

St. Jerome's University in the University of Waterloo
Department of English, Department of Sociology and Legal Studies

ENGL 210I / LS 291, Legal Writing

SJ2 2007, Tuesday & Thursday, 2:30–3:50

Instructor: Dr. Ryan Devitt

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Office & Hours: Sweeney Hall 2113, Tuesday & Thursday, 1:00–2:00 or by appointment

Course Description and Goals

The course will examine the nature of legal language and will provide tools to understand and interpret genres of legal writing and oratory, including statutes, pleadings, judicial opinions, factums, examinations, and opening and closing arguments. By the end of the course, students will have an understanding of basic rhetorical principles as they pertain to legal discourse, argumentation theories in legal reasoning, and the importance of language in the creation, interpretation, and application of law.

Course Organization

The course is divided into two parts: (1) General considerations of language, legal language, and language interpretation, and (2) Legal genres. Classes will consist of lectures and discussions, as well as in-class exercises and workshops.

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

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|--|------------------------|-------------|
| 1. Draft of statute, in-class interpretation | Due: October 11 | Weight: 25% |
| 2. Analysis of judicial opinion OR factum | Due: November 6 | Weight: 25% |
| 3. Set of opening OR closing arguments | Due: November 29 | Weight: 25% |
| 4. Final exam | Scheduled by Registrar | Weight: 25% |

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

Course Policies

Attendance and participation: Although there is no participation grade for the course, regular attendance and involvement in class discussions are necessary to understand course material and to adequately prepare for assignments and exams.

The quality of your in-class experience and the value of lectures will depend on your familiarity with the readings. Please read all assigned material before class and come prepared for discussion.

Late assignments: Assignments are due in class 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*. **Attendance is mandatory** on the **statute peer-interpretation day (Thursday, October 11)**. If you miss the statute peer-interpretation class, you must bring appropriate documentation to account for your absence.

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>. 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 and last name and the course code. I will endeavor to answer your question(s) within 24 hours, Monday to Friday.

UW Policies

Academic Integrity: To maintain a culture of academic integrity, members of the University of Waterloo are expected to promote honesty, trust, fairness, respect, and responsibility. Academic Integrity Office (UW): <https://uwaterloo.ca/academic-integrity/>

Discipline: A student is expected to know what constitutes academic integrity, to avoid committing academic offences, and to take responsibility for his/her actions. 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) or about "rules" for group work/collaboration should seek guidance from the course professor, 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](#). For information on categories of offenses and types of penalties, see [University of Waterloo Policy 71 - Student Discipline](#).

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. For information, see [St. Jerome's University Policy on Student Petitions and Grievances](#).

Appeals: A student may appeal the finding and/or penalty in a decision made under the St. Jerome's University Policy on Student Discipline or the St. Jerome's University Policy on Student Petitions and Grievances if a ground for an appeal can be established. For information, see [St. Jerome's University Policy on Student Appeals](#).

Note for students with disabilities: The [AccessAbility Services](https://uwaterloo.ca/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.

Assignment Details

1. Statute Drafting and Peer Interpretation

Drafting: Write a statute based on anything that you think should be enacted into law (prohibiting spitting in public, prohibiting the sale of unhealthy food in school cafeterias, regulating the flow of pedestrian traffic at St. Jerome's, regulating the behaviour of roommates, etc.). The intention of the statute can be playful or serious, but you must draft your law according to the conventions covered in the course. Make sure you clearly indicate the main intention of the statute, provide definitions if they are required, and consider exceptions that might arise. Limit your statute to **3 pages** (double-spaced, 12 pt. font).

Evaluation: Bring two copies of your statute to class on **October 11** for peer interpretation and evaluation: one with your name and ID, and one anonymous copy to be randomly circulated for the evaluation assignment. Questions to guide evaluation will be provided, and students are permitted to use laptops, notes, course material, etc. (i.e., the evaluation is open-book).

2. Analysis of Judicial Opinion OR Factum

Using tools of argument evaluation introduced in class, analyze a factum or judicial opinion of a recent Supreme Court of Canada case. The case for analysis will be discussed in-class prior to the assignment. Your analysis should be **6 pages** minimum (double-spaced, 12 pt. font, full paragraphs) including diagrams. Due **November 6**.

3. Opening Statements OR Closing Arguments

Write **either** a set of opening statements for prosecution and defense **or** a set of closing arguments for prosecution 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 the conventions of the chosen genre. The case for the openings / closings assignment will be based on the CLAUSE Undergraduate Mock Trials criminal case for fall 2018. For more information on CLAUSE UGMT, see <https://www.ugmt.co/>.

Opening statements or closing arguments should be **6–8 pages** (double-spaced, 12 pt. font), including a **2–page** rationale for your rhetorical strategies. Due **November 29**.

4. Final Exam

The exam will test your knowledge of core concepts covered in the course and will be divided into two parts: Part One (20 questions, 40%) will consist of multiple choice questions covering the nature of language, language and the law, and conventions of specific legal writing genres. Part Two (2 questions, 30% each) will require interpretation of legal texts using the tools of rhetoric and Toulmin's model of argumentation. **Scheduled by Registrar.**

Schedule of Classes

Date	Topic	Readings / ASSIGNMENTS DUE
Thurs. Sept. 6	Course Overview & Writing Exercise	
Tues. Sept. 11	Grammar Boot Camp	
Thurs. Sept. 13	The Nature of Language	
Tues. Sept. 18	Interpreting Language: Rhetoric	The Rhetoric of Law , "Editorial Introduction" (e-Reserves) A Short Guide to Writing about Law , "Rhetoric and Law" (e-Reserves)
Thurs. Sept. 20	Interpreting Language: Linguistics	Linguistics at Work , "Language and Memories" (e-Reserves)
Tues. Sept. 25	Language and the Law 1	Tiersma , Chapters 4, 5, 6
Thurs. Sept. 27	Language and the Law 2	Law's Stories , "Narrative and Rhetoric in the Law" (e-Reserves) Tiersma , Chapter 8
Tues. Oct. 2	Statutes 1	Synthesis , "Reading Statutes" & "Interpreting Statutes" (e-Reserves) Tiersma , Chapter 7
Thurs. Oct. 4	Statutes 2	Interpretation exercise: bring a statute to class
Tues. Oct. 9	Fall Study Break	
Thurs. Oct. 11	Peer Interpretation & Evaluation of Statute	STATUTE DUE, IN-CLASS INTERPRETATION
Tues. Oct. 16	Legal Argumentation	Introduction to Reasoning , "The Characteristics of Legal Argument" (e-Reserves)

Thurs. Oct. 18	Pleadings	An Advocacy Primer , "Drafting the Pleadings" (e-Reserves)
Tues. Oct. 23	Factum 1	Synthesis , "Advocacy Writing in the Appellate Setting" (e-Reserves)
Thurs. Oct. 25	Factum 2	Links on Learn (sample factum, analysis exercise)
Tues. Oct. 30	Guest Speaker	Honorable Mr. Justice Patrick J. Flynn (SCJ)
Thurs. Nov. 1	Judicial Opinion	Links on Learn (opinion form and content)
Tues. Nov. 6	Opening Addresses 1	Tiersma , Chapter 9 Persuasive Edge , "Securing Juror Commitment" (e-Reserves) An Advocacy Primer , "Opening Addresses" (e-Reserves) OPINION –OR– FACTUM ANALYSIS DUE
Thurs. Nov. 8	Opening Addresses 2	Fundamentals of Trial Techniques , "Opening Statements" (e-Reserves) Links on Learn (opening strategy exercise)
Tues. Nov. 13	Examination of Evidence	Tiersma , Chapter 10
Thurs. Nov. 15	Closing Arguments 1	Tiersma , Chapter 11 Persuasive Edge , "Maximizing Persuasion Potential" (e-Reserves) An Advocacy Primer , "Closing Argument" (e-Reserves)
Tues. Nov. 20	Closing Arguments 2	Links on Learn (closing strategy exercise)
Thurs. Nov. 22	Plain Language	Tiersma, Chapters 12, 13
Tues. Nov. 27	Floating Day	
Thurs. Nov. 29	Exam Review	SET OF OPENINGS –OR– CLOSINGS DUE