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## Legal Writing for the Courts

### Syllabus

Summer 2025

Professor Carducci

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### Texts

#### Required:

1. *The Bluebook* (21st ed.);
  - a. You should already have this book from IL
2. *Texas Law Review, Manual on Usage and Style* (13th ed. or newer).
  - a. For the best price, I recommend you purchase this manual directly from the UT School of Law: <https://law.utexas.edu/publications/books/manual-on-usage-and-style-mous/>

#### Recommended reference material, but please do not buy:

1. Jean Hofer Toal et al., *Appellate Practice in South Carolina* (3d ed. 2016);
2. Anne M. Enquist et al., *Just Writing: Grammar, Punctuation, and Style for the Legal Writer* (any edition).

### Class Time and Location

Unless otherwise indicated on the syllabus or communicated to you via e-mail, our class will meet as follows:

Days	Time	Room
Tuesdays/Thursdays	10:00 A.M. to 12:10 P.M.	389

### Contacting Me

Email Address	Phone	Office	Office Hours*
<a href="mailto:carduccd@mailbox.sc.edu">carduccd@mailbox.sc.edu</a>	803-777-7763	331	Tues/Thurs: 12:30 P.M. to 2:00 P.M.

*\*I am also available by appointment for virtual meetings via Microsoft Teams.*

I will communicate with you regarding class meetings, assignments, and grades using the email that is associated with your school email account. I will presume that you check your email regularly.

### **Course Objectives and Learning Outcomes**

This course will enable students to achieve three main objectives.

First, the course will introduce students to the writing experiences that they would likely have should they apply for, and secure, the position of a law clerk in the chambers of an appellate judge. To that end, the course should be most beneficial to those students who are interested in pursuing the opportunity to serve an appellate judge, an appellate court, and the law as law clerks after graduation.

Second, for all students—those who intend to seek judicial clerkships and those who do not intend to do so—the course will provide an intensive opportunity for them to refine their writing skills. The assignments and my evaluations of them will enable students to deepen their appreciation for the art of effective legal writing and the elements that contribute to it, including clear thinking; logical and coherent organization; clarity of expression; precision in the selection and use of words, clauses and sentences; awareness of the reader’s needs; and an engaging style.

Third, the course will offer students the opportunity to appreciate the practical value of reading good writing and imitating it in their own writing as members of the legal profession.

By the end of this course, students should be proficient in the following skills:

#### **Application Process**

- Understanding the South Carolina appellate courts and when to apply for a clerkship
- Drafting application materials for a clerkship
- Building personal and professional relationships for potential recommendation letters and references

#### **Legal Research**

- Selecting appropriate sources—binding and persuasive authorities
- Devising and implementing efficient research strategies
- Critically evaluating, validating, and updating retrieved information
- Modifying initial research strategies based on results

#### **Legal Analysis**

- Critically reading cases and statutes
- Deriving and understanding legal rules from legal authorities and applying them to an issue on appeal
- Understanding common appellate issues—including but not limited to issue preservation, mootness, ripeness, standing, appellate and subject matter jurisdiction, two-issue rule, law of the case, and appealability

### **Effective communication of legal analysis**

- Correctly applying standard English grammar and punctuation, using a clear, concise writing style proper for appellate practice
- Correctly constructing and using legal citations proper for appellate practice
- Drafting bench memoranda and proposed opinions and dissents in compliance with South Carolina practice

### **Professional and life skills that correlate with success in an appellate clerkship**

- Actively engaging in personal and professional self-assessment
- Working professionally and productively in individual and collaborative environments
- Demonstrating respect to all members of the Law School community, including yourself, your classmates, Faculty members, members of the Law School staff, and visitors to our campus
- Fostering and maintaining healthy interpersonal relationships
- Efficiently managing your time and effectively managing your responsibilities.

### **Course Delivery Format**

This course is an in-person course and attending this class in person is the only method of attending class that satisfies the attendance requirement. See [Attendance](#) below.

### **Technology Requirements**

You will use technology in this course to access course documents; to complete assignments; to collaborate with classmates when permitted; and perhaps meet with me. Therefore, you will need the following technology:

- A laptop or tablet that has a current operating system with updates installed;
- Reliable internet access;
- Reliable data storage to store and backup your work, such as a USB drive or Office365 OneDrive cloud storage, which comes with your Microsoft Office 365 account;
- [Microsoft Word](#) (you can access the entire Microsoft Office 365 Suite for free by signing into your student email account);
- [Adobe Acrobat Reader](#); and
- [Google Chrome](#), which is the recommended internet browser for TWEN.

The software on this list is available to law students for free. You can access more information on these tools and mobile computing in general from [Academic Technology](#). If you need more information about these tools, please do not hesitate to ask.

### **Coursework Outside of Class**

For each hour we spend in class, you should expect to spend a minimum of two hours per week outside of class preparing for class or completing assignments. (See [ABA Standard 310\(b\)](#) for determining credit hours for coursework.)

### **Graded Assignment Schedule**

<b>Assignment</b>	<b>Points</b>	<b>Deadline*</b>
Short Essay: “What is ‘Legal Writing’ Anyway?” (1-2 pages)	10 <sup>†</sup>	Sunday, June 8, 2025
Letter to Chief Judge (with resume) (1 page each)	10	Wednesday, June 11, 2025
Letter to Chief Judge (with writing sample) (1 page plus sample)	5	Sunday, June 15, 2025
Editing Exercise No. 1	5 <sup>†</sup>	Sunday, June 15, 2025
Letter of Recommendation for Application (1 page)	15	Wednesday, June 18, 2025
Legal Memorandum for Application Process (3-4 pages)	25	Sunday, June 22, 2025
Editing Exercise No. 2	5 <sup>†</sup>	Wednesday, June 25, 2025
Bench Memorandum (8-10 pages)	60	Sunday, July 13, 2025
The Proposed Opinion for the Court (5-7 pages)	45	Thursday, July 17, 2025
The Proposed Dissenting Opinion (2-4 pages)	20	Sunday, July 20, 2025
	<b>Total: 200</b>	

\*All assignments are due by 11:59:59 p.m. on the date indicated in the “Deadline” column.

<sup>†</sup> Students will receive full value if the assignment is timely submitted and reflects a sincere effort.

Note: Check the class schedule below for any additional assignments that you will have to submit for class. (See [Course Policies, Section E.](#))

## Class Schedule

### Week 1: Introductions, South Carolina Courts, “How to Get Hired,” & More

Date	Read	Complete
<b>Tuesday, June 3</b>	<input type="checkbox"/> Syllabus <input type="checkbox"/> TWEN: We Don’t Need No Stinkin’ Legal Writing Class.	<input type="checkbox"/> Submit Information Sheet via TWEN on or by <b>Monday, June 2, 2025, by 12:00 p.m.</b>
<b>Thursday, June 5</b>	<input type="checkbox"/> TWEN: Writing Letters <input type="checkbox"/> TWEN: Skim Job Search Handbook. <input type="checkbox"/> TWEN: Skim Judicial Clerkship Handbook. <input type="checkbox"/> TWEN: Sample Resume from Career Services. <input type="checkbox"/> TWEN: Sample Cover Letter from Career Services. <input type="checkbox"/> TWEN: Sample Resume (DRC to Eleventh Circuit COA). <input type="checkbox"/> TWEN: Sample Cover Letter (DRC to Eleventh Circuit COA). <input type="checkbox"/> Bring a copy of your resume to class—paper preferred.	<input type="checkbox"/> Submit Short Essay on “What is Legal Writing Anyway?” via TWEN on or by <b>Sunday, June 8, 2025, by 11:59 p.m.</b>

## **Week 2: Resumes, Writing Samples, Recommendation Letters, & References**

<b>Date</b>	<b>Read</b>	<b>Complete</b>
<b>Tuesday, June 10</b>	<input type="checkbox"/> Career Services visits class. <input type="checkbox"/> TWEN: Regaining the Joy of Reading. <input type="checkbox"/> TWEN: Understanding How . . . <input type="checkbox"/> TWEN: Keep it Short. <input type="checkbox"/> TWEN: <i>Wilson v. City of Columbia</i> .	<input type="checkbox"/> Submit Letter to the Chief Judge with resume via TWEN on or by <b>Wednesday, June 11, 2025, by 11:59 p.m.</b>
<b>Thursday, June 12</b>	<input type="checkbox"/> TWEN: From Rough-Hewn to Refined. <input type="checkbox"/> TWEN: Ax These Terms from Your Legal Writing. <input type="checkbox"/> TWEN: Clumsy Words & Phrases. <input type="checkbox"/> TWEN: Legalese Alternatives. <input type="checkbox"/> TWEN: Writing in a Time Crunch. <input type="checkbox"/> TWEN: Sample References. <input type="checkbox"/> TWEN: Sample Rec. Letter (Tina). <input type="checkbox"/> Print and bring your writing sample to class.	<input type="checkbox"/> Submit Letter to the Chief Judge with writing sample via TWEN on or by <b>Sunday, June 15, 2025, by 11:59 p.m.</b> <input type="checkbox"/> Submit Editing Exercise No. 1 via TWEN on or by <b>Sunday, June 15, 2025, by 11:59 p.m.</b>

### **Week 3: Let's Start Writing: Legal Memorandum with Application**

<b>Date</b>	<b>Read</b>	<b>Complete</b>
<b>Tuesday, June 17</b>	<input type="checkbox"/> Work on Recommendation for Application. <input type="checkbox"/> TWEN: Legal Memo for Application Assignment.	<input type="checkbox"/> Submit Letter of Recommendation for Application via TWEN on or by <b>Wednesday, June 18, 2025, by 11:59 p.m.</b>
<b>Thursday, June 19</b>	<input type="checkbox"/> TWEN: Top Ten Tips to Maintain Physical and Mental Health. <input type="checkbox"/> TWEN: Secrets of Adulthood. <input type="checkbox"/> TWEN: Judges Speaking Softly. <input type="checkbox"/> TWEN: Judge Bell's Top Ten Rules.	<input type="checkbox"/> Submit Legal Memorandum for Application Process via TWEN on or by <b>Sunday, June 22, 2025, by 11:59 p.m.</b>

### **Week 4: Bench Memorandum**

<b>Date</b>	<b>Read</b>	<b>Complete</b>
<b>Tuesday, June 24</b>	<input type="checkbox"/> TWEN: Sample Bench Memorandum (Tina). <input type="checkbox"/> TWEN: Ten Tips for Better Legal Writing. <input type="checkbox"/> TWEN: The Case for Streamlining Citations.	<input type="checkbox"/> Submit Editing Exercise No. 2 via TWEN on or by <b>Wednesday, June 25, 2025, by 11:59 p.m.</b>
<b>Thursday, June 26</b>	<input type="checkbox"/> Read the briefs at the supreme court in your Case on Appeal & come prepared to discuss. <input type="checkbox"/> Refer to your notes.	

### **Week 5: Bench Memorandum (cont.)**

Date	Read	Complete
<b>Tuesday, July 1</b>	<input type="checkbox"/> Refer to your notes.	<input type="checkbox"/>
<b>Thursday, July 3</b>	<input type="checkbox"/> Refer to your notes.	<input type="checkbox"/> Sign up for a feedback slot for interim feedback on your bench memorandum by class.

### **Week 6: Interim Feedback & Oral Arguments**

Date	Read	Complete
<b>Tuesday, July 8</b>	<input type="checkbox"/> No class; interim feedback on bench memorandum.	<input type="checkbox"/> Please turn in your bench memorandum as indicated on the sign-up sheet.
<b>Thursday, July 10</b>	<input type="checkbox"/> Watch: <a href="#"><u>Protestant Episcopal Church v. Episcopal Church</u></a> and <a href="#"><u>Moore v. Stirling</u></a> . <input type="checkbox"/> Watch if you have more time and are interested: <a href="#"><u>Lewis v. L.B. Dynasty</u></a> and <a href="#"><u>Kelsey v. SCDPPPS</u></a> . <input type="checkbox"/> TWEN: Guided Questions for Arguments. <input type="checkbox"/> TWEN: Judges Should Write Their Own Opinions. <input type="checkbox"/> TWEN: <i>State v. Wright</i> . <input type="checkbox"/> TWEN: Voice and Tone in Legal Writing. TWEN: Seven Tips for Writing Briefs and Motions.	Submit Final Bench Memorandum via TWEN on or by <b>Sunday, July 13, 2025, by 11:59 p.m.</b>

### **Week 7: Proposed Majority/Dissenting Opinions**

<b>Date</b>	<b>Read</b>	<b>Complete</b>
<b>Tuesday, July 15</b>	<ul style="list-style-type: none"><li><input type="checkbox"/> TWEN: <i>Protestant Episcopal Church v. Episcopal Church</i>.</li><li><input type="checkbox"/> Find a good majority opinion that you like from the South Carolina Supreme Court or South Carolina Court of Appeals; print and bring to class.</li><li><input type="checkbox"/> TWEN: I Got It.</li><li><input type="checkbox"/> TWEN: From 3L to 401(k).</li><li><input type="checkbox"/> TWEN: Tips for Associates.</li></ul>	<ul style="list-style-type: none"><li><input type="checkbox"/> Submit the Proposed Majority Opinion via TWEN on or by <b>Thursday, July 17, 2025, by 11:59 p.m.</b></li></ul>
<b>Thursday, July 17</b>	<ul style="list-style-type: none"><li><input type="checkbox"/> Find a good dissent that you like from the South Carolina Supreme Court or South Carolina Court of Appeals; print and bring to class.</li><li><input type="checkbox"/> <i>Howard v. S.C. Dep't of Corr.</i> (Pay attention to how the majority changed its position; see also the concurrence and dissent.)</li><li><input type="checkbox"/> <i>State v. Spears</i> (Focus on the dissent and concurrence.)</li><li><input type="checkbox"/> Please bring your computers for evaluations.</li></ul>	<ul style="list-style-type: none"><li><input type="checkbox"/> Submit the Proposed Dissenting Opinion via TWEN on or by <b>Sunday, July 20, 2025, by 11:59 p.m.</b></li></ul>

**End of class. Have a great rest of your summer!**



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## LEGAL WRITING FOR THE COURTS COURSE POLICIES

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## **A. Unauthorized Assistance & Honor Code Issues**

### **General Provisions**

Students learn a lot from each other. Therefore, I encourage you to discuss with your Writing for the Courts classmates the substance of any exercise or assignment in this course at any time. However, I need to be confident that I am assessing your individual work. Therefore, unless I inform you otherwise, you are prohibited from

- sharing physical or electronic versions of your written work (including preliminary outlines) with anyone but me;
- conferring with any persons who are not members of your Writing for the Courts class while researching and preparing your assignments;
- accessing, reading, or using any materials prepared by any current or former law student to assist you in preparing your research and assignments;
- sharing any course materials outside of class without permission from me; and
- reviewing any published opinions that have been prohibited as set forth in the instructions for the assignments.

Plagiarism—passing off the work of another as one’s own—is an Honor Code violation. I will refer incidents of suspected plagiarism to the Associate Dean for Academic Affairs. If you are ever unsure whether a given interaction is permitted, please email me or ask me in class. I will treat violations of this policy as Honor Code violations. See [section VII of the Student Handbook](#) for a copy of the Law School’s Honor Code.

### **Writing Assignments**

Like most lawyers in practice, you may discuss the analysis of any writing assignment with your Writing for the Courts classmates. However, to ensure that your written work is your own, I place limitations on your written work.

You may

- use any spell-checking or grammar-checking programs that come with your word processing program, such as Microsoft Word or Pages;
- use any free spell-checking or grammar-checking programs, except for the generative AI tools mentioned below; and
- meet with me to discuss your writing.

You may not, unless my instructions provide otherwise,

- allow anyone other than me to read your written work before you submit it; “anyone” includes law students, lawyers, family members, partners, or friends;
- use generative Artificial Intelligence tools, other than those expressly allowed, during any phase of your research and writing process or to produce your written work. Effectively managing and using generative AI for legal work requires legal intelligence and skill that you do not yet have but will begin to develop. Examples

of prohibited generative AI tools include ChatGPT (any version), GPT (any version), Google Bard, CoCounsel, Cohere Generate, Claude, Microsoft Bing, Microsoft CoPilot, and Lexis+ AI.

If you have any questions about what actions or assistance may or may not be permitted under this section, please ask me.

## **B. Calculation of Course Grade and Assignment Evaluation**

Throughout the semester, I will evaluate your assignments and award points for them. Thus, after I evaluate your last writing assignment, you will have a specific raw point total for the semester. I reserve the right to adjust this point total as described in the [Attendance](#) and [Professionalism and Civility](#) sections below. Moreover, I will assign grades in compliance with the [Student Handbook](#) and as directed by the Dean.

Because I will need to give you tailored help as you work on assignments, I cannot maintain anonymity. Thus, you will turn in papers via TWEN with your name attached to your submission.

## **C. Attendance**

Attendance at class, make-up sessions, and required conferences is mandatory. At the beginning of every class, an attendance sheet will be passed around the class for you to sign. Signing the attendance sheet is your responsibility. The Law School attendance policy states that if you miss more than 10% of the classes, you must obtain approval from the Associate Dean to receive any grade other than an F in this course. If you are more than fifteen minutes late for class, it will be counted as an absence.

## **D. Use of Laptops and Electronic Equipment in Class; Class Recordings**

All mobile phones must be turned off or (for emergencies only) set to silence/vibrate in the classroom. Messaging—by phone, a smart watch, or a messenger service on your computer—is absolutely prohibited in class. However, you may use your laptops in class for note-taking purposes and for other activities as directed by me. For example, during some classes, you will use your laptops to work on polishing exercises. The Law School laptop policy prohibits surfing the internet, e-mailing, playing games, and working on other coursework in class. See [Law Student Handbook VIII\(C\)\(1\)\(c\)](#).

You may not record or transmit any classroom discussions or activities outside the classroom by any electronic means without our prior approval. I may record class meetings and make them available in limited circumstances.

## **E. Professionalism and Civility**

Engaging in professional and civil behavior is essential to your success as a lawyer. Accordingly, I expect professional and civil behavior in all aspects of this course, and when I am calculating your grade for this course, I will consider the extent to which you meet that expectation. Specifically, I may add up to ten points for truly outstanding professionalism and civility. Conversely, I may deduct up to ten points for unprofessional or uncivil behavior.

Professional and civil behavior includes completing graded and ungraded assignments with your best effort and submitting them by the deadline, paying attention to detail, thoroughly preparing for class, and thoughtfully participating in class. It also includes respecting the time and views of your fellow students and your professor. For example, professionalism and civility require refraining from distracting behavior while another person is speaking; avoiding the improper use of technology in class (see [section D](#)); arriving on time for scheduled class meetings, conferences, or other appointments; and using email appropriately.

Professional and civil behavior also requires thoughtful interaction with each other that fosters community. [The Law School's core Values](#) include Community: "Cultivating—through our words and actions—a diverse, inclusive, and civil community where everyone is valued and supported." Many of us, including your classmates and professors, are still in the process of learning about diverse perspectives and identities. If something was said in class—by anyone—that made you feel uncomfortable, please talk to me about it. (Language adapted from Dr. Monica Linden, Brown University.)

## **F. Format for Written Exercises and Assignments**

Many of our assignments will have instructions that are specific to that assignment. Your submissions should follow the conventions as provided in the individual assignments. If there are not specific instructions, please use the following format:

1. typed using 12-point Times New Roman;
2. double spaced, except when other rules require single spaced or the assignment instructions allow for single spaced;
3. one-inch margins on the top, bottom, and sides of each page;
4. pages numbered with the number centered at the bottom of the page; and
5. fully justified except for when other conventions require otherwise.

Include your name on the first page of every assignment. If your submission requires your name within the document—like the "From" line in a memo heading or a signature block—placing your name at that location will satisfy this requirement.

You must submit all writing assignments in Microsoft Word so that I may use Word's comment function to give you feedback on your assignments. If assignments are returned to you electronically, they will be returned in PDF format.

## **G. Assignment Deadlines**

Meeting deadlines is part of being a good lawyer, so you should develop this habit in law school if you do not already have it. All assignments are due when indicated in the syllabus, even if class does not meet that day.

To emphasize the importance of timeliness in practice, I reserve the discretion to impose penalties for lateness. Specifically, I will deduct up to 20% of the total points for an assignment for each day it is late (including weekends and holidays) unless, in my discretion, I believe that the circumstances warrant some other sanction. The first late "day" begins immediately after the time of day that the assignment or quiz is due. Thus, if an assignment is due by 11:59 P.M. and is

submitted at 12:00 A.M., it is one day late. At 12:00 A.M. the following day, it will be two days late, and I may deduct 40% of its points.

Technology incompetence, technology problems, and Internet outages are not acceptable excuses for submitting late assignments or quizzes. [The Rules of Professional Conduct for forty states](#), including South Carolina, require attorneys to provide competent representation for their clients; competent representation includes technology competence. Learning to navigate computing software and document submission platforms are key steps to gaining the technology competence law practice will require. Additionally, as in law practice, you are responsible for anticipating possible computer problems by allowing sufficient time to deal with them. Test your computer before each deadline. Waiting until the last minute to finish an assignment is a good way to fare poorly in this course.

All writing assignments will be submitted via the Assignments section on TWEN. TWEN will time stamp your assignment when you upload it. I will evaluate timeliness based on this time stamp.

You are responsible for making sure that the assignment was properly submitted and that the document can be opened in Microsoft Word. An assignment that was not properly submitted or that I cannot open before the deadline will be considered late. To help you with this responsibility, TWEN will send you a confirmation email that the assignment has been submitted as well as an electronic copy of the document you submitted.

If, prior to an assignment deadline, you learn of a circumstance that will prevent you from submitting your assignment on time, you should email me prior to the deadline. I may consider timely requests for extensions on an individual basis, depending on the nature of the circumstances.

## **H. Students with Disabilities**

I welcome a conversation to discuss your learning needs. I want you to succeed in our course.

Students who require disability-related accommodations must submit an application with the [Student Disability Resource Center](#) for the coordination and approval of your accommodations. The Law School must have documentation of your application's approval before it can make accommodations in any course. If you have any questions about this process, contact Jenny Lanford, Director of Academic Administration, office 127A (Student Services suite), [vlanford@mailbox.sc.edu](mailto:vlanford@mailbox.sc.edu).

## **I. Wellness**

If stress or a mental health condition is impacting you or your ability to succeed academically, maintain relationships, eat, sleep, or enjoy yourself, please reach out to any of our mental health resources. The School of Law offers an in-house licensed counselor for individual counseling in a safe and confidential space. Both in-person and virtual appointments are offered. To schedule an appointment, visit [MyHealthSpace](#) and send a brief message to "Law School Counselor" to initiate the scheduling process. This service is offered at no cost. Please visit [School of Law Health and Wellness](#) for more mental health resources.

Mental health services available to all USC students include psychiatric services as well as group and individual counseling by Counseling & Psychiatry at the Thomson Building on Main Campus. You can schedule an appointment at (803) 777-5223 or on MyHealthSpace. You can also call after-hours for crisis counseling. In addition, if in crisis, you can call Counseling and Psychiatry's 24-hour mental health support line at (833) 664-2854 to speak to a counselor. Wellness Coaching can help you improve in areas related to emotional and physical wellbeing, such as sleep, resiliency, balanced eating and more. Wellness Coaching appointments can be made by calling 803-777-6518 or on MyHealthSpace. You can also access virtual self-help modules via [Therapy Assistance Online \(TAO\)](#). Most of these services are offered at no cost as they are covered by the University Health Services tuition fee. For all available mental health resources, check out [University Health Services Mental Health](#).

Any student who has difficulty affording groceries or accessing sufficient food to eat every day, or who lacks a safe and stable place to live and believes this may affect their performance in the course, is urged to contact the Office of Student Affairs. If you are comfortable doing so, please notify me if I can find resources that may be helpful to you. You may also visit Counselor's Corner, which provides food, toiletries, clothing, books, and some household items to anyone in our law school community. Counselor's corner is located in the hallway between the Commons and the café. Students do not learn when they do not feel safe. If you feel unsafe on campus at any time in any place, please contact Police Dispatch at 803-777-4215 (in an emergency, please call 911) and reach out to the Office of Student Affairs. Again, if you are comfortable doing so, please notify me, and I will do my best to make appropriate accommodations.