LEGAL DRAFTING – LAW 6807
2 credits
Fall 2017

I. Legal Drafting Professors

Office, Contact Information, and Office Hours

Leslie Knight, Director 357 Holland Hall, 273-0938, knightl@law.ufl.edu
Tues., Thurs., 9-11; Wed. 1:30-3:00; by appointment

Deborah Cupples 370C Holland Hall, 273-0977, cupples@law.ufl.edu
Mon., Thurs., 11-12:30; Tues., 9:30-11; by appointment

Ben Fernandez 312I Holland Hall, 273-0937, fernandez@law.ufl.edu
Mon., Wed., 10-12; by appointment

Silvia Menendez 351 Holland Hall, 273-0740, menendezs@law.ufl.edu
Tues., Thurs., 11-2; by appointment

Margaret Temple-Smith 312N Holland Hall, 273-0943, temples@law.ufl.edu
Tues. 10-11:30; Fri. 10-noon; by appointment

II. Course Objectives and Student Learning Outcomes

In this course, students will work from a portfolio of simulated fact patterns and applicable statutes, rules, and case law to prepare a variety of legal documents. After completing this course, students should be able to:

1. Apply the principles and practices necessary for drafting legal documents, including litigation documents, contracts, and legislative documents;
2. Elicit information from fictional clients, counsel them, and draft polished, professional-caliber documents that best serve the clients’ needs; and
3. Produce work product that is thoughtfully planned, logically organized, and articulated clearly and unambiguously.
III. Textbook and Course Materials

**Required:**
Legal Drafting, Margaret Temple-Smith and Deborah E. Cupples (Amazon.com);
Legal Drafting Client Files (Target Copy, West University Avenue)

**Recommended:**
Grammar, Punctuation & Style: A Quick Guide for Lawyers and Other Writers, Deborah Cupples and Margaret Temple-Smith

IV. Course Schedule

LEGAL DRAFTING ASSIGNMENT SCHEDULE – FALL 2017

Note that the scheduled dates for the discussion and assignment may change at the professor’s discretion.

Students will be instructed to complete most drafting assignments outside of the class meetings. Each drafting assignment (not including assigned readings) other than the Final Project is estimated to require at least 2 hours to complete. The Final Project will require a substantial amount of time to complete (far in excess of 2 hours).

**LD** = Legal Drafting, by Temple-Smith and Cupples
**CF** = Client Files

**Class Plans and Assignments**

**Class Meeting:** (1)
- Discuss: Introduction to course; Drafting complaints

**For Next Meeting:** *Simulation #1*
- Re-read LD, pgs. 1-13
- Read LD, pgs. 14 - 33
- Read CF, pgs. 1-17
Simulation #1
Practitioner Workshop: Draft Brewer negligence complaint and discuss impact of Futch v. Josey
For Next Meeting: Simulation #2
Re-read LD, pgs. 14-33; CF pgs. 8-14
Read CF, pgs. 18-20
Draft Washburn breach of contract complaint

Simulation #2
Discuss: Washburn complaint and Baron v. Osman
For Next Meeting: Simulation #3
Revise Washburn complaint
Read CF, pgs. 21-27
Read LD, pgs. 43-55; 56-74

Simulation #3
Discuss final issues - Washburn complaint
Practitioner Workshop: America Malls, Inc.
Answer and Affirmative Defenses; Discuss motions
For Next Meeting: Simulation #4
Read LD, Section VI, pgs. 35-42
Read CF, pgs. 28-41
Respond to Practitioner’s Guide (Florida Telemarketing Act)
Draft Timeline of facts for Washburn statute-based cause of action

Simulation #4
Practitioner Workshop: Develop facts – Washburn
Discuss: Statutory complaints; Florida Telemarketing Act
For Next Meeting: Simulation #4
Draft Washburn statute-based Complaint
Review CF, pgs. 28-41
Simulation #4
Discuss: Washburn complaint (Telemarketing Act only); Statutory complaints
For Next Meeting: Simulation #4
   Revise Washburn complaint (TA only)
   Read LD, Section V, pgs. 33-35

Simulation #4
Discuss: Multi-count complaints
For Next Meeting: Simulation #4
   Draft Washburn 2-count complaint (revise TA count and add and revise breach of contract count)

Simulation #4
Discuss: Washburn 2-count complaint; alternative multi-count formats; concluding remarks: Litigation
For Next Meeting:
   Read LD, pgs. 372-379; 387-414 (grammar, punctuation, and style)

(9) and (10) Conclude Litigation Drafting and Prepare for Drafting for Business Transactions: Readings and exercises

(11) through (21) Contract Drafting: Readings, exercises, and drafting contracts and related documents
   Topics include:
   Articulating obligations
   Term Sheets
   Exordium
   Subsidiary obligations
   Headings and other organization principles
   Time and condition statements
   Descriptive and policy statements
   Background
   Administrative sections
   Complex provisions (e.g., indemnification; release)
V. Grading Policies

A. Final Project and Other Graded Assignments

The Legal Drafting grade is based primarily on a final project document which gives the student an opportunity to show he or she has mastered the drafting principles addressed during the semester. Other assignments, including in-class exercises and quizzes, may also be graded. If, without authorization, a student does not turn in the final project or other graded assignment on time, the final grade in the course will automatically drop one full letter grade, for example, “A” to “B” or “B+” to “C+.” The grade may continue to drop at the rate of one full letter grade for each 24-hour period the final project remains untendered.

B. Daily Assignments

The Legal Drafting grade is also based on timely and otherwise satisfactory completion throughout the semester of the daily assignments. Any late, missing, or incomplete assignment may affect the grade. If the student fails to turn in, on time, a satisfactorily completed assignment, the final grade in the course may drop one level, for example, from “A” to “A-,” “B+” to “B,” or from “C-” to “D+.” For each additional missing, late, or otherwise unsatisfactory assignment, the grade may drop one more level. If the student fails to turn in, on time, three assignments, he or she may be dropped from the class roll and become ineligible to take the project.
C. **College of Law Grade Policy**

The Legal Drafting grade policy adheres to the College of Law’s posted grading policy, including with respect to the mean and mandatory grade distributions. Letter grades are determined in accordance with the following point equivalency:

<table>
<thead>
<tr>
<th>Letter Grade</th>
<th>Point Equivalent</th>
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<tbody>
<tr>
<td>A (Excellent)</td>
<td>4.0</td>
</tr>
<tr>
<td>A-</td>
<td>3.67</td>
</tr>
<tr>
<td>B+</td>
<td>3.33</td>
</tr>
<tr>
<td>B</td>
<td>3.0</td>
</tr>
<tr>
<td>B-</td>
<td>2.67</td>
</tr>
<tr>
<td>C+</td>
<td>2.33</td>
</tr>
<tr>
<td>C (Satisfactory)</td>
<td>2.0</td>
</tr>
<tr>
<td>C-</td>
<td>1.67</td>
</tr>
<tr>
<td>D+</td>
<td>1.33</td>
</tr>
<tr>
<td>D (Poor)</td>
<td>1.0</td>
</tr>
<tr>
<td>D-</td>
<td>0.67</td>
</tr>
<tr>
<td>E (Failure)</td>
<td>0.0</td>
</tr>
</tbody>
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D. **University Policy on Grade Points**

Information on the University policy as to assigning grade points is available at: [http://catalog.ufl.edu/ugrad/current/regulations/info/grades.asp](http://catalog.ufl.edu/ugrad/current/regulations/info/grades.asp)

**VI. Class Attendance**

Each student is expected to attend every class meeting. If a student is absent from more than four class meetings, the student may be dropped from the class roll and become ineligible to submit the final project. See the College of Law attendance policy at [http://www.law.ufl.edu/student-affairs/current-students/academic-policies](http://www.law.ufl.edu/student-affairs/current-students/academic-policies).
VII. Accommodations
Students with disabilities requesting accommodations should first register with the Disability Resource Center (352-392-8565, www.dso.ufl.edu/drc/) by providing appropriate documentation. Once registered, students will receive an accommodation letter which must be presented to Student Affairs (Dean Rachel Inman) when requesting accommodation. Students with disabilities should follow this procedure as early as possible in the semester.

VIII. Student Course Evaluation
Students are expected to provide feedback on the quality of instruction in this course by completing online evaluations at https://evaluations.ufl.edu. Evaluations are typically open during the last two or three weeks of the semester, but students will be given specific times when they are open. Summary results of these assessments are available to students at https://evaluations.ufl.edu/results/.

IX. UF Honesty Policy
UF students are bound by the Honor Pledge which states, “We, the members of the University of Florida community, pledge to hold ourselves and our peers to the highest standards of honor and integrity by abiding by the Honor Code. On all work submitted for credit by students at the University of Florida, the following pledge is either required or implied: “On my honor, I have neither given nor received unauthorized aid in doing this assignment.” The Honor Code specifies a number of behaviors that are in violation of this code and the possible sanctions. Furthermore, you are obligated to report any condition that facilitates academic misconduct to appropriate personnel.

For the University Honor Code, please see: http://www.dso.ufl.edu/sccr/process/student-conduct-honor-code/
For the College of Law Honor Code, please see: http://www.law.ufl.edu/student-affairs/additional-information/honor-code-and-committee/honor-code

If you have any questions or concerns, please consult with the instructor in this class.