

Legal Drafting, Fall 2018
LAW 6807, Sect. 17863 (2 credits)
Prof. Deborah Cupples

I. Contact Information & Office Hours

370C Holland Hall (352) 273-0977 cupples@law.ufl.edu	Monday 11:30-1:00 Wednesday 11:00-12:30 Thursday 10:00-11:30 or by appointment
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II. Course Objectives and Student Learning Outcomes

A primary objective of this course is to help students become more **practice-ready** by practicing tasks that lawyers and courts must perform. Students will work from a portfolio of simulated fact patterns and applicable statutes, rules, and case law to prepare legal documents. After completing this course, students should be able to do the following:

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 well articulated.

The following are among the tasks that students will practice performing:

- Analyzing language *carefully*, as courts and competent lawyers do.
- Understanding and applying laws, cases, rules, and conventions when drafting docs.
- Drafting and editing documents so that—
 - (1) they contain the content necessary for your case;
 - (2) the content is well organized and easy to follow; and
 - (3) the content is articulated so that it is clear, unambiguous, precise, and correct.
- Practicing self-editing.
- Working independently and as part of a team.
- Keeping track of and meeting deadlines.
- Behaving in a manner suitable for a professional setting.

III. Required Textbook and Course Materials

- *Legal Drafting...*(book), Margaret Temple-Smith and Deborah E. Cupples (Amazon.com)
- *Legal Drafting Client Files, Fall 2018* (Target Copy, West University Avenue)
- Handouts: e.g., instructions, tips, etc. (to be uploaded to Twen or emailed)

IV. Course Assignment Schedule

The schedule will be distributed in three parts during the semester because dates for the discussions and assignments may change at the professor’s discretion.

Most drafting assignments will be completed outside of class. Students are expected to spend at least 4 hours per week outside of class doing work for the course (including reading, assessments, and drafting). The Final Project will require a substantial amount of time to complete (far in excess of 4 hours).

* Due dates for *graded, take-home assessments* will be distributed after class begins *

LD = Legal Drafting, by Temple-Smith and Cupples

CF = Client Files

Class Plans and Assignments (meetings 1-8)

(1) Tue. Aug. 14	<ul style="list-style-type: none"> • Discuss: Introduction to course; Drafting complaints • For Next Meeting: <u>Simulation #1</u> <ul style="list-style-type: none"> -Reread LD, pgs. 1-13 -Read Handout (Twen: Basics about Civil Litigation...) -Read CF, pgs. 1-18
(2) Thu. Aug. 16	<p><u>Simulation #1</u></p> <ul style="list-style-type: none"> • Practitioner Workshop: Draft negligence complaint • Discuss impact of <i>Futch v. Josey</i> • For Next Meeting: (Simulation #2) <ul style="list-style-type: none"> - Review <i>Basics about Civil Litigation</i> (Twen) - Read LD, pgs 14-33 - Do Assessment #1: Litigation (1 printed copy) - Read CF, pgs 18-20 - Draft breach-of-contract complaint (bring 2 printed copies)

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(3) Tue. Aug 21	<p><u>Simulation #2</u></p> <ul style="list-style-type: none"> ● Discuss breach complaint and <u>Baron v. Osman</u> ● For Next Meeting <ul style="list-style-type: none"> - Revise complaint - Read CF, pgs. 22-28 - Read LD, pgs.43-55 (answers); 56-74 (motions)
(4) Thu. Aug 23	<p><u>Simulation #3</u></p> <ul style="list-style-type: none"> ● Discuss final issues - Breach of contract complaint ● Practitioner Workshop: Answer and Affirmative Defenses; discuss motions ● For Next Meeting: (Simulation #4) <ul style="list-style-type: none"> - Read LD, Section VI, pgs. 35-42 - Read CF, pgs. 29-37 - Respond to Practitioner’s Guide (Florida Membership Campground Act) - Draft Timeline of facts for statute-based cause of action
(5) Tue. Aug 28	<p><u>Simulation #4</u></p> <ul style="list-style-type: none"> ● Practitioner Workshop: Develop facts of case ● Discuss: Statutory complaints; Florida Membership Campground Act ● For Next Meeting: (Simulation #4) <ul style="list-style-type: none"> - Review CF, pgs. 29-37 - Draft statute-based Complaint
(6) Thu. Aug 30	<p><u>Simulation #4</u></p> <ul style="list-style-type: none"> ● Discuss: Complaint (Membership Campground Act); Statutory complaints ● For Next Meeting (Simulation #4) <ul style="list-style-type: none"> - Revise complaint (MCA only) - Read LD, Section V, pgs. 33-35
(7) Tue. Sep 4	<p><u>Simulation #4</u></p> <ul style="list-style-type: none"> ● Discuss: Multi-count complaints ● For Next Meeting (Simulation #4) <ul style="list-style-type: none"> - Review LD, pp. 33-35 (multi-count complaints). - List which facts from the MCA complaint are relevant to a cause of action for breach of contract. - <u>DON’T draft</u> the multi-count: we’ll draft it in class as a workshop.
(8) Thu. Sep. 6	<p><u>Simulation #4</u></p> <ul style="list-style-type: none"> ● Discuss: 2-count complaint; alternative formats; finish litigation. ● For Next Meeting: <ul style="list-style-type: none"> - Read LD, pgs. 372-377 (grammatical terms) - Do Assessment#2 (Courts & Contracts): packet at Twen

Description of Meetings 9-28

- (9) and (10) Prepare for business-transaction drafting: readings and exercises
- (11) - (21) Drafting Contracts & related documents: Readings, exercises, and assignments. Topics in this segment of the course include the following:
- 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 and release)
- (22) - (25) Legislative Drafting: readings and exercises
- (25) - (28) Review sessions while students do Final Project

V. Grading Policies

A. Effect of Late Submissions

1. Graded Assignments that are Late

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**: e.g., “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.

2. Ungraded Assignments that are Late

Any late, missing, or incomplete assignment may affect the final grade. If a student fails to timely submit a satisfactorily completed assignment, the final grade in the course **may drop one level**: e.g., 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 a student fails to turn in, on time, three assignments, he or she may be dropped from the class roll and become ineligible to complete the final project.

B. Final Grade Calculation

The final project and graded assessments form the numerical basis for your raw grade:

- **75% of raw grade:** Final project (take-home and blind graded)
- **25% of raw grade:** average of 5 or 6 graded, take-home assessments (The grading scale for take-home assessments will be posted).

Below are factors relating to the calculation of the final-grade:

- Blind grade: your grade on the final project.
- Raw grade: average grade for assessments + grade for final project.
- Final Grade: raw grades usually need to be bumped up to meet the mandatory curve and grade distribution. Factors that play a part in whose raw grades are bumped up include **diligence in** (a) preparing for class; (b) participating in class; and (c) preparing assignments—graded and non-graded.

C. College of Law Grade Policy (Final Grades)

The College of Law's posted grading policy, including with respect to the mandatory mean and grade distributions. Final letter grades for the course are determined in accordance with the following point equivalency:

<u>Letter Grade</u>	<u>Point Equivalent</u>
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/) 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.