**LEGAL DRAFTING – LAW 6807**

2 credits

Spring 2018

**I. Legal Drafting Professors**

Office, Contact Information, and Office Hours

Leslie Knight, Director 357 Holland Hall, 273-0938, [knightl@law.ufl.edu](mailto: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](mailto: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](mailto:fernandez@law.ufl.edu)

Mon., Wed., 10-12; by appointment

Silvia Menendez 351 Holland Hall, 273-0740, [menendezs@law.ufl.edu](mailto:menendezs@law.ufl.edu)

Tues., Thurs., 11-2; by appointment

Margaret Temple-Smith 312N Holland Hall, 273-0943, [temples@law.ufl.edu](mailto: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:**

Plain English for Lawyers, Richard C. Wydick, 5th edition.

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

**IV. Course Schedule**

**LEGAL DRAFTING ASSIGNMENT SCHEDULE – SPRING 2018**

*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

(2) *Simulation #1*

Practitioner Workshop: Draft 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* breach of contract complaint

(3) *Simulation #2*

Discuss: Breach of complaint and *Baron v. Osman*

**For Next Meeting**: *Simulation #3*

*Revise* complaint

*Read* **CF**, pgs. 21-27

*Read* **LD**, pgs.43-55; 56-74

(4) *Simulation #3*

Discuss final issues - Breach of contract complaint

Practitioner Workshop: 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 Motor Vehicle Repair Act)

*Draft* Timeline of facts for statute-based cause of action

(5) *Simulation #4*

Practitioner Workshop: Develop facts

Discuss: Statutory complaints; Florida MVR Act **For Next Meeting**: *Simulation #4*

*Draft* statute-based Complaint

*Review* **CF**, pgs. 28-41

(6) *Simulation #4*

Discuss: Complaint (MVR Act only); Statutory complaints

**For Next Meeting**: *Simulation #4*

*Revise* complaint (MRV Act only)

*Read* **LD**, Section V, pgs. 33-35

(7) *Simulation #4*

Discuss: Multi-count complaints

**For Next Meeting**: *Simulation #4*

*Draft* 2-count complaint (revise MVR Act count and add and revise breach of contract count)

(8) *Simulation #4*

Discuss: 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 (25) Contract Drafting: Readings, exercises, and drafting contracts and other 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)

(25) through (28) Final Project

**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:

Letter Grade Point Equivalent

A (Excellent) 4.0

A- 3.67

B+ 3.33

B 3.0

B- 2.67

C+ 2.33

C (Satisfactory) 2.0

C- 1.67

D+ 1.33

D (Poor) 1.0

D- 0.67

E (Failure) 0.0

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.aspx

**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>.

**VII. Accommodations**

Students with disabilities requesting accommodations should first register with the Disability Resource Center (352-392-8565, [www.dso.ufl.edu/drc/](http://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 ttps://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.