



ST. JEROME'S UNIVERSITY

St. Jerome's University in the University of Waterloo
Departments of English and Sociology & Legal Studies
ENGL 210I / LS 291—Fall 2020
LEGAL WRITING | Remote Course

INSTRUCTOR INFORMATION

Instructor: Dr. Ryan Devitt
Email: rtdevitt@uwaterloo.ca
Office hours: Tuesday & Thursday 2:00–3:00pm EST (virtual drop-in) or by appointment.

REMOTE COURSE INFORMATION

Due to the cancellation of face-to-face classes for the fall term, this course will be delivered remotely. All lectures will be available on the course LEARN page, in the form of narrated PowerPoint presentations. Lectures will be posted every Tuesday & Thursday at 8:30 a.m. EST.

The quality of your course experience and the value of lectures will depend on your familiarity with the readings. Please read all assigned material before class, per Course Schedule below.

Virtual office hours will be held every Tuesday and Thursday from 2:00–3:00pm EST. Follow instructions on LEARN to access drop-in office hours. If you are unable to meet during scheduled office hours, one-on-one phone or video meetings are available by appointment.

COURSE DESCRIPTION

The course will examine the nature of legal language and will provide tools to understand and interpret genres of legal writing and oratory, including contracts, statutes, pleadings, facta, judicial opinions (judgments), opening statements, witness examinations, and closing arguments. The course is divided into two parts: (1) General considerations of language, legal language, and language analysis, and (2) Legal genres. Classes will consist of lectures and exercises / workshops.

COURSE OBJECTIVES

By the end of the course, students should be able to

- (1) reproduce the conventions of a range of legal writing genres,
- (2) apply basic rhetorical principles in evaluation of legal discourse,
- (3) apply argumentation theories in legal reasoning, and
- (4) appreciate the importance of language in making, interpreting, and applying law.

REQUIRED TEXTS

1. Peter M. Tiersma, *Legal Language*
2. Electronic Course Reserves (<https://www.reserves.uwaterloo.ca/ares/ares.dll>)
3. Course Material on LEARN (analysis tools, legal documents, assignment guidelines)

COURSE REQUIREMENTS AND ASSESSMENT

1. Participation	DUE: Various	Weight: 10%
2. Grammar quiz	DUE: September 18	Weight: 10%
3. Statute drafting	DUE: October 1	Weight: 25%
4. Analysis of judicial opinion OR factum	DUE: November 10	Weight: 25%
5. Set of opening OR closing arguments	DUE: December 3	Weight: 30%

Note: A brief outline of each assignment is included below. **Detailed instructions for all assignments** will be provided on the course LEARN site closer to each due date.

POLICY ON LATE WORK, MISSED ASSIGNMENTS, AND MAKE-UP TESTS

Assignments must be submitted to the assignment dropbox on LEARN by 11:59pm EST on the date specified. Late assignments will be penalized 5% per day, including weekends, unless you have made arrangements with your instructor *before assignments are due*.

Medical emergencies must be documented by a UW "Verification of Illness Form," available at Health Services or at <https://uwaterloo.ca/campus-wellness/health-services/student-medical-clinic>. Students seeking consideration from an instructor for missed course requirements due to influenza-like illness can [self-declare their illness through Quest](#). Non-medical emergencies will be dealt with on a case-by-case basis and must be accompanied by appropriate documentation.

University Regulations governing all assignments, tests, and final exams can be found at <http://ugradcalendar.uwaterloo.ca/page/Acad-Regs-Assignments-Tests-and-Final-Exams>

CORRESPONDENCE

Please send all correspondence to rtdevitt@uwaterloo.ca. Include your first & last name and the course code. I will endeavor to answer your question(s) within 24 hours, Mon–Fri.

OTHER IMPORTANT INFORMATION

Academic Integrity: To maintain a culture of academic integrity, members of the University of Waterloo and its Affiliated and Federated Institutions of Waterloo (AFIW) are expected to promote honesty, trust, fairness, respect, and responsibility. See the University of Waterloo's Academic Integrity site for more information (<https://uwaterloo.ca/academic-integrity/>).

Grievance: A student who believes that a decision affecting some aspect of their university life has been unfair or unreasonable may have grounds for initiating a grievance. Read the St. Jerome's University Policy on Student Petitions and Grievances, www.sju.ca/sites/default/files/upload_file/PLCY_AOM_Student-Petitions-and-Grievances_20151211-SJUSCapproved.pdf. When in doubt, please be certain to contact the St. Jerome's Advising Specialist, Student Affairs Office, who will provide further assistance.

Discipline: A student is expected to know what constitutes academic integrity, to avoid committing an academic offence, and to take responsibility for their actions. See www.uwaterloo.ca/academicintegrity/ for more information. **A student who is unsure whether an action constitutes an offence, or who needs help in learning how to avoid offences** (e.g., plagiarism, cheating, "rules" for group work/collaboration) **should seek guidance from the course instructor, academic advisor, or the Associate Dean.** When misconduct has been found to have occurred, disciplinary penalties will be imposed under the St. Jerome's University Policy on Student Discipline, www.sju.ca/sites/default/files/PLCY_AOM_Student-Discipline_20131122-SJUSCapproved.pdf. For information on categories of offences and types of penalties, students should refer to University of Waterloo Policy 71, Student Discipline, <http://www.adm.uwaterloo.ca/infosec/Policies/policy71.htm>. For typical penalties, check the Guidelines for the Assessment of Penalties, www.adm.uwaterloo.ca/infosec/guidelines/penaltyguidelines.htm.

Plagiarism: Plagiarism is a serious academic offence. Policy 71 defines plagiarism as follows: "presenting, whether intentionally or not, the ideas, expression of ideas, or work of others (whether attributed or anonymous) as one's own in any work. Plagiarism includes reproducing or paraphrasing portions of someone else's published or unpublished material, regardless of the source, and presenting these as one's own ideas without proper citation or reference to the original source."

Students seeking guidance on plagiarism should consult the academic integrity tutorial at <https://uwaterloo.ca/library/get-assignment-and-research-help/academic-integrity/academic-integrity-tutorial>—especially the following modules:

[Submit assignments that are your own work](#),
[Credit your source](#),
[Use quotation marks](#),
[Credit others' ideas](#), and
[Taking notes and citing sources](#).

Note for students with disabilities: The [AccessAbility Services](#) office, located in Needles Hall Room 1401, collaborates with all academic departments to arrange appropriate accommodations for students with disabilities without compromising the academic integrity of the curriculum. If you require academic accommodations to lessen the impact of your disability, please register with the AccessAbility Office at the beginning of each academic term. See <https://uwaterloo.ca/accessability-services/current-students/how-apply> for details.

Intellectual Property: The educational materials developed for this course, including but not limited to lecture content, exercises, tests and quizzes, assignment instructions, and other materials posted to the course LEARN page, are the intellectual property of the course instructor. These materials have been developed for student use only; they are not intended for wider dissemination and/or communication outside of course.

Making available the intellectual property of instructors without their express written consent (e.g., uploading lecture notes or assignments to an online repository) is considered theft of intellectual property and is subject to disciplinary sanctions as described in [University of Waterloo Policy 71, Student Discipline](#). Students who become aware of the availability of what may be their instructor's intellectual property in online repositories are encouraged to alert the instructor.

Participation in this course constitutes an agreement by all parties to abide by the relevant University Policies and to respect the intellectual property rights of others during and after their association with the University of Waterloo.

ASSESSMENT DETAILS

1. **PARTICIPATION** (10%): Participation marks are earned by completing and submitting exercises throughout the term. Exercises must be submitted to the appropriate dropbox on LEARN by the **deadlines noted in the Course Schedule below**. Marks are awarded on a completion basis (i.e., apparent that student has put time and effort into exercise). One mark will be awarded for completion of each exercise noted on the course schedule below. A bonus mark will be awarded for completion of all 9 exercises, for a total of 10 possible participation marks.
2. **GRAMMAR QUIZ** (10%): Consists of three sections: I. Identify subjects and predicates (4 fill-in-the-blank questions, worth 1 point each), II. Identify grammatical errors (8 multiple choice questions, worth 1 point each), and III. Punctuate-the-passage (1 paragraph to be correctly punctuated, worth 8 points). You will have 80 minutes to complete the quiz. External aids (e.g., Grammar Boot Camp lecture, Grammar Workbook, etc.) are permitted; however, you must complete the exam on your own without consulting others. The quiz opens **September 17**, 12:01am EST and closes 11:59pm EST **September 18**.
3. **STATUTE DRAFTING** (25%): Write a statute based on anything that you think should be enacted into law (e.g., regulate the behaviour of family or roommates, require or prohibit certain behaviour in public, regulate some aspect of a job or workplace, etc.). The goal of the assignment is to demonstrate understanding of statute conventions and to design a robust rule that effectively realizes legislative intent. The intention of the statute can be playful or serious, but you must draft your law according to the principles for statute drafting and interpretation covered in the course. Aim for originality. Secondary sources not required but must be cited if used. Length: **4 pages** (double-spaced, 12 pt. font). Due **October 1**.

4. **ANALYSIS OF JUDICIAL OPINION–OR–FACTUM** (25%): Using tools of argument evaluation introduced in class, identify and evaluate argument features from the factum OR the judicial opinion of a recent Supreme Court of Canada case. The case for analysis will be discussed in-class prior to the assignment. Analyses will be evaluated according to correctness and thoroughness of identifications and the thoroughness and persuasiveness of evaluations. Analyses should be **6 pages** minimum (double-spaced, 12 pt. font, full paragraphs) including diagrams. Due **November 10**.

5. **OPENING STATEMENTS–OR–CLOSING ARGUMENTS** (30%): Write either a set of opening statements for Crown and defense OR a set of closing arguments for Crown and defense. Both types of document require advocacy for one case outcome over another. The openings or closings will be evaluated according to their persuasive aspects and students' ability to reproduce conventions of the chosen genre. The case for the openings / closings assignment will be based on the Undergraduate Mock Trials Canada (UGMT) criminal case for the fall 2020 competition.

Opening statements or closing arguments should be **8–10 pages** (double-spaced, 12 pt. font), including a minimum **2–page** rationale for your rhetorical strategies. Due **December 3**.

COURSE SCHEDULE

Date Posted	Topic	Readings / Participation / ASSIGNMENTS DUE
Tues. Sept. 8	Course Overview and Writing Exercise	Participation: writing exercise (submit by 11:59pm EST, Tues. Sept. 8)
Wed. Sept 9– Thurs. Sept. 10	No lecture: Scholar Strike for racial justice	https://scholarstrikecanada.ca/
Fri. Sept. 11	Grammar Boot Camp	Participation: grammar workbook (submit by 11:59pm EST, Mon. Sept. 14)
Tues. Sept. 15	The Nature of Language	
Thurs. Sept. 17– Fri. Sept 18	No lecture	GRAMMAR QUIZ

Tues. Sept. 22	Statutes 1	Synthesis , "Reading Statutes" & "Interpreting Statutes" (e-Reserves) Tiersma , Chapter 7
Thurs. Sept. 24	Statutes 2	Participation : statute interpretation exercise (submit by 11:59pm EST, Thurs. Sept. 24)
Tues. Sept. 29	Interpreting Language: Rhetoric 1	The Rhetoric of Law , "Editorial Introduction" (e-Reserves) A Short Guide to Writing about Law , "Rhetoric and Law" (e-Reserves) Participation : Rhetoric Exercise 1 (submit by 11:59pm EST, Wed. Sept. 30)
Thurs. Oct. 1	Interpreting Language: Rhetoric 2	Participation : Rhetoric Exercise 2 (submit by 11:59pm EST, Mon. Oct. 5) STATUTE ASSIGNMENT DUE
Tues. Oct. 6	Interpreting Language: Linguistics	Linguistics at Work , "Language and Memories" (e-Reserves)
Thurs. Oct. 8	Language and the Law 1	Tiersma , Chapters 4, 5, 6
Tues. Oct. 13	Fall Reading Week	
Thurs. Oct. 15	Fall Reading Week	

Tues. Oct. 20	Language and the Law 2	Law's Stories , "Narrative and Rhetoric in the Law" (e-Reserves) Tiersma , Chapter 8
Thurs. Oct. 22	Legal Argumentation	Introduction to Reasoning , "The Characteristics of Legal Argument" (e-Reserves) Participation: Toulmin Model exercise (submit by 11:59pm EST, Mon. Oct. 26)
Tues. Oct. 27	Pleadings	An Advocacy Primer , "Drafting the Pleadings" (e-Reserves)
Thurs. Oct. 29	Factum 1	Synthesis , "Advocacy Writing in the Appellate Setting" (e-Reserves)
Tues. Nov. 3	Factum 2	Participation: factum analysis exercise (submit by 11:59pm EST, Wed. Nov. 4)
Thurs. Nov. 5	Judicial Opinion	Links on LEARN (opinion form and content)
Tues. Nov. 10	No lecture	FACTUM / OPINION ANALYSIS DUE
Thurs. Nov. 12	Opening Addresses 1	Tiersma , Chapter 9 Persuasive Edge , "Securing Juror Commitment" (e-Reserves) An Advocacy Primer , "Opening Addresses" (e-Reserves)

Tues. Nov. 17	Opening Addresses 2	<p>Fundamentals of Trial Techniques, "Opening Statements" (e-Reserves)</p> <p>Participation: Openings strategy exercise (submit by 11:59pm EST, Wed. Nov. 18)</p>
Thurs. Nov. 19	Examination of Evidence	Tiersma , Chapter 10
Tues. Nov. 24	Closing Arguments 1	<p>Tiersma, Chapter 11</p> <p>Persuasive Edge, "Maximizing Persuasion Potential" (e-Reserves)</p> <p>An Advocacy Primer, "Closing Argument" (e-Reserves)</p>
Thurs. Nov. 26	Closing Arguments 2	<p>Participation: Closings strategy exercise (submit by 11:59pm EST, Thurs. Nov. 26)</p>
Tues. Dec. 1	Plain Language	Tiersma, Chapters 12, 13
Thurs. Dec. 3	Course Review	SET OF OPENINGS –OR– CLOSINGS DUE