

University of Florida Course Information Fall 2023

IDH 3931: Honors Law and Literature
Section: 28523 (117 Little Hall)
Period: 7 (1:55-2:45)
Instructor: Bernard O'Donnell
Office: 2026 Farrior Hall/**Zoom: 355 143 0114**
Office Hours: M 8:30-9:30 and by appointment
Phone #: 617.650.9195
E-mail: odonnellb@ufl.edu

Course Description:

To one degree or another, almost all forms of writing are meant to persuade, in that the author attempts to convince the reader of her position on some issue or topic. Persuasive/argumentative writing is most conspicuously vital and has far-reaching social and political implications in the field and practice of law. Notwithstanding the romanticized version of the law shown by television shows such as *Law & Order*, an attorney—even a trial attorney—is rarely found in the courtroom making oral arguments to the court. Instead, she is more often than not in a library or office, where she is researching cases and statutes, and writing briefs and motions.

These briefs play a crucial role in the contested legal issue because they serve as the initial presentation of the case to a judge, who must determine whether the issue should be heard in court. In other words, if a judge is not convinced by the validity of a party's claim, which the judge primarily determines by reading the legal briefs, then that party's case may not be afforded the opportunity to be argued in court.

To this end, this course will stress the importance of critical analysis, legal and factual research, as well as persuasive/argumentative writing within the template of the law and literature by considering the criminal culpability and/or civil liability of fictive characters. For the above reasons, this course does not so much stress the earning of a letter grade as it does the empowering of students to write persuasively and recognize the **practical application** of strong writing.

General Education Learning Outcomes:

At the end of this course, students will be expected to have achieved the following learning outcomes in research, analysis, and writing (RAW):

- **Research:** Students demonstrate proficient competence in effectively and efficiently researching legal and non-legal topics and issues in furtherance of drafting legal briefs.
- **Analysis:** Students carefully and logically process information from multiple perspectives (including the opposition), using discipline-specific methods, and develop reasoned solutions to problems in furtherance of drafting legal briefs.

- **Writing:** Students organize their research and analysis and synthesize different and divergent information/research, using the integration of information from multiple sources to engage in critical discourse via the written medium.

Outcomes/Goals:

This course aims to assist you in improving your analytical and argumentative writing skills in all facets such as: recognizing your audience, identifying/developing an appropriate voice, creating a well-structured argument, organizing your thoughts into a coherent and persuasive presentation, and improving basic grammatical and rhetorical skills. It will also assist you in improving your research skills (both legal and scholarly) and ability to synthesize outside research into your argument. Such an endeavor will require you to plan, outline, draft, revise, and edit numerous papers, interact with peers by critically reading and responding to rough drafts, attend and participate in class, and maintain an open mind and positive attitude.

Required Materials:

Strange Case of Dr. Jekyll & Mr. Hyde by Robert Louis Stevenson (provided by instructor)

A Doll's House by Henrik Ibsen (provided by instructor)

Dirty Work by Larry Brown (provided by student)

Requirements for the Course:

Essays—Since argumentative writing is a skill (and like any other skill it must be developed through practice), the primary focus of this course will be to produce three legal briefs in which you will take a position regarding the guilt or innocence of a particular fictive character. Within the parameters of each legal brief, you will write an outline and at least two drafts. Writing is, indeed, a process—one requiring continuous revision and involving multiple drafts. Just as one cannot become a virtuoso violinist after a single practice, one cannot produce a truly persuasive legal brief after writing only a single draft. The assigned classroom and homework exercises will also facilitate in developing stronger writing skills.

Trial/Hearing—Towards the end of each unit, the class will conduct a legal proceeding in which the respective fictive character will be prosecuted and/or sued for alleged transgressions.

Format—All written work must be completed and submitted in New Times Roman font size 12, left justification, one-inch margins, single sided. Failure to comply with these minimal format requirements will result in an unacceptable paper, which results in a late paper (see “late work”).

Communication—The primary means of formal communication will be through the class Canvas portal and university email. In addition, students may contact the instructor via phone or text messages. Any Canvas-related technical issues should be addressed to: <http://helpdesk.ufl.edu>.

COVID Policies—In response to COVID-19, the following practices are in place to maintain your learning environment, to enhance the safety of our in-classroom interactions, and to further the health and safety of ourselves, our neighbors, and our loved ones.

- If you are not vaccinated, get vaccinated. Vaccines are readily available at no cost and have been demonstrated to be safe and effective against the COVID-19 virus. Visit this link for details on where to get your shot, including options that do not require an appointment: <https://coronavirus.ufhealth.org/vaccinations/vaccine-availability/>. Students who receive the first dose of the vaccine somewhere off-campus and/or outside of Gainesville can still receive their second dose on campus.
- You are expected to wear approved face coverings at all times during class and within buildings even if you are vaccinated. Please continue to follow healthy habits, including best practices like frequent hand washing. Following these practices is our responsibility as Gators.
 - Sanitizing supplies are available in the classroom if you wish to wipe down your desks prior to sitting down and at the end of the class.
 - Hand sanitizing stations will be located in every classroom.
- If you are sick, stay home and self-quarantine. Please visit the UF Health Screen, Test & Protect website about next steps, retake the questionnaire and schedule your test for no sooner than 24 hours after your symptoms began. Please call your primary care provider if you are ill and need immediate care or the UF Student Health Care Center at 352-392-1161 (or email covid@shcc.ufl.edu) to be evaluated for testing and to receive further instructions about returning to campus. UF Health Screen, Test & Protect offers guidance when you are sick, have been exposed to someone who has tested positive or have tested positive yourself. Visit the [UF Health Screen, Test & Protect website](#) for more information.
 - Course materials will be provided to you with an excused absence, and you will be given a reasonable amount of time to make up work.
 - If you are withheld from campus by the Department of Health through Screen, Test & Protect you are not permitted to use any on campus facilities. Students attempting to attend campus activities when withheld from campus will be referred to the Dean of Students Office.
- Continue to regularly visit coronavirus.UFHealth.org and coronavirus.ufl.edu for up-to-date information about COVID-19 and vaccination.

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

Attendance is required. If a student misses more than five periods during a semester, the student will fail the entire course. Exempt from this policy are only those absences involving university-sponsored events, such as athletics and band, religious holidays, and illness-related quarantine. Absences related to university-sponsored events must be discussed with the instructor prior to the date that will be missed. 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>

The onus for making up any missed work falls on the student. An absence does not excuse a student from turning in work that is due on the day of the absence. For example, if you are absent from class on a day a paper is due, you are still responsible for handing in the paper (via Canvas, e-mail, etc.) *during class*. In other words, an absence from class on the due date of an assignment does not afford you any extra time for submitting the assignment unless prior consensual arrangements have been made with the instructor. A tardy may be viewed as an absence if the student is more than 15 minutes late. In general, two tardies equate to an absence. Egregious tardies, however, may morph into an absence at a quicker rate. Individual or group conferences are considered classes and shall be viewed as such with regards to attendance and participation.

From a less punitive perspective, attendance and classroom participation are vital components to becoming a more proficient writer and respectable attorney. In other words, it is important not only to attend class but also actively participate. Almost every class is based on some sort of interaction between the instructor and students or among students themselves. Obviously, your participation shall greatly depreciate if you are not prepared for that day's activities. For these reasons, classroom participation is also weighed when calculating semester grades.

Evaluation:

Final grades are determined as follows:

Legal Brief #1 (25%): Based on Robert Louis Stevenson's novella *Strange Case of Dr. Jekyll and Mr. Hyde*, draft a legal brief that addresses whether Dr. Jekyll (*qua* Mr. Hyde) possessed either specific or general intent when Mr. Carew was killed. Along the lines of (dis)proving intent, please also address any possible defenses, such as capacity, insanity, or intoxication.

Legal Brief #2 (30%): Based on the text of Henrik Ibsen's drama *A Doll House*, draft a petition for child custody on behalf of either Nora Helmer or her estranged husband Torvald. Make sure to address in your petition the legal responsibilities and obligations that parents have to their children and whether either of the Helmers met those obligations. Furthermore, how can societal presuppositions about maternalism and gender specific parental responsibilities run counter to and interfere with a legal determination regarding parental custody?

Legal Brief #3: (30%): Based on Larry Brown's novel *Dirty Work*, address the manifold legal issues regarding Defendant Walter James, including: Does a person have the right to ask someone to end his life? Can a person be found guilty of a crime if he is drug-induced during the commission of that crime? Can third parties be held liable if they do nothing to prevent and/or stop the crime from occurring? What if they promote but do not commit the criminal act? As a second layer of analysis, is the death penalty potentially appropriate for the Defendant in the above scenario?

Homework and Class Participation (15%): Homework consists of the successful completion of assigned work, including but not limited to mini research and writing assignments, outlines, rough drafts, and peer responses. Some homework assignments will be weighted differently than

others. Unless expressly stated otherwise, all homework assignments must be typed and formatted per requirements and physically submitted either in or before class on the due date.

Final drafts (despite Hemingway's aversion for the term) will be graded for content, structure, support, organization, coherence, style, clarity, grammar, and other rudimentary elements of quality writing.

Grading Scale:

A	4.0	93-100	C	2.0	73-76
A-	3.67	90-92	C-	1.67	70-72
B+	3.33	87-89	D+	1.33	67-69
B	3.0	83-86	D	1.0	63-66
B-	2.67	80-82	D-	0.67	60-62
C+	2.33	77-79	E	0.00	0-59

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>

Grading/Assessment Rubric

In each written assignment, I will be looking at:

1. **Content:** How strong is your argument, development, and support? Is there a clear and complex thesis statement? Do you display a firm understanding of the text and research and does your content seem relevant to your assignment? Do you provide adequate support in terms of quotes from both the primary and secondary sources? Are the sources well synthesized?
2. **Structure/Organization:** How well-structured are your paragraphs? Do they have clear topic sentences and does the para support ideas introduced in the topic sentence? Do your overall ideas flow well with proper transitions? Instead of sounding like a catalogue of ideas, does the essay show a sense of development/progression while supporting the thesis statement?
3. **Style:** Do you display a firm grasp of vocabulary in terms of apt word choice? Is your word choice suitable to the context, genre, and discipline? Do your sentences display complexity and logical structure? Is there sentence variety (a mix of simple, complex, and compound sentences) Are your sentences overly long or awkward or are they well-crafted and read smoothly?
4. **Mechanics:** How frequently do you make errors in grammar, spelling, MLA citations, paper formatting (title, page numbers, due dates etc.)?

“A-level” Paper

- Follows and meets all the requirements in the assignment guidelines

- The thesis (or argument) is clearly articulated, original, and well-supported; the argument is analytical rather than descriptive. ***Important note: An “A” paper usually goes beyond analyses and ideas shared in class.**
- Subsequent paragraphs build on and support the paper’s central thesis or argument
- Examples and evidence from the texts back up (but do not subsume) your own critical analysis
 - The writing is clear and dynamic with varied sentence length and structure.
- Extensive research of both primary and secondary sources and incorporation of same
- MLA formatting is uniformly (and correctly) followed throughout.

“B-level” Paper

- Follows and meets most of the requirements in the assignment guidelines
 - Has a good thesis, but the wording might be less clear and/or fluid or weaker in its argumentation
- Still builds up and supports the paper’s main argument but does not create compelling nor strong connections between the ideas presented in each paragraph
- Does not analyze textual evidence as critically or as in depth as the “A” paper
- Puts forth a solid argument but may have unclear language, spelling, or grammatical errors and superficial or vague analysis in a few places
 - MLA formatting is uniformly (and correctly) followed throughout
- Some solid research performed of primary and secondary sources that are incorporated into the legal brief’s argument

“C-level” Paper

- Follows and meets some of the requirements in the assignment guidelines
- Does not clearly articulate or fully develop thesis; it is more descriptive rather than analytical
- Does not wholly engage with or defend the paper’s key argument throughout
- The writing is largely incoherent and disorganized but may have instances of proper analysis and clear argumentation
- Does not incorporate sufficient textual evidence to support the main argument and claims
- MLA formatting is not uniformly (nor correctly) followed throughout
- Research and its incorporation into the brief are lacking

“D-level” Paper and below

- Does not meet any of the requirements in the assignment guidelines
- Lacks a clearly articulated and well-developed thesis
- Does not engage with or defend the paper’s key argument throughout
- Does not successfully incorporate textual evidence or outside research to support arguments
- Shows blatant disregard of proper grammar and punctuation
- The writing is vague and has several errors in analysis and argumentation
- Does not follow MLA formatting guidelines

Grading Requirements: A minimum grade of B is required to earn Academic points towards your Honors Completion Requirements. (Exception: Honors Quest I and II sections require a C). Once you have earned your final grade in this course, please upload the course information and final grade from your Unofficial Transcript into your Honors Canvas Cohort: Honors Completion module to earn Honors Completion credit.

Grade Appeals: Students may appeal a final grade by filling out a form available from Carla Blount, Program Assistant, in the Department office (4008 TUR). Grade appeals may result in a higher, unchanged, or lower final grade.

Late Work:

Late work will not be accepted. A work is labeled “late” if the instructor does not receive it *during class* on the day it is due. All assignments that are to be turned in are due at the start of class. If an emergency arises, please see the instructor as soon as possible. Please note that all work must be completed to pass this course.

Academic Dishonesty:

As a University of Florida student, your performance is governed by the UF Student Honor Code. The Honor Code requires Florida students to neither give nor receive unauthorized aid in completing assignments. Violations include cheating, plagiarism, 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 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 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.

ADA: Students with disabilities who are requesting accommodations should first register with the Disability Resource Center (352-392-8565, www.dso.ufl.edu/drc/), which will provide appropriate documentation to give the instructor.

Distress: Students who are in distress or who are in need of counseling or urgent help, please contact umatter@ufl.edu or 352-392-1575 so that a team member can reach you. UF's Counseling and Wellness Center offers additional support: 352-392-1575

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>.

ADA:

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.

Harassment:

The classroom should be a place of exploration and discussion. Disruptive or offensive behavior (especially offensive behavior or speech directed at other students on the basis of race, gender, ethnicity, religion, etc.), however, will not be tolerated. Familiarize yourself with the university's policy on harassment. Violations of this policy can result in disciplinary action.

Academic Resources:

Honors Program, 201 Walker Hall, 352-392-1519

Quick questions for an Honors advisor? Email advisor@honors.ufl.edu

Need an Honors advising appointment? Schedule via Microsoft Bookings:
<https://bit.ly/ufhonorsadvising>

SCHEDULE OF CLASSES AND ASSIGNMENTS

Week 1:

8/21:

8/23: syllabus, court structure

8/25: legal research

Week 2:

8/28: legal research/legal databases

8/30: fact research, discuss legal issues in *DJMH* (assignment sheet)

9/1: fact research, discuss legal defenses

Week 3:

9/4: no class

9/6: *DJMH* outline due

9/8: discuss outlines

Week 4:

9/11: discuss ways to structure/organize *DJMH* legal arguments

9/13: discuss topic support via legal and secondary sources

9/15: review legal citations

Week 5:

9/18: *DJMH* rough draft due

9/20: cont. rough draft review

9/22: flex day

Week 6:

9/25: *DJMH* final draft due

9/27: *DJMH* mock trial

9/29: reflect on *DJMH* mock trial, pivot to *A Doll's House*

Week 7:

10/2: discuss family law issues and defenses in *ADH*

10/4: flex day

10/6: no class

Week 8:

10/9: *ADH* outline due

10/11: cont. outline review

10/13: review structure/organization and nexuses

Week 9:

10/16: Common Errors
10/18: *ADH* rough draft due
10/20: cont. rough draft review

Week 10:

10/23: flex day
10/25: *ADH* final draft due
10/27: *ADH* mock custody hearing

Week 11:

10/30: reflect on *ADH* custody hearing, pivot to *Dirty Work*
11/1: discuss potential criminal and civil issues in *DW*
11/3: (redux) review re: structure of legal brief and organization of legal arguments

Week 12:

11/6: flex day
11/8: *DW* outline due
11/10: no class

Week 13:

11/13: discuss civil claim elements
11/15: flex day
11/17: *DW* rough draft due

Week 14:

11/20: cont. rough draft review
11/22: no class
11/24: no class

Week 15:

11/27: flex day
11/29: flex day
12/1: *DW* final draft due

Week 16:

12/4: *DW* mock trial
12/6: reflect on *DW* mock trial