

Legal Drafting Syllabus Fall 2018

Professor:

M. Temple-Smith 312N Holland Hall, 273-0943, temples@law.ufl.edu

Required Textbooks/Course Materials:

- Legal Drafting, Margaret Temple-Smith and Deborah E. Cupples (Amazon.com)
- Legal Drafting Client Files (Target Copy, West University Avenue)
- Other materials will be provided online for you to print out

Additional readings and workshop materials will be provided through a UF Canvas website or through TWEN.

Course Objectives & Learning Outcomes

Main Objective: To teach students the principles and practices necessary for drafting legal documents, including litigation documents, contracts, and legislative documents.

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.

Topical Outline of Subjects to be Covered

A. Writing for clarity

1. Constructing sentences to maximize clarity
2. Using punctuation correctly

B. Drafting pleadings [may omit one or more assignments depending on time constraints]

1. Negligence complaint, breach of K complaint, or both (time permitting)
2. Complaint based on a statute
3. Defensive pleading (answer)

C. Drafting documents enforced by courts

1. Two contracts, or

2. Contract plus rule-making document

Evaluation

THIS IS A GRADED COURSE. As it is a required course, both the mandatory GPA and the mandatory grade distribution requirements apply.

Information on College of Law Grading Policies:

GRADE	POINTS	SIGNIFICANCE IN COURSE
A	4.0	Outstanding
A-	3.67	Excellent
B+	3.33	Very Good
B	3.00	Good
B-	2.67	Satisfactory
C+	2.33	Acceptable
C-	1.67	Insufficient; not failing
D+	1.33	Insufficient; met minimal requirements
D	1.00	Poor
D-	0.67	Lowest non-failing grade

The College of Law grading policy is available at <http://www.law.ufl.edu/student-affairs/currentstudents>

Grading Policy

A. Final Project and Other Graded Assignments.

The Legal Drafting grade is based partly 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.

Daily assignments, including in-class exercises and quizzes, may also be graded.

The final project will count 60-70 percent of the final grade.

If, without authorization, a student does not turn in the final project assignment on time, the final grade **for the final project will** automatically drop one **grade level**; for example, "A" to "B" or "B+" to "C+." The grade may continue to drop at the rate of one **grade level** 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, without authorization, a student does not turn a graded assignment on time, the final grade **for the assignment will** automatically drop one **grade level**; for example, “A” to “B” or “B+” to “C+.” The grade may continue to drop at the rate of one **grade level** for each 24-hour period the final project remains untendered.

If **without authorization**, the student fails to timely turn in an ungraded assignment, I have the option to

- (1) Assign additional work relating to the particular project.
- (2) Treat the assignment as missing (see note below).
- (3) Both of the above.

A student who, without authorization, **submits an assignment after the due date, waives any written feedback.**

For any MISSING ASSIGNMENT, graded or ungraded, the final grade (absent good cause) drops 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. Bonus or Participation Credit Work

Some classes may provide students the chance to earn bonus or “participation” credit. I determine how to use bonus or participation credit based on the preference of students expressed in a vote at the beginning of the term. Bonus or participation credit generally counts toward the final project grade.

Class Attendance Policy

The Legal Drafting grade is affected by attendance and participation. If a student is absent from more than four class meetings, he or she may be dropped from the class roll and become ineligible to complete the final project. See the College of Law attendance policy at: <http://www.law.ufl.edu/studentaffairs/current-students/academic-policies>.

Policy Related to Make-up Exams or Other Work: The policy regarding a delay in completing any assignment including the Final Project is as stated in the College of Law policy on delay in taking

exams. The College of Law policy may be found [at http://www.law.ufl.edu/student-affairs/current-students/academic-policies#12](http://www.law.ufl.edu/student-affairs/current-students/academic-policies#12) .

Statement Related to Accommodations for Students with Disabilities

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 the instructor when requesting accommodations. Students with disabilities should follow this procedure as early as possible in the semester.

Student Course Evaluations

Students are expected to provide feedback on the quality of instruction in this course based on 10 criteria. These evaluations are conducted online 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 of when the evaluations are open. Summary results of these assessments are available to students at <https://evaluations.ufl.edu>.

IV. Course Schedule

Preparation

1. **ABA Standard 310** requires that students devote **120 minutes** to out-of-class preparation for every “classroom hour” of in-class instruction.

In this course, you will have reading assignments for every meeting. To ensure that you are absorbing the material, you will often have graded “practitioner training” exercises at well. These may be posted to Canvas as “quizzes” OR posted at Canvas with other assignment material as a Word document for you to download.

You will often be required to draft documents or portions of documents as well.

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.

(1) Specific Assignment Instructions and Guidance plus any additional materials required for completion are posted at Canvas! Do NOT work on an assignment without first reading/downloading the requisite material.

(2) I may extend some Thursday assignments until Friday or Saturday to allow extra time.

Meeting 1	Discussion: Introduction to Course; the principles for writing clearly
	<p>For Mtg 2: Writing Workshop 1</p> <p>Chapter 31 in textbook (372-94) on grammar material Chapter 33 in textbook (402-13) on style OR MATERIAL POSTED AT CANVAS</p> <p>Complete graded open-book exercises/questionnaire</p>
Meeting 2	Principles for writing clearly (work groups or class discussion)
	<p>For Mtg 3: Begin Simulation 1</p> <p>Read "Florida Pleading Basics" Hand-out (1) Complete graded exercise(s) (2) Study the sample complaint and be prepared to discuss</p>
Meeting 3	Discussion: Basic pleading principles In-class assignment: Editing your work
	<p>For Mtg 4: Continue Simulation 1</p> <p>Material Assigned from Chapters 1-2 (Complaints) (1) Complete any graded exercise(s) if assigned (2) Draft a complaint (ungraded)</p>
Meeting 4	Discussion: Complaint; revisions to complaint
	<p>For Mtg 5: Begin Simulation 2</p> <p>Read Chapter 3 (Answers) and Any Assigned Portion of Chapter 4</p> <ul style="list-style-type: none"> • Prepare revised complaint • Complete any graded exercise(s) (if assigned)

Meeting 5	Discussion: Answer to complaint Prepare portion of answer in class
	<p>For Mtg 6: Complete Simulation 2; Begin Simulation 3</p> <p>Read any assigned portion of Chapter 4</p> <ul style="list-style-type: none"> • Complete Answer • Draft motion (if assigned)
Meeting 6	Discussion: Wind up defenses discussion
	<p>For Mtg 7: Writing workshop 2</p> <p>Read Chapter 32; pages 395-06 OR Assigned material posted at Canvas</p> <p>Complete any graded exercise (if assigned)</p>
Meeting 7	Discussion: Review Previous Materials Discuss punctuation
	<p>For Mtg 8: Begin Simulation 3</p> <p>Review previous materials as stated at Canvas Read assigned materials re: pleading</p> <ul style="list-style-type: none"> • Draft pleading • Complete any graded exercise (if assigned)

Meeting 8	Discussion: Assigned pleading (workshop) Assignment: Edit pleading in class
-----------	--

	<p>For Mtg 9: Begin Simulation 4</p> <p>Read Assigned Statute; answer graded practitioner training questionnaire</p>
Meeting 9	Discussion: statute; identifying elements of CoA
	<p>For Mtg 10: Simulation 4</p> <p>Read: assigned materials in Chapter 2 or posted material; STUDY sample complaint Complete graded questionnaire</p>
Meeting 10	Discussion: Statutory Complaint
	<p>For Mtg 11: Simulation 4</p> <p>Read: any assigned materials Prepare first part of statutory complaint</p>
Meeting 11	Discussion: Assigned pleading (workshop) Assignment: Edit pleading in class
	<p>For Mtg 13: Simulation 4</p> <p>Read: TBA Prepare full draft of statutory complaint</p>

Subsequent assignments depend on available time as of Meeting 14.

Meeting 15-25 will continue the work on contracts or possibly on one contract plus a legislative-style document

- Types of provisions may include provisions designed to address any of the following:
 - Background and other recitals expressing intent or setting out factual information
 - Preliminary conditions
 - Limitation or exclusion of liability
 - Termination of the transaction
 - Breach of contract and remedies
 - Post-termination covenants
 - Merger and severability; other rules of construction
 - Selection of forum; governing law; arbitration; attorney's fees

- Interviewing a particular client
- Creation of a term sheet for a particular client
- Organizing contractual provisions into a coherent scheme/organizing provisions in a rule-making document
- Using (and drafting) definitions
- Understanding rules of constructions for contracts/legislative documents

Meetings 25-28 will focus on the Final Project