

1. General Information

1a. Submitted by the College of: ARTS & SCIENCES

Date Submitted: 12/6/2016

1b. Department/Division: Writing, Rhetoric and Digital Studies

1c. Contact Person

Name: Brian McNely

Email: brian.mcnely@uky.edu

Phone: 859-218-0957

Responsible Faculty ID (if different from Contact)

Name:

Email:

Phone:

1d. Requested Effective Date: Semester following approval

1e. Should this course be a UK Core Course? No

2. Designation and Description of Proposed Course

2a. Will this course also be offered through Distance Learning?: No

2b. Prefix and Number: WRD 418

2c. Full Title: Legal Writing

2d. Transcript Title:

2e. Cross-listing:

2f. Meeting Patterns

LECTURE: 3

2g. Grading System: Letter (A, B, C, etc.)

2h. Number of credit hours: 3

2i. Is this course repeatable for additional credit? No

If Yes: Maximum number of credit hours:

If Yes: Will this course allow multiple registrations during the same semester?

2j. Course Description for Bulletin: Introduction to the written genres and argumentative structures most common to legal professions. Special emphasis on—and practice with—the rhetorical norms of research and writing in law-related contexts.

2k. Prerequisites, if any: Completion of Composition and Communication requirement or consent of instructor.

2l. Supplementary Teaching Component:

3. Will this course taught off campus? No

If YES, enter the off campus address:

4. Frequency of Course Offering: Spring,

Will the course be offered every year?: Yes

If No, explain:

5. Are facilities and personnel necessary for the proposed new course available?: No

If No, explain: No new facilities or personnel are necessary in order for WRD to effectively run this course.

6. What enrollment (per section per semester) may reasonably be expected?: 25

7. Anticipated Student Demand

Will this course serve students primarily within the degree program?: Yes

Will it be of interest to a significant number of students outside the degree pgm?: Yes

If Yes, explain: This course may be an attractive option for Pre-Law students and for those interested in legal professions.

8. Check the category most applicable to this course: Traditional – Offered in Corresponding Departments at Universities Elsewhere,

If No, explain: No new facilities or personnel are necessary in order for WRD to effectively run this course.

9. Course Relationship to Program(s).

a. Is this course part of a proposed new program?: No

If YES, name the proposed new program:

b. Will this course be a new requirement for ANY program?: No

If YES, list affected programs:

10. Information to be Placed on Syllabus.

a. Is the course 400G or 500?: No

b. The syllabus, including course description, student learning outcomes, and grading policies (and 400G-/500-level grading differentiation if applicable, from 10.a above) are attached: Yes

Distance Learning Form

Instructor Name:

Instructor Email:

Internet/Web-based: No

Interactive Video: No

Hybrid: No

1.How does this course provide for timely and appropriate interaction between students and faculty and among students? Does the course syllabus conform to University Senate Syllabus Guidelines, specifically the Distance Learning Considerations?

2.How do you ensure that the experience for a DL student is comparable to that of a classroom-based student's experience? Aspects to explore: textbooks, course goals, assessment of student learning outcomes, etc.

3.How is the integrity of student work ensured? Please speak to aspects such as password-protected course portals, proctors for exams at interactive video sites; academic offense policy; etc.

4.Will offering this course via DL result in at least 25% or at least 50% (based on total credit hours required for completion) of a degree program being offered via any form of DL, as defined above?

If yes, which percentage, and which program(s)?

5.How are students taking the course via DL assured of equivalent access to student services, similar to that of a student taking the class in a traditional classroom setting?

6.How do course requirements ensure that students make appropriate use of learning resources?

7.Please explain specifically how access is provided to laboratories, facilities, and equipment appropriate to the course or program.

8.How are students informed of procedures for resolving technical complaints? Does the syllabus list the entities available to offer technical help with the delivery and/or receipt of the course, such as the Information Technology Customer Service Center (<http://www.uky.edu/UKIT/>)?

9.Will the course be delivered via services available through the Distance Learning Program (DLP) and the Academic Technology Group (ATL)? NO

If no, explain how student enrolled in DL courses are able to use the technology employed, as well as how students will be provided with assistance in using said technology.

10.Does the syllabus contain all the required components? NO

11.I, the instructor of record, have read and understood all of the university-level statements regarding DL.

Instructor Name:

WRD 418: Legal Writing | Spring 2017

Instructor: Dr. Jenny Rice
Office Address: 1341 Patterson Office Tower
Email: jenny.rice@uky.edu
Office Phone: 257-1416
Office hours: Monday and Wednesday, 2 to 3:30 PM

Course Description

Introduction to the written genres and argumentative structures most common to legal professions. Special emphasis on—and practice with—the rhetorical norms of research and writing in law-related contexts.

Prerequisites

Completion of Composition and Communication requirement or consent of instructor.

Student Learning Outcomes

By the end of the semester, students will be able to:

- recognize the conventions of common legal writing genres
- practice basic concepts of conducting legal research
- apply basic concepts of legal reasoning in several written genres
- analyze common legal documents using applied rhetorical theory

Required Materials

A Short Guide to Writing About Law, Katie Rose Guest Pryal
Legal Writing in Plain English, Bryan A. Garner
All other readings will be available as PDF files on Canvas

Description of Course Activities and Assignments

You will practice writing in several common legal genres by composing a case brief, a legal memorandum, an advocacy letter, and an appellate brief. Additionally, you will be asked to write a “closing petition” at the conclusion of the semester. This closing brief

will make a petition for one “dream wish” you have. The relative value of these assignments and class participation in determining your course grade is as follows:

- a. Case brief—10%
- b. Legal Memorandum—20%
- c. Advocacy Letter—20%
- d. Appellate Brief—20%
- e. Participation and in-class work—20%
- f. Closing petition—10%

Description of Written Assignments:

Case brief: (Approximately 1 page)

Using standard legal briefing protocol, you will identify the parties to the action; summarize the facts giving rise to the legal controversy; state the precise legal issue(s) presented by the facts; summarize the reasoning the court used to reach its decision; and state the new principle of law established by the case.

Legal Memorandum: (Approximately 3 pages)

You will prepare a three-page memorandum to your law partners, outlining the details of a case that you have recently agreed to represent. You will follow the standard protocol for legal memo writing.

Advocacy letter: (Approximately 2 pages)

You will prepare a two-page letter that advocates on behalf of a hypothetical interest. Your letter will be addressed to an organization that is a stakeholder in this issue.

Appellate brief: (Approximately 5 pages)

Drawing from your legal research skills, you will compose a brief for the court that addresses the legal grounds for a case appeal. I will provide you with the case and the legal grounds for appealing. Your brief will make a compelling argument to the court, demonstrating that you understand legal citation issues in this written genre.

Closing petition: (Approximately 2 pages)

Using the skills of argument, legal citation, and legal research, you will compose a two-page “petition” on any subject of your choice. You will choose your audience (appropriate to the subject of your petition) and the “citations” that will persuade the audience. This closing petition does not necessarily conform to standard legal written genres, but it should reflect a wider understanding of how to appeal to an audience using judicial or forensic rhetorical discourse.

Course Grading

Overall Course Grading Scale

- 90 – 100% = A
- 80 – 89% = B
- 70 – 79% = C
- 60 – 69% = D
- Below 60% = E

Assignments and participation will be graded using detailed rubrics included with each assignment description.

Midterm grades will be posted at MyUK by the deadline established in the Academic Calendar; in lieu of a Final Exam, Closing Petitions are due in class on 4/28.

Course Policies

Submission of Assignments:

Written assignments should be submitted electronically to the appropriate thread in Canvas.

Excused Absences:

Students need to notify the professor of absences prior to class when possible. *Senate Rules 5.2.4.2* defines the following as acceptable reasons for excused absences: (a) serious illness, (b) illness or death of family member, (c) University-related trips, (d) major religious holidays, and (e) other circumstances found to fit “reasonable cause for nonattendance” by the professor.

Students anticipating an absence for a major religious holiday are responsible for notifying the instructor in writing of anticipated absences due to their observance of such holidays no later than the last day in the semester to add a class. Two weeks prior to the absence is reasonable, but should not be given any later. Information regarding major religious holidays may be obtained through the Ombud (859-257-3737, http://www.uky.edu/Ombud/ForStudents_ExcusedAbsences.php).

Students are expected to withdraw from the class if more than 20% of the classes scheduled for the semester are missed (excused) per University policy.

Per *Senate Rule 5.2.4.2*, students missing any graded work due to an excused absence are responsible: for informing the Instructor of Record about their excused absence within one week following the period of the excused absence (except where prior notification is required); and for making up the missed work. The professor must give the student an opportunity to make up the work and/or the exams missed due to an excused absence, and shall do so, if feasible, during the semester in which the absence occurred.

Verification of Absences:

Students may be asked to verify their absences in order for them to be considered excused. *Senate Rule 5.2.4.2* states that faculty have the right to request “appropriate verification” when students claim an excused absence because of illness, or death in the family. Appropriate notification of absences due to University-related trips is required prior to the absence when feasible and in no case more than one week after the absence.

Academic Integrity:

Per university policy, students shall not plagiarize, cheat, or falsify or misuse academic records. Students are expected to adhere to University policy on cheating and plagiarism in all courses. The minimum penalty for a first offense is a zero on the assignment on which the offense occurred. If the offense is considered severe or the student has other academic offenses on their record, more serious penalties, up to suspension from the university may be imposed.

Plagiarism and cheating are serious breaches of academic conduct. Each student is advised to become familiar with the various forms of academic dishonesty as explained in the Code of Student Rights and Responsibilities. Complete information can be found at the following website: <http://www.uky.edu/Ombud>. A plea of ignorance is not acceptable as a defense against the charge of academic dishonesty. It is important that you review this information as all ideas borrowed from others need to be properly credited.

Part II of *Student Rights and Responsibilities* (available online <http://www.uky.edu/StudentAffairs/Code/part2.html>) states that all academic work, written or otherwise, submitted by students to their instructors or other academic supervisors, is expected to be the result of their own thought, research, or self-expression. In cases where students feel unsure about the question of plagiarism involving their own work, they are obliged to consult their instructors on the matter before submission.

When students submit work purporting to be their own, but which in any way borrows ideas, organization, wording or anything else from another source without appropriate acknowledgement of the fact, the students are guilty of plagiarism. Plagiarism includes reproducing someone else’s work, whether it be a published article, chapter of a book, a paper from a friend or some file, or something similar to this. Plagiarism also includes the practice of employing or allowing another person to alter or revise the work which a student submits as his/her own, whoever that other person may be.

Students may discuss assignments among themselves or with an instructor or tutor, but when the actual work is done, it must be done by the student, and the student alone. When a student’s assignment involves research in outside sources of information, the student must carefully acknowledge exactly what, where and how he/she employed them. If the words of someone else are used, the student must put quotation marks around the passage in question and add an

appropriate indication of its origin. Making simple changes while leaving the organization, content and phraseology intact is plagiaristic. However, nothing in these Rules shall apply to those ideas which are so generally and freely circulated as to be a part of the public domain (Section 6.3.1).

Please note: Any assignment you turn in may be submitted to an electronic database to check for plagiarism.

Accommodations due to disability:

If you have a documented disability that requires academic accommodations, please see me as soon as possible during scheduled office hours. In order to receive accommodations in this course, you must provide me with a Letter of Accommodation from the Disability Resource Center (DRC). The DRC coordinates campus disability services available to students with disabilities. It is located on the corner of Rose Street and Huguelet Drive in the Multidisciplinary Science Building, Suite 407. You can reach them via phone at (859) 257-2754 and via email at drc@uky.edu. Web: <http://www.uky.edu/StudentAffairs/DisabilityResourceCenter/>.

Tentative Course Schedule

1/14

Handout: Legal Matters

In-class exercise: Writing sample on legal writing.

1/19

Reading: Ronald Dworkin, "Law as Interpretation" in *Critical Inquiry* 9 (1982)
Paul W. Kahn, *The Reign of Law: Marbury v. Madison and the Construction of America*, 1-34 (1997)

1/21

Reading: Stanley Fish, "Working on the Chain Gang" in *Critical Inquiry* 9 (1982)
Cohen v. California, 403 U.S. 15 (1971)
California v. Brown, 479 U.S. 538 (1987)

1/26

Reading: Stanley Fish, "The Law Wishes to Have a Formal Existence," in *There's No Such Thing as Free Speech ... and it's a good thing too* (1994)

1/28

Reading: "Stasis," in Hawhee and Crowley
Booth v. Maryland, 482 U.S. 496 (1987)
Payne v. Tennessee, 501 U.S. 808 (1991)

2/2

Reading: Introduction to *How Judges Think* by Richard A. Posner

“Basics of legal research” (Handout)

In-class: Library Research: Introduction to Lexis-Nexis

2/4

Reading: “Basic Legal Research Techniques” (Handout)

2/9

Reading: Garner Chapters 1-2

Brief of *Knowles. v. Iowa*

Assignment: Case brief overview

2/11

Reading: Garner Chapters 3-4

2/16

In class: Peer review case brief

2/18

Reading: “Fiction 101: A Primer for Lawyers on How to Use Fiction Writing Techniques to Write Persuasive Facts Sections” by Foley & Robbins

DUE: Case brief

2/23

Reading: Michael Vicaro, “A Liberal Use of Torture”

18 U.S.C. § 2340 (2012)

Assignment: Legal Memorandum

2/25

Reading: Garner Chapters 5-7

3/1

In-class: Peer review legal memorandum

3/3

Reading: Garner Chapters 8-10

3/8

Reading: Garner Chapters 11-13

DUE: Legal memorandum

3/10

Reading: Genre analysis of advocacy letters (on Canvas)

Assignment: Advocacy letter

3/15: Spring Break

3/17: Spring Break

3/22

Reading: Genre analysis of advocacy letters (on Canvas)

3/24

In-class: Peer review advocacy letter

3/29

Reading: Gerald Wetlaufer, "Rhetoric and Its Denial in Legal Discourse"
Kurt M. Saunders, "Law as Rhetoric, Rhetoric as Argument"

3/31

Reading: Chapters 1-2 in *Making Your Case*, Scalia and Garner
SeaWorld of Florida v. Thomas E. Perez, No. 12-1375, U.S. Court of Appeals for the
District of Columbia Circuit.

DUE: Advocacy letter

4/5

Reading: Chapters 1-2 in *Making Your Case*, Scalia and Garner
American Booksellers Association v. Hudnut, U.S. Court of Appeals, 7th Circuit
Assignment: Appellate Brief

4/7

Reading: Garner Chapters 16-20

4/12

Reading: Sample briefs (on Canvas)

4/14

In-class: Peer review appellate brief

4/19

Reading: "Elements of Legal Style," Garner

4/21

In-class: Observation of mock trial materials
DUE: Appellate Brief
Assignment: Closing petition

4/26

In-class: Observation of mock trial materials

4/28

In-class: Read closing petitions