**ENC 3465:22EA and 1H76: Writing in Law**

University Writing Program

**Instructor:** Melissa L. Mellon, Ph.D.; mmellon@ufl.edu or 392-5421(emergencies only)

**Office hours:** Tuesdays 9:30 a.m.-11:30 a.m., 12:00 p.m.-2 p.m. and by appointment in Tigert 302

**Meets:** sec. 22EA—MWF 3rd (9:35 a.m.-10:25 a.m.) in LIT 203, Fall 2016, UF

 sec. 1H76—MWF 4th (10:40 a.m.-11:30 a.m.) in LIT 237, Fall 2016, UF

**This syllabus details all policies for our section. No additional warrants/promises**

**are implied. You are responsible for reading and following all policies herein.**

 **COURSE INTRODUCTION**

## Course Description

*Credits: 3; Prerequisite: ENC 1101 or ENC 1102.
ENC 3465 meets for 3 periods per week on MWF*

In courts of law, people depend on their attorneys’ effective use of language, which generally yields winning arguments. And while lawyers and judges have produced some of the most eloquent writing about our society, the discipline of law is notorious for producing impenetrable and, as a result, ineffective documents. Writing well and winning arguments do not happen by accident. In this course, our job is to learn what we can from well-stated arguments and opinions and to avoid the problematic wording choices that make legal writing so difficult to read.

This course provides a practical workshop on the most common forms of legal writing. Students will write legal briefs and a legal memorandum with a research component. Conducting legal research, students will become familiar with law library resources. In all of the writing, we will develop the rhetorical skills of argument and persuasion while mastering the basic elements of style. Students will also have the opportunity to develop their speaking skills in moot court-style debates.

## Course 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 Readings

**There is no text book to buy for this course.** Course readings, which include cases and research articles, will be made available online.

**ASSIGNMENTS AND PROJECTS**

## Legal Brief 1 (Writing Exercise) (600 words)

Students will explore an everyday conflict between individuals, involving themselves or someone 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 2 (1000 words)

Using a structure applicable to legal reasoning (Issue-Rule-Application-Conclusion), students will 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.

## Legal Memorandum (2000 words)

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.

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

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

## Debates and Four Briefs (2000 words)

Students will participate in a series of legal debates (similar to moot court debate) and will 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 will work in class and on homework assignments that prepare them for the major work described above. Included in that work are an annotated bibliography, a case flow chart, and a regular journal of legal briefs.

**GRADING AND COURSE CREDIT POLICIES**

Grading for this course will be rigorous. Successful assignments demonstrate the understanding and practice of professional 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 receive a passing grade, each paper must reach the minimum assigned word count.

## Grade Distribution Points Words Totals

Legal Brief 1 (Writing Exercise) 50 600 1000 points

Legal Brief 2 200 1000 6800 words

Legal Memorandum 300 2000

Application Materials 100 1200

Debates and Four Briefs 250 2000
In-Class Activities and Homework 100

## ****Grading Scale****

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| A | 4.0 | 93-100 | 930-1000 |  | C | 2.0 | 73-76  | 730-769 |
| A- | 3.67 | 90-92 | 900-929 |  | C- | 1.67  | 70-72 | 700-729 |
| B+ | 3.33 | 87-89 | 870-899 |  | D+ | 1.33  | 67-69 | 670-699 |
| B | 3.0 | 83-86 | 830-869 |  | D | 1.0   | 63-66 | 630-669 |
| B-  | 2.67 | 80-82 | 800-829 |  | D- | 0.67  | 60-62 | 600-629 |
| C+ | 2.33 | 77-79 | 770-799 |  | E  | 0.00  | 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- does not qualify for major, minor, Gen Ed, or College Basic distribution credit.** For more information on UF's Grading Policy, see: <http://www.isis.ufl.edu/minusgrades.html>

and [https://catalog.ufl.edu/ugrad/current/regulations/info/grades.aspx#hgrades](https://catalog.ufl.edu/ugrad/current/regulations/info/grades.aspx%23hgrades)

## 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 sufficient or appropriate sources. |
| ORGANIZATION AND 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 that is inappropriate for the context, genre, or discipline. 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 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 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 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 others 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 augments.

## 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, 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 of 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 of the writing assignments.**

COURSE POLICIES AND PROCEDURES

## **Attendance and Participation**

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

**1. Required attendance.** Attendance is required, but **you may miss THREE classes TOTAL without incurring penalty. Entry to class 15 or more minutes after class has begun counts as an unexcused absence.** For university-sponsored events or absences due to in illness or injury, I require a hardcopy of a sponsor’s/doctor’s excused absence letter for my files.

**2. Failure due to excessive absences.** University Writing Program policy holds that **if students miss more than SIX periods during the term, they will fail the entire course**. (The UWP exempts from this policy only those absences involving university-sponsored events, such as athletics and band, and religious holidays.)

## **Classroom Conduct**

Our writing and speaking work in class anticipates professional work in the legal field, so behavior in the classroom is expected to be professional as well. Students are expected to be active class participants in their individual work and, when working with peers, to conduct themselves in a professional manner designed to support the success of the group. Classroom conduct should comply with UF’s Student Code of Conduct ([see http://regulations.ufl.edu/wp-content/uploads/2012/09/4041.pdf](file:///C%3A%5CUsers%5CMelissa%5CDocuments%5CTeaching%5Csee%20http%3A%5Cregulations.ufl.edu%5Cwp-content%5Cuploads%5C2012%5C09%5C4041.pdf)) so that all students show respectfulness toward me and each other. More particularly, you should do the following:

1. **set phones to vibrate at the start of class**,

2. **use laptops, notebooks, etc. for class work only**,

3. remove all backpacks and purses from your desktop (you may hang them on your chair or
 place them on the floor),

4. limit your talking to classroom discussions, and

5. do not read newspapers, text-messaging others, do homework for other classes,
 pass notes, or sleep.

If you violate these rules, I will give you a warning. For any second infraction, you will be dismissed from classed and charged with an absence. If you continue to violate these rules, you risk being dropped permanently from the class.

## **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**

**1. Definition.** 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](https://www.dso.ufl.edu/sccr/honorcode.php). 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.

**2. Penalty for Plagiarism.** If a student plagiarizes all or any part of any assignment, he or she will be assigned 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.

## 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.](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.

## **Conferences and Writing Studio**

Students are encouraged to use my 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 me to schedule a better time. Having conferences on assignments is often the best way to improve the quality of final drafts. Also, the [Writing Studio](http://writing.ufl.edu/) (<http://writing.ufl.edu/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 the URL listed above.

## Personal Student Concerns

During the semester, you may face personal 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/](http://oss.ufl.edu/stg/%20) or call the Counseling Center at 392-1575. You are not alone: counselors can help with these concerns.

**UNIVERSITY POLICIES**

## 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 Disability Resource Center in the Dean of Students Office provides students and faculty with information and support regarding accommodations for students with disabilities. Students with disabilities requesting accommodations should first gather appropriate documentation and then register with the Disability Resource Center at 352-392-8565. Once registered, students will receive a letter which they must present to their instructor. If you have a disability that needs accommodation, follow this procedure as early as possible in the semester. For more information, see: <http://www.dso.ufl.edu/drc/>.

**COURSE SCHEDULE**

1. **Provisional status.** Our class is a work in progress. As such, this schedule is provisionary and may be modified during the semester. Be sure to keep current with any updates.

2. **Reading/Assignment deadlines.** At-home readings and assignments are listed as HW—homework. You will find readings, activities, and assignments listed under “Modules” on Canvas. Due dates are indicated in this syllabus and in the Canvas calendar.

## Week 1

M 8/22  Introductions: syllabus, policies, and assignments. **HW:** Review Canvas site.

W 8/24  Discuss the elements of effective legal writing style. **HW:** “The American Legal System”

F 8/26  Discuss Common vs. Civil Law. **HW:** “IRAC: How to Write about Legal Cases”

## Week 2

M 8/29  A form for legal research reports. **HW:** Write a Legal Brief 1.

W 8/31Discuss everyday situations as legal cases. **HW:** Bring draft of Legal Brief 1 to class for Peer Review.

F 9/2 **PEER REVIEW OF LEGAL BRIEF 1** and Writing Style Review.

## Week 3

M 9/5  **LABOR DAY—NO CLASSES**

W 9/7 **Due: Legal Brief 1.** Discuss Moot Court Cases **In Class:** Write a paragraph w/applicable rules; outline your analysis.

F 9/9 Debate Prep. **HW:** Write Legal Brief 2.

## Week 4

M 9/12  Debate Prep

W 9/14  **Due: Draft of Legal Brief 2.** Debates

F 9/16  Debates

## Week 5

M 9/19  **Due: Legal Brief 2.** Debates

W 9/21  Introduction to the legal memorandum.

F 9/23  Discussion of issue statements and research sources.

## Week 6

M 9/26  **Due: Issue Statement.** Research materials orientation; discussion of Memo Format

W 9/28  Law Library Orientation w/ Guest Speaker. **HW:** Complete Scavenger Hunt.

F 9/30 Discuss research materials and citation format. **HW:** Write Annotated Bibliography.

## Week 7

M 10/3  Law Library Workshop—meet in the Law Library.

W 10/5  **Due: Annotated bibliography.** Discuss issue statement and facts.

F 10/7 **Due: Revised Issue Statement/Facts.** Application of the Law or Analysis

## Week 8

M 10/10  Application of the Law or Analysis: Examples and Workshop

W 10/12  Application of the Law or Analysis: Using Case Precedent and Arguing by Analogy

F 10/14 **HOMECOMING—CLASSES CANCELLED**

## Week 9

M 10/17  Workshop: Bring to class source materials for memorandum.

W 10/19  Use of Citations

F 10/21 Conclusions and Recommendations—General Principles

## Week 10

M 10/24  **Due: Application of the Law for Peer Review.** **HW:** Bring application materials.

W 10/26  Discuss law school applications.

F 10/28  **Due: Revised Memorandum.** Writing the Résumé for Graduate School. Bring your résumé to class, if you have one.

## Week 11

M 10/31Writing a Personal Statement

W 11/2  **Due: Résumé and Personal Statement for Peer Review.**

F 11/4**Due: Revised Résumé and Personal Statement.** New Legal Issue and Discussion

## Week 12

M 11/7  Preparation of Legal Arguments

W 11/9  Preparation of Legal Arguments

F 11/11  **VETERANS DAY—CLASSES CANCELLED**

## Week 13

M 11/14 Round 1 Debates

W 11/16  Round 1 Debates

F 11/18  Round 1 Debates

## Week 14

M 11/21  **Due: Legal Brief 3.** Discussion of Debates

W 11/23 and F 11/5 **THANKSGIVING BREAK—CLASSES CANCELLED**

## Week 15

M 11/28  Case Prep

W 11/30  Case Prep

F 12/2  Case Prep

## Week 16

M 12/5 Tournament—Time and Location TBA

W 12/7 Tournament Discussion and Debriefing