 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>

## BRIEF ASSIGNMENT AND PROJECT DESCRIPTIONS

### Syllogism Exercises (600 words)

Students will practice reading rules and scenarios and will practice legal analysis using syllogisms.

### Legal Brief 1 (600 words)

Students will begin considering legally actionable activities relative to applicable municipal laws. This first short brief will give us practice writing our later, more complicated briefs.

### Legal Brief 2 (1000 words)

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

### Research Legal Memorandum (2000 words)

Students will research statutes and opinions relevant to a given topic. After research, they will examine the issue from all angles and report the findings so a hypothetical law firm can decide how to proceed.

### Law School or Professional Application Materials (1200 words)

In this multi-part assignment, students will write a personal statement and a résumé for law school.

### Debates and Briefs 3 and 4 (2000 words)

Students will participate in a series of legal debates and write legal briefs in support of their side.

## Assessment Rubric

	SATISFACTORY (Y)	UNSATISFACTORY (N)
CONTENT	Papers exhibit ideas that respond to the topic with complexity, critically evaluating and synthesizing sources, and provide an adequate discussion w/basic understanding of sources.	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 adequate or appropriate sources.
ORGANIZATION /COHERENCE	Documents and paragraphs exhibit identifiable structure for topics, including a clear thesis statement and topic sentences.	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 confident 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, genre, and discipline. Sentences should display complexity and logical structure.	Documents rely on word usage inappropriate for the context, genre, or discipline. Sentences may be overly long or short with awkward construction. May use words incorrectly.
MECHANICS	Papers feature correct or error-free presentation of ideas. At the weak end of satisfactory, 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.

## 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, and 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 will include multiple forms of effective writing, different writing styles, approaches, and formats as well as methods to adapt 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 legal memorandum, constitutes an aspect or type of legal writing that requires a different writing style, approach, and format. Especially important in all 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 others are written to be presented to a judge in support of an argument. 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. Here, students are required to reason well and convey their knowledge and ideas clearly. Students will also communicate with each other in collaborative activities in- 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.

### 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, I will evaluate and provide feedback on students' written assignments with respect to grammar, punctuation, clarity, coherence, and organization.

The end-of-semester assessment for the course has two components, a course grade and credit for the Writing Requirement. **To receive Composition credit, students must complete all the writing assignments counting toward the Writing Requirement. To receive Writing Requirement credit, students must receive a grade of C or higher and complete all the writing assignments.**

## COURSE POLICIES AND PROCEDURES

### Attendance

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. Absences related to university-sponsored events must be discussed with the instructor **prior** to the date that will be missed. For absences due to quarantine or illness, your instructor may require a signed doctor's note or confirmation from UF Screen, Test, & Protect. Students are responsible for updating their UF-required Screen, Test, & Protect status.

Requirements for class attendance, 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>

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.

**Tardiness:** If students enter class after roll has been taken, they are late, which disrupts the entire class. Two instances of tardiness count as one absence. This applies to both in-person and synchronous Zoom

classes. When attending a Zoom class, make sure you join the class early enough to correct any technological issues you encounter. Make sure to mute your microphone upon entry.

### Classroom Demeanor

Please keep in mind that students come from diverse cultural, economic, and ethnic backgrounds. Some of the texts we will discuss and write may engage controversial topics and opinions. Diversified student backgrounds combined with provocative texts require that you demonstrate respect for ideas that may differ from your own. Disrespectful behavior will result in dismissal, and accordingly absence, from the class.

### In-Class Work

Active participation is a crucial part of success in this class. Students will be expected to work in small groups and participate in group discussions, writing workshops, peer reviews, and other in-class activities. Be prepared for unannounced quizzes or activities on the readings or classroom discussion. In general, students are expected to contribute constructively to each class session.

### Paper Maintenance Responsibilities

Students are responsible for maintaining copies of all work submitted in this course and retaining all returned, graded work until the semester is over. Should the need arise for a resubmission of papers or a review of graded papers, it is the student's responsibility to have and to make available this material.

### Submission Requirements

All papers will be submitted as **MS Word (.doc, .docx) documents** to Canvas. Sometimes, pdfs will be accepted, too. Final drafts should be polished and presented in a professional manner. Because professional communication varies in document design, all papers will have specific formatting guidelines to follow. Please read these carefully and ask questions early to avoid losing points.

Papers and drafts are due online at the assigned day and time. Late papers will not be accepted. Failure of technology is not an excuse. If illness or injury prevents a student from turning in a paper on time, the student should consult with the writing coach to turn in the work as soon as is feasible given the situation.

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

**Plagiarism. A student shall 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. Quoting oral or written materials including but not limited to those found on the internet, whether published or unpublished, without proper attribution.**

**2. Submitting a document or assignment which in whole or in part is identical or substantially identical to a document or assignment not authored by the student.**

(University of Florida, Student Honor Code, 8, October, 2013)

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. If you are unsure if what you are doing is considered academic dishonesty, ask your instructor before turning in an assignment

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. 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. Some (but not all!) examples of plagiarism are copying-and-pasting anything from the Internet without proper quotations and attributive tags, using work you have turned in to other classes without permission from the instructor, and insufficient paraphrasing.

If you commit academic dishonesty, you will receive a zero for the assignment, and the instructor will submit the incident to the Dean of Students Office as an Honor Code violation. Punishments can vary, but the instructor will recommend failing the course. (If you commit plagiarism in the workplace, at the very least you will be reprimanded. You could also be fired or even lose your career.)

**Important tip:** There should never be a time when you copy and paste something from the Internet and don't provide the exact location and citation information for the source.

#### DUE DATES, MAKE—UP POLICY, AND IN-CLASS WORK

Assignments are due online at the assigned deadline. **Late papers will not be accepted without a valid excuse (such as documented accident, sickness, or injury).** In these cases, students *must* consult with me to turn in the work as soon as feasible. Note that failure of technology is not an excuse.

Requirements for class attendance, 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 AND ASSOCIATED HOMEWORK

Readings and assignment preparation are listed on the schedule as homework (HW) to be completed before the next class meeting. Students should complete this work before coming to class that day.

#### OFFICE HOURS—POLICY QUESTIONS AND PAPER CONFERENCES

Students are encouraged to use my office hours if there are questions about progress in the course, writing underway, or any other course-related concerns. If there is a conflict with the posted office hours, please contact me to schedule a better time.

Having conferences on assignments can often improve the quality of final drafts. Be advised, though: my purpose in reviewing your paper with you is neither to proofread your work for you nor to ensure that you have scored 100% on your writing. Instead, it is to help you develop your writing and begin to assess its success yourself. I do not accept e-mailed papers to review. You must make an appointment to come speak with me to get a paper reviewed.

#### 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. Writing Studio appointments are available both in-person and online in Fall 2022.

#### PERSONAL STUDENT CONCERNS

During the semester, you may face problems that I am not trained to address. If you need help managing stress, depression, family illness, or physical or mental abuse, visit <http://oss.ufl.edu/stg/> or call the Counseling Center at 392-1575. You are not alone: counselors can help with these concerns.

## UNIVERSITY POLICIES

#### 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/>.

#### HARASSMENT

UF provides an educational and working environment for its students, faculty, and staff that is free from sex discrimination and sexual harassment. For more about UF policies regarding harassment, see: <http://www.dso.ufl.edu/studentguide/studentconductcode.php#s4041>.

#### STUDENTS WITH DISABILITIES

The University of Florida complies with the Americans with Disabilities Act. Students requesting classroom accommodation must first register with the Dean of Students Office. The Dean of Students Office will provide documentation to the student who must then provide this documentation to the instructor when requesting accommodation.

#### Students in Distress

For guidance during distressing situations, please contact U Matter We Care or the Dean of Students Office. They can help students navigate resources and academic procedures for personal, medical, and academic issues.



U Matter We Care: <http://umatter.ufl.edu>, [umatter@ufl.edu](mailto:umatter@ufl.edu), 352-294-2273 (CARE) Dean of Students: <https://dso.ufl.edu/>, 202 Peabody Hall, (352) 392-1261 Counseling and Wellness Center: <https://counseling.ufl.edu/>, 3190 Radio Road, (352) 392-1575 Field and Fork Pantry: <https://fieldandfork.ufl.edu/>, located near McCarty B, 352-294-2208 Student Health Care Center: <http://shcc.ufl.edu/>, multiple locations, (352) 392-1161 Aid-a-Gator: <https://www.sfa.ufl.edu/aidagator/>, S-107 Criser Hall, (352) 392-1275

### Academic Resources

*E-learning technical support:* Contact the [UF Computing Help Desk](#) at 352-392-4357 or via e-mail at [helpdesk@ufl.edu](mailto:helpdesk@ufl.edu).

*Career Connections Center:* Reitz Union Suite 1300, 352-392-1601. Career assistance and counseling services.

*Library Support:* Various ways to receive assistance with respect to using the libraries or finding resources.

*Teaching Center:* Broward Hall, 352-392-2010 or to make an appointment 352-392-6420. General study skills and tutoring.

*Writing Studio:* 2215 Turlington Hall, 352-846-1138. Help brainstorming, formatting, and writing papers. Online only for Fall 2020.

*Student Complaints On-Campus:* [Visit the Student Honor Code and Student Conduct Code webpage for more information.](#)

*On-Line Students Complaints:* [View the Distance Learning Student Complaint Process.](#)

### Moot Court Tournament

During the last week of classes, we will compete in the University Writing Program's Moot Court Tournament. A team from our class will compete with teams from the other three Writing in Law classes in semi-final and final rounds of a Moot Court. Tournament attendance is required.