

Legal Drafting

Law 6807, Section 17864 (C)

2 Credit Hours; Fall 2018; Room 382; TR 8:00 A.M.

Instructor: Ben L. Fernandez
312I Holland Hall
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Office Hours: MTWR 9-12:00
By appointment

I. Course Materials

- A. Textbook. The textbook is Legal Drafting by Professors Margaret Temple-Smith and Deborah E. Cupples. Assignments refer to the textbook as “LD.”
- B. Client Files. The Client Files contain simulation scenarios on which assignments are based. Relevant statutes, case law, and rules are also included.
- C. Additional Materials. I will provide you with additional materials that include exercises, and other instructive information.
- D. Reference Materials. The following materials are either on reserve or in the Reference Collection of the Legal Information Center.

Author	Title
Cupples/ Temple-Smith	Grammar, Punctuation & Style: A Quick Guide for Lawyers and Other Writers
Wydick	Plain English for Lawyers

Garner	The Redbook: A Manual on Legal Style
Hodges	Harbrace College Handbook
Trawick	Florida Practice and Procedure (current ed.)

II. Course Method

- A. Weekly Assignments. The Legal Drafting course requires the completion outside of class of many short and medium-length drafting assignments and occasionally the completion of short in-class projects and an on-line quiz.
- B. Final Project. The final project in the course consists of a take-home drafting project to be turned in at the beginning of the last class meeting.
- C. Office Conferences. Office conferences are encouraged. I will be more than happy to meet with you in individual meetings throughout the semester to discuss your work or the course material.

III. Grading Policy

- A. Final Project. **If, without authorization, you do not turn in the final project document on time, your final grade in the course may drop one full letter grade, for example, “A” to “B” or “B+” to “C+.” Your grade may continue to drop at the rate of one full letter grade per each 24-hour period the final project document remains untendered.**
- B. Other Graded Assignments. I may also grade other assignments, including in-class exercises and quizzes. **If, without authorization, you do not turn in a graded assignment on time, your final grade on the assignment may drop one full letter grade, for example, “A” to “B” or “B+” to “C+.” Your grade may continue to drop at the rate of one full letter grade for each 24-hour period the assignment remains untendered.**
- C. Weekly Assignments. Your grade in Legal Drafting is also based on timely and otherwise satisfactory completion throughout the semester of the homework assignments. Any late, missing, or incomplete

assignment may affect your grade. **If you fail to turn in, on time, a satisfactorily completed assignment, your 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, your grade may drop one more level. **If you fail to turn in, on time, three assignments, you may be dropped from the class roll and become ineligible to take the examination.**

- D. Attendance and Participation. Your grade in Legal Drafting also is affected by attendance and participation. **If you are absent from more than four class meetings, you may be dropped from the class roll and become ineligible to take the final project.** See the College of Law attendance policy at: <http://www.law.ufl.edu/student-affairs/current-students/academic-policies>.
- E. University Policy on Grade Points. Information on the University policy as to assigning grade points is available at:

<http://www.catalog.ufl.edu/ugrad/current/regulations/info/grades.aspx>

IV. Academic Honesty Guidelines

The University of Florida and the Levin College of Law requires that the written materials submitted by each student represent his or her own work. See the University webpage <http://www.dso.ufl.edu/sccr/process/student-conduct-honor-code/> and the College of Law webpage (<http://www.law.ufl.edu/student-affairs/additional-information/honor-code-and-committee/honor-code>) for more information about the Honor Code.

V. Accommodations:

Students requesting accommodation for disabilities must first register with the Disability Resource Center (<http://www.dso.ufl.edu/drc/>). Once registered, students will receive an accommodation letter which must be presented to the Assistant Dean for Student Affairs (Dean Mitchell) when requesting accommodation. Students with disabilities should follow this procedure as early as possible in the semester.

VI. Workload / Class Preparation

ABA Standard 310 requires that students devote 120 minutes to out-of-class preparation for every “classroom hour” of in-class instruction. (Course) has 2

“classroom hours” of in-class instruction each week, requiring at least 4 hours of preparation outside of class.

VII. 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.

COURSE SCHEDULE

Class No.	Assigned Reading (Due Before Class)	Assigned Writing or Quiz (Due Before Class)	Class Discussion
8/14	Read Chapter 1 and Chapter 2, Sections I-III, Client Files 1-18, Simulation 1.		Introduction to course. Begin drafting Complaint for Simulation 1.
8/16	Read Chapter 2, Section IV only		Finish Drafting Complaint for Simulation 1.
8/21	Review Grading Checklist for Complaints, Read Client Files 19-21, Simulation 2.	Draft Complaint for Simulation 2, Upload to Canvas	Go Over Complaint for Simulation 2
8/23	Read Chapter 3: Answers (Defensive Pleadings), Client Files 22-28, Simulation 3.	Revise First Complaint, Print and Turn in for Grade	In Class Drafting Exercise for Simulation 3
8/28	Read Chapter 1, Section VI, Pleading Pursuant to a Statute, Client Files 29-37, Simulation 4.	Develop Facts	Discuss Florida MC Act
8/30		Draft Second Complaint (Statutory), Upload to Canvas	Go Over Draft of Second Complaint.
9/4	Read Chapter 1, Section V, Drafting Multi Count Complaints	Draft Final Complaint (Multi-Count), Print and Turn in for Grade	Go Over Multi Count Complaint
9/6	Read Chapter 4: Motions	Complete Complaint Drafting Quiz	Discuss Motions, Intro. to Negotiation & Settlement Agreement

9/11			Presentation on Negotiation Strategy
9/13			In Class Negotiation
9/18	Read Chapter 6: Introduction to Contract Drafting, Client Files 39-43, Simulation 5.	Draft Settlement Agreement, Upload to Canvas	Discuss Basic Articulation
9/20	Read Chapter 19: Generating Your Document's Content; Read Chapter 20: Creating an Outline for Your Document	Draft Term Sheet, Upload to Canvas	Go Over Term Sheet
9/25	Read Chapter 7: Contract Components	Draft Title, Exordium, Background, Core Obligation, Upload to Canvas	Go Over Title, Exordium, Background, Core Obligation
9/27	Read Chapter 29, Sections I (A-D) and II only, Drafting Time Statements and Conditional Statements	Draft Subsidiary Obligations, Upload to Canvas	Go Over Subsidiary Obligations
10/2		Draft Subsidiary Obligations, Upload to Canvas	Go Over Subsidiary Obligations
10/4	Read Chapter 10: Integration, Choice of Law, Choice of Forum; Read Chapter 11: Modification	Draft Administrative Provisions, Testimonium, Signature Lines, Print and Turn in for Grade	Go Over Administrative Provisions, Testimonium and Signature Lines
10/9	Read Chapter 21: Refining the Draft's	Re-organize Contract	Go Over Reorganization of Contract

	Organizational Scheme; Read Chapter 26: Choosing Language, Client Files 44-46, Simulation 6.		
10/11	Read Chapter 29, Section I (D) only: Duration; Read Chapter 27 Definitions	Draft Title, Exordium, Background, Definitions, Core Covenant, Duration, Upload to Canvas	Go Over Title, Exordium, Background, Core Covenant and Duration
10/16	Read Chapter 9: Termination and Breach	Draft Subsidiary Obligations, Upload to Canvas	Go Over Subsidiary Obligations
10/18		Draft Subsidiary Obligations, Upload to Canvas	Go Over Subsidiary Obligations
10/23	Read Chapter 8: Limitation or Exclusion of Liability	Draft Cancellation, Termination, Release and Indemnity, Upload to Canvas	Go Over Cancellation, Termination, Release and Indemnity
10/25	Read Chapter 28: Eliminating Ambiguity; Chapter 12: How Courts Construe Contracts	Draft Administrative Provisions, Testimonium and Signature Lines, Print and Turn in for Grade	Go Over Administrative Provisions, Testimonium and Signature Lines
10/30	Read Chapter 14: Introduction; Chapter 15 Private Rulemaking Documents,	Complete Contract Drafting Quiz	In Class Private Rulemaking Exercise
11/1	Chapter 16 Public Rulemaking Documents; and Chapter 17 Court Construction		In Class Statutory Revision Exercise
11/6		Final Project Assigned	Discuss Final Project

11/8			Review Complaint Drafting
11/13			Review Contract Drafting
11/15		Final Project Due	No Class