

University of Florida  
Course Information Spring 2024

IDH 3931: Law and Literature  
Section: 30098  
Period: 8 (3:00-3:50)  
Instructor: Bernard O'Donnell  
Office: 2022 Farrior Hall/**Zoom: 355 143 0114**  
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**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 *Suits* and *Law & Order*, an attorney—even a trial attorney—is rarely found in the courtroom making oral arguments to the court. Instead, they are more often than not in a library or office, where they are 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:**

*Ethan Frome* by Edith Wharton (NCE provided by student)

*Dubliners* by James Joyce (NCE provided by student)

*Miss Julie* by August Strindberg (provided by instructor)

### **Requirements for the Course:**

**Legal Briefs**—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 research and 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>.

**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 the 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 Edith Wharton's novella, *Ethan Frome*, draft a legal brief that addresses whether Ethan is criminally culpable and/or civilly liable for the injuries and damages resulting from their toboggan ride.

Legal Brief #2 (30%): Based on James Joyce's short story "A Mother," draft a legal brief in which you argue whether: a) a valid contract had been formed and, if so, b) whether either party, Mrs. Kearney or Mr. Holohan, has met its contractual obligations. If a breach of contract occurred, explain the exact nature and cause of the harm as well as the appropriate remedy.

Legal Brief #3: (30%): After reading August Strindberg's drama *Miss Julie*, draft a legal brief in which you explain who is most responsible for the deceased's death and why. To further support your position, make sure to also explain why the other characters are not as responsible as the character you have selected.

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 before or in class on the due date.

Final drafts (despite Hemingway's aversion for the term) will be graded for content, structure, researched 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 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

**Grade Appeals:** Students may appeal a final grade. 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, (<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 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.

***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.

**ADA:** Students with disabilities who are requesting accommodations should first register with the Disability Resource Center (352-392-8565, [www.dso.ufl.edu/drc/](http://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](mailto: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 or <https://counseling.ufl.edu>.

### **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/](http://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 critical exploration and lively 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.

## SCHEDULE OF CLASSES AND ASSIGNMENTS

### Week 1:

1/8: review syllabus  
1/10: review syllabus, court structure/Constitution  
1/12: discuss legal issues in *Ethan Frome* (assignment sheet)

### Week 2:

1/15: no class  
1/17: legal research/legal databases  
1/19: fact research

### Week 3:

1/22: discuss legal defenses  
1/24: *EF* outline due  
1/26: cont. outline review

### Week 4:

1/29: discuss ways to structure/organize *EF* legal arguments  
1/31: discuss topic support via legal and secondary sources  
2/2: review legal citations

### Week 5:

2/5: *EF* rough draft due  
2/7: cont. rough draft review  
2/9: flex day

### Week 6:

2/12: *EF* final draft due  
2/14: *EF* mock trial  
2/16: reflect on *EF* mock trial, pivot to “A Mother”

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### Week 7:

2/19: discuss civil issues and defenses in “AM”  
2/21: flex day  
2/23: flex day

### Week 8:

2/26: “AM” outline due  
2/28: cont. outline review  
3/1: review structure/organization and nexuses

### Week 9:

3/4: Common Errors

3/6: "AM" rough draft due  
3/8: cont. rough draft review

**Week 10:**

3/11: no class  
3/13: no class  
3/15: no class

**Week 11:**

3/18: (redux) review re: structure of legal brief and organization of legal arguments  
3/20: flex day  
3/22: "AM" final draft due

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**Week 12:**

3/25: "A Mother" mock trial  
3/27: reflect on "AM," pivot to *MJ*  
3/29: flex day (*MJ* assignment sheet)

**Week 13:**

4/1: discuss legal issues in *MJ*  
4/3: *MJ* outline due  
4/5: cont. outline review

**Week 14:**

4/8: flex day  
4/10: flex day  
4/12: *MJ* rough draft due

**Week 15:**

4/15: cont. rough draft review  
4/17: flex day  
4/19: flex day

**Week 16:**

4/22: *MJ* final draft due  
4/24: *Miss Julie* mock trial