



ST. JEROME'S UNIVERSITY

St. Jerome's University in the University of Waterloo

Departments of English and Legal Studies

ENGL 210I / LS 291—Winter 2023

LEGAL WRITING

Monday & Wednesday, 11:30–12:50

SJ2 2007

INSTRUCTOR INFORMATION

Instructor: Dr. Ryan Devitt
Office: Sweeney Hall 2113
Office hours: Mondays & Wednesdays 1:00–2:00pm or by appointment
Email: rtdevitt@uwaterloo.ca

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: January 19	Weight: 10%
3. Statute Drafting	DUE: February 1	Weight: 25%
4. Analysis of Judicial Opinion OR Factum	DUE: March 13	Weight: 25%
5. Set of Openings OR Closings	DUE: April 10	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.

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.

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

Assignments must be submitted to the assignment dropbox on LEARN by 11:59pm Eastern Time Zone 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*.

ABSENCES AND ACCOMMODATION

Self-Declared, Short-Term Absences: Students can [self-declare a short term absence](#) through Quest. Self-declared, short-term absences are defined as a maximum of 48 hours, limited to once per term, and are only available during the formal lecture period. These absences can be declared for any reason, and the reason does not have to be disclosed, nor does any documentation need to be provided. For details, see <https://uwaterloo.ca/registrar/current-students/undergraduate-student-short-term-absences>.

- Note that students who declare a short-term absence will be excused from all assessments for the 48-hour absence window. However, **students must contact the course instructor in the first 24 hours** to discuss accommodations.

Self-Declared Absence for Influenza-like Illness or Requirement to Self-Isolate: Students can [self-declare an absence that involves influenza-like illness or a requirement to self-isolate](#) through Quest. Influenza-like illness may include fever, cough, and difficulty breathing and includes illness due to COVID-19 and the flu. Self-isolation is based on public health guidance. Absences due to influenza-like illness or a requirement to self-isolate are for a maximum of 10 days and require no supporting documentation. Absences due to influenza-like illness or a requirement to self-isolate for more than 10 days require a Verification of Illness Form (VIF).

- Note that **students are responsible for contacting instructor(s) to discuss accommodation for absences and how students will meet course requirements.**

Other Absences Due to Illness: All other absences due to illness or medical emergency must be documented by a UW "Verification of Illness Form," available at Health Services or online. See <https://uwaterloo.ca/campus-wellness/health-services/student-medical-clinic/verification-illness-services>.

Non-Medical Emergencies will be dealt with on a case-by-case basis and must be accompanied by appropriate documentation.

COVID-19 AND ALTERNATE LEARNING ARRANGEMENTS

In case of **cancellation of in-person meetings** due to the ongoing COVID-19 pandemic or any other public health related reason, recorded lectures will be posted to LEARN following the schedule included in this Course Outline.

OTHER IMPORTANT INFORMATION

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>.

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, https://www.sju.ca/sites/default/files/upload_file/PLCY_AOM_Student-Petitions-and-Grievances.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 <https://uwaterloo.ca/academic-integrity/> 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, https://www.sju.ca/sites/default/files/upload_file/PLCY_AOM_Student-Discipline.pdf. For information on categories of offences and types of penalties, students should refer to University of Waterloo Policy 71, Student Discipline, <https://uwaterloo.ca/secretariat/policies->

[procedures-guidelines/policy-71](#). For typical penalties, check the Guidelines for the Assessment of Penalties, <https://uwaterloo.ca/secretariat/guidelines/guidelines-assessment-penalties>.

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/students/applying-academic-accommodations> 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 **January 18, 12:01am EDT** and closes **11:59pm EDT January 19**.
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 **February 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 **March 13**.
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.

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 **April 10**.

COURSE SCHEDULE

Date Posted	Topic	Readings / Participation / ASSIGNMENTS DUE
Mon. Jan. 9	Course Overview and In-Class Writing Exercise	Participation: Writing Exercise (submit in class)
Weds. Jan. 11	Grammar Boot Camp	Participation: Grammar Workbook (submit by 11:59pm EST, Fri. Jan. 13)
Mon. Jan. 16	The Nature of Language	
Weds. Jan. 18	No Lecture	GRAMMAR QUIZ (available 12:01am EST, Weds. Jan. 18 until 11:59pm EST, Thurs. Jan. 19).
Mon. Jan. 23	Statutes 1	Synthesis , "Reading Statutes" & "Interpreting Statutes" (e-Reserves) Tiersma , Chapter 7
Weds. Jan. 25	Statutes 2	Participation: Statute Interpretation Exercise (submit by 11:59pm EST, Fri. Jan. 27)
Mon. Jan. 30	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, Weds. Feb. 1)
Weds. Feb. 1	Interpreting Language: Rhetoric 2	Participation: Rhetoric Exercise 2 (submit by 11:59pm EST, Fri. Feb. 3) STATUTE DRAFTING ASSIGNMENT DUE (submit by 11:59pm EST Weds. Feb. 1)

Mon. Feb. 6	Interpreting Language: Linguistics	Linguistics at Work , "Language and Memories" (e-Reserves)
Weds. Feb. 8	Language and the Law 1	Tiersma , Chapters 4, 5, 6
Mon. Feb. 13	Language and the Law 2	Law's Stories , "Narrative and Rhetoric in the Law" (e-Reserves) Tiersma , Chapter 8
Weds. Feb. 15	Legal Argumentation	Introduction to Reasoning , "The Characteristics of Legal Argument" (e-Reserves) Participation: Toulmin Model Exercise (submit by 11:59pm EST, Fri. Feb. 17)
Mon. Feb. 20	Reading Week	
Weds. Feb. 22	Reading Week	
Mon. Feb. 27	Pleadings	An Advocacy Primer , "Drafting the Pleadings" (e-Reserves)
Weds. Mar. 1	Factum 1	Synthesis , "Advocacy Writing in the Appellate Setting" (e-Reserves)
Mon. Mar. 6	Factum 2	Participation: Factum Analysis Exercise (submit by 11:59pm EST, Weds. Mar. 8)
Weds. Mar. 8	Judicial Opinion	Links on LEARN (opinion form and content)

Mon. Mar. 13	Opening Addresses 1	<p>Tiersma, Chapter 9</p> <p>Persuasive Edge, "Securing Juror Commitment" (e-Reserves)</p> <p>An Advocacy Primer, "Opening Addresses" (e-Reserves)</p> <p>FACTUM / OPINION ANALYSIS DUE (submit by 11:59pm EDT, Mon. Mar. 13)</p>
Weds. Mar. 15	No lecture	
Mon. Mar. 20	Opening Addresses 2	<p>Fundamentals of Trial Techniques, "Opening Statements" (e-Reserves)</p> <p>Participation: Openings Strategy Exercise (submit by 11:59pm EDT, Weds. Mar. 22)</p>
Weds. Mar. 22	Examination of Evidence	Tiersma , Chapter 10
Mon. Mar. 27	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>
Weds. Mar. 29	Closing Arguments 2	Participation : Closings Strategy Exercise (submit by 11:59pm EDT, Fri. Mar. 31)
Mon. Apr. 3	Plain Language	Tiersma , Chapters 12, 13
Weds. Apr. 5	No lecture, Extended Office Hours	SET OF OPENINGS –OR– CLOSINGS DUE (submit by 11:59pm EDT, Mon. Apr. 10).