

Persuasive Writing E508
Winter 2019
Professor David Ziff (dziff@uw.edu)

Classes: Monday & Wednesday, 3:30pm-5:20pm, Room 127

Note: You *must* attend our first class on Monday, January 7, if you want to enroll (or continue to be enrolled) in the course. This requirement applies to enrolled students and students on the waitlist. If you would like to enroll in the course and you have “good cause” to miss the first class, please email me promptly.

Office Hours: Tuesday & Thursday, 3:00pm-5:00pm, Room 312 (use Canvas Scheduler/Calendar to reserve a time)

Course Description, Objectives, & Structure

This course has one general objective: to improve your written legal advocacy. Along the way, we’ll tackle many smaller objectives, including:

- thinking more rigorously about how to persuade a decisionmaker
- evaluating other lawyers’ written advocacy
- crafting facts into persuasive narratives
- using images and other visual aids to persuade
- improving the persuasive use of case law and other authorities
- becoming an effective self-editor
- developing the habits of a professional and effective legal writer

At the end of the course you’ll be submitting a brief. You should aim for that brief to approach the effectiveness, professionalism, sophistication, and persuasiveness of a brief written by a practitioner. That should be *your* objective.

Course Requirements

1. *Attend class.* Our class meets twice a week. You are expected to attend every class. Much of the class will feel like a seminar, in which we’ll discuss legal problems and persuasive writing. That format only works if you are present. Students who attend fewer than 80% of the scheduled classes will not receive course credit.
2. *Be engaged.* This course is a practice-focused discussion seminar, albeit one with a lot of writing exercises and a writing requirement. The course depends heavily on your class participation and engagement. When reading for this class, don’t simply read the sample briefs and excerpts with a focus on understanding the substantive law — like you might do for a doctrine-focused class. Instead, read the samples with the critical eye of a judge, a co-counsel, or an opposing counsel. Prepare to discuss the strategic choices made by the author. And think about what choices were, in your view, effective, as well as the choices you might have viewed less favorably.

3. *Complete written exercises.* Written exercises are an important part of this course. They serve two purposes: First, they are the “drills” that add to your toolbox of experience. You will benefit from the exercises just like you would benefit from practicing any other skill. Second, they form the basis for in-class discussions. If you have not completed the exercises, then you cannot fully participate in the discussions. These exercises are not graded. But you must complete the exercises to receive credit for the course.
4. *Complete writing assignments.* This class has one major writing assignment. In the course of completing that assignment you will submit three drafts. All drafts are required. The first and the third drafts are graded.

For all requirements, failure to timely satisfy the requirement will negatively affect your grade, unless excused by illness or prior arrangement for good cause. Please email me *well before* the due date if you need an extension for any assignment. You must complete all assignments and exercises, whether graded or not, to pass this course.

Text

This class has one required text book: Noah Messing, *The Art of Advocacy* (2013). All reading assignments refer to chapters in that book.

Throughout the course I will also assign excerpts from articles, briefs, blogs, and other random things that might be relevant. And then of course we'll have the final assignment materials, which will require a lot of reading in and of themselves.

Grades

Your final grade in the course will consist of:

<i>Participation with written exercises and peer review:</i>	10%
<i>Writing assignment</i>	
<i>First draft:</i>	25%
<i>Final draft:</i>	60%
<i>Class engagement:</i>	5%

This course is not bound by the mandatory curve. Nevertheless, I will reserve “A” grades for those who demonstrate a high level of professionalism and skill. In keeping with past practices of other professors who have taught this course, I will not hesitate to give low grades for low-quality work.

Access & Accommodations

Your ability to fully participate in this class is important. If you have already established accommodations with Disability Resources for Students (DRS), please communicate your approved accommodations to me at your earliest convenience so we can discuss your needs.

If you have not yet established services through DRS, but have a temporary health condition or permanent disability that requires accommodations (conditions include but not limited to; mental health, attention-related, learning, vision, hearing, physical or health impacts), you are welcome to contact DRS at 011 Mary Gates Hall or 206-543-8924 or uwdrs@uw.edu or disability.uw.edu. DRS offers resources and coordinates reasonable accommodations for students with disabilities and/or temporary health conditions.

Reasonable accommodations are established through an interactive process between you, your instructor, and DRS. It is the policy and practice of the University of Washington to create inclusive and accessible learning environments consistent with federal and state law.

Honor Code (with Modifications)

Section 2-204 of the law school's honor code sets out rules for collaboration on assignments. I have struck out language that does not apply in this course:

Sec. 2-204. A student may not offer for credit or other academic or professional benefit work prepared in collaboration with another person unless the student secures the written permission of the instructor or other person in charge in advance of submission. Unless the instructor or other person in charge so states in a written instruction, a student does not prepare work in collaboration with another person if the student merely discusses with such other person matters relevant to the work in question. ~~"Collaboration" as used here requires that the collaborator has made substantive written or dictated contributions to the work submitted. It does not encompass mere proof reading which makes grammatical, spelling, or stylistic recommendations.~~

Because producing a persuasive written work product requires careful sentence-level writing and attention to style, students in this course *should not* allow anyone else to proofread, edit, or make stylistic recommendations to your work. The lone exception: edits provided as part of a class-sanctioned peer-review exercise.

Remember that legal writing encourages the use of ideas and language borrowed from other sources. In the law, legal arguments, methods of structuring a memo, sources of law found during research, or other ideas are generally open to anyone! But you must *attribute* these ideas and arguments with a proper citation. If you quote language from an authority, you must put quotation marks around that language along with the citation.

Remember this foundational rule: *All written words must be your own*. If you have any questions about plagiarism and attribution, please play it safe and ask me.

Class Meetings, Assignments, & Exercises

Note: These dates and details are subject to change! Please regularly consult the Canvas syllabus for updates.

Week 1: Course Introduction; Facts and Narrative

Monday, January 7 — See “Note” at top of Syllabus: You must attend this class to enroll in the course. Read pp. xix–xxii (Introduction); Ch. 1 (Facts: The Basics); and Ch. 2 (Facts: Procedural History). Come to class prepared to discuss examples from the text.

Wednesday, January 9 — Read Ch. 3 (Facts: Advanced Techniques).

Week 2: More Facts; Organization of Argument

Monday, January 14 — *Submit Exercise 1 by 10:00am.*

Wednesday, January 16 — Read Ch. 11 (Selecting and Organizing Arguments) and Ch. 13 (Introductions and Summaries of Argument).

Friday, January 18 — *Submit Revised Exercise 1 by 5:00pm.*

Week 3: The Big Picture; Persuasive Rules

Monday, January 21 — No Class: Martin Luther King Jr. Day

Wednesday, January 23 — *Submit Exercise 2 by 10:00am.* Read Ch. 4 (How to Build Arguments) .

Week 4: Kinds of Arguments

Monday, January 28 — *Submit Exercise 3 by 10:00am.* Read Ch. 5 (Countering Arguments) and Ch. 6 (Using Facts in Arguments).

Wednesday, January 30 — Read Ch. 7 (Statutory Text) and Ch. 8 (Legislative History).

Friday, February 1 — *Submit Revised Exercise 3 by 5:00pm.*

Week 5: Policy; Sentence and Paragraph Structure; Final Assignment

Monday, February 4 — Read Ch. 9 (Policy Arguments). Review Final Assignment Instructions.

Wednesday, February 6 — *Submit Exercise 4 by 10:00am.*

Week 6: Working on the Final Assignment

Monday, February 11 — Read Ch. 14 (Motions). Continue to research law and review factual record for final assignment.

Wednesday, February 13 — Continue work on Facts, Introduction, and outline of arguments.

Friday, February 15 — *Submit Draft Facts Section by 5:00pm.*

Week 7: Working on the Final Assignment, Continued

Monday, February 18 — No Class: Presidents Day

Wednesday, February 20 — Submit Draft Argument Outline and Introduction by 10:00am. Skim App'x B (Topic Sentences).

Week 8: Your First Draft; Oral Arguments

Monday, February 25 — Continue working on your brief. Remember: Your first draft is due on Wednesday. Prepare for oral argument activity.

Wednesday, February 27 — Submit your first draft of the assignment by 10:00am. Sign up for a conference. Oral arguments.

Note: A “first draft” does not mean your rambling thoughts with holes in the analysis and lacking citations. A first draft is your first attempt at a final draft. Write the best draft that you can. Imagine you are submitting this draft to a reviewing partner at a law firm— you understand that it will be revised before it’s filed in court, but if it needs to be filed immediately you’re okay with your name being on it. I will be providing feedback on this draft.

Week 9: Conferences

No class this week. Instead, sign up for an individual conference to discuss your draft.

Week 10: Final Review and Revision

Monday, March 11 — Final Class: Peer Review. Submit your second draft of the assignment by 10:00am. Bring a paper copy of your draft for peer review.

Tuesday, March 12 — Submit your peer-review worksheet by 5:00pm.

Wednesday, March 13 — No class today. Spend the rest of this week finishing your final assignment!

Thursday, March 14 — Happy π Day! Celebrate in whatever manner is meaningful to you.

Friday, March 15 — Final assignment due by 4:00pm.