# Legal Drafting

#### Law 6807, Section 16228

#### 2 Credit Hours; Spring 2019; Room 382; MW 8:00 A.M.

Instructor: Ben L. Fernandez

312I Holland Hall

352 273 0937

Office Hours: MTWR 9-12:00 and

By Appointment

1. **Course Materials**
2. Textbook. The textbook is Legal Drafting by Levin College of Law Professors Margaret Temple-Smith and Deborah E. Cupples. Assignments refer to the textbook as “LD.”

B. Reference Materials. The following materials are either on reserve or in the Reference Collection of the Legal Information Center.

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| **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 on-line quizzes.

1. 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.
2. Grade Calculation.

Complaint Rules Quiz **10% of Grade**

Complaint **30% of Grade**

Contract **50% of Grade**

Rule Modification Assignment **10% of Grade**

**III. Grading Policy**

A. Late Submission of Assignments. **If, without authorization, you do not turn in a homework assignment, graded document, quiz or in class project on time, your final grade on the assignment may drop one full letter grade, and may continue to drop at the rate of one full letter grade for each day the assignment remains untendered.**  If you fail to turn in, on time, three homework assignments or in class project, or any of the graded documents or quizzes, you may be dropped from the class roll.

B. 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 also be dropped from the class roll.** 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)**.**

 C. University Policy on Grade Points. Information on the University policy as to assigning grade points is available at:

[**http://www.**](http://www.registrar.ufl.edu/catalog/policies/regulationgrades.html)**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/**](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**](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. Computer Usage**

Students may use laptops in class but only for the purpose of taking class notes, revising weekly assignments, and doing in class exercises. Students may also access the CANVAS site for the course, and use the on-line chat room to communicate with me during class. **Internet surfing and e-mailing and texting classmates during class is otherwise prohibited.**

I will post any revisions to this syllabus on the CANVAS site for the course. I will also post announcements for the course, examples of applicable statutes and rules, sample drafted documents, grading checklists for documents, and brief videos for reviewing subjects covered in class on the CANVAS site. Any on line quizzes will also be administered on the CANVAS site.

## **VIII. 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.

The readings in the text are short. Since this is a skills course, students should spend the bulk of their time practicing the writing assignments. Also, **it is very important that students takes notes on the material the professor writes on the board in class. Some or all of that material will be included in the next graded document.**

**Course Schedule**

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| **Class Date**  | **Assigned Reading (Due Before Class)** | **Assigned Writing (Due Before Class)** | **Class Discussion** |
| 1/8 | Read Chapter 1, **Learn Complaint Drafting Statutes**: Fla. Stat. secs. 26.012 (Cir. Ct. Juris.), 34.01 (Cty Ct. Juris.), 86,011 (Decl. Judge.), 768.042 (Dam.), 47.011, 47.021 & 47.051 (Venue), 48.193 (Pers. Juris.).  |  | Introduction to Course. Discuss Court Jurisdiction and Litigation Procedure. |
| 1/10 | Read Chapter 2, Sections I-III, **Learn Complaint Drafting Rules:** Fla. Rules Civ. P. 1.010 (Scope), 1.050 (Comm.), 1.100 (Plead.), 1.110 (Gen. Rules Plead.), 1.430 (Jury Trial), Fla. Rules. Jud. Admin. 2.515 (Sign.). |  | **Work in Teams to Complete Complaint Statutes and Rules Quiz.** |
| 1/15 | Read Chapter 2, Sections IV-VI,Read Simulation 1, **Learn How to Draft a Complaint**. | Begin drafting a Complaint for Simulation 1, Upload to CANVAS. | Go over Caption, Commencement, Jurisdiction, and Venue. |
| 1/17 |  | Continue drafting Complaint for Simulation 1, Upload to CANVAS. | Go Over Statement of Claim.  |
| 1/22 |  | Finish drafting Complaint for Simulation 1. Upload to CANVAS. | Go Over Demand for Relief, Jury Trial, and Signature Line.  |

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| 1/24 |  | Revise Tort Complaint. Upload to CANVAS. | Live Grading Conferences. |
| 1/29 |  |  | Go Over Statement of Claim for Breach of Contract Case. Go Over Multi-Count Complaint. |
| 1/31 | Read Simulation 2,**Draft a Complaint,** (Obtain Return of Deposit on Used Car). |  | Go Over Statement of Claim for Statutory Cause of Action.  |
| 2/5 |  | Draft Complaint for Simulation 2, Print and Turn in for Grade. | Go Over Complaint for Simulation 2.  |
| 2/7 | Read Negotiation Materials, **Learn to Settle a Case.** |  | Collaboration with Outside Practitioner or Professor on Negotiation Strategy. |
| 2/12 | **Settle a Case**, (Slip and Fall at Satchel’s Pizza). |  | In Class Simulation: Negotiate a Settlement and Complete a Form Agreement. |
| 2/14 | Read Chapter 6,Learn Basic Contract Articulation, Read Simulation 4. |  | Discuss Basic Articulation, Introduce Simulation 4. Go Over Articulation Flowchart. |
| 2/19 | Learn Client’s Business (Gogoro Scooters), Brainstorm for Issues. | Draft List of Questions for Client Conference. | Go Over issues for Client Conference.  |
| 2/21 |  |  | In Class Simulation: Client Interview. |

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| 2/26 | Read Chapter 7, **Learn to Draft a Contract.** | Begin Drafting Contract: Title, Exordium, Background and Core Covenants. Upload to CANVAS. | Go Over Title, Exordium, Background and Core Covenants. |
| 2/28 | Read Chapters 27 and 29, Duration, Time Statements and Conditional Statements. | Continue Drafting Agreement: Supplemental Provisions, including Payment and Delivery. Upload to CANVAS. | Go Over Supplemental Provisions, including Payment and Delivery. . |
| 3/12 | Read Chapter 8, Limiting Liability, Read Fla. Stat. 672.316 (UCC Exc. Warr.), 672.719 (UCC Dam. Lim.). | Continue Drafting Agreement: Supplemental Provisions, including Maintenance, Indemnity and UCC. Upload to CANVAS. | Go Over Supplemental Provisions, including Maintenance, Indemnity and UCC.  |
| 3/14 | Read Chapters 10 and 11, Integration, Choice of Law, Choice of Forum, and Modification. | Finish Drafting Agreement: Administrative Provisions, Testimonium, and Signature Lines. Upload to CANVAS. | Go Over Administrative Provisions, Testimonium, and Signature Lines.  |
| 3/19 |  | Revise Agreement. Upload to CANVAS. | Live Grading Conferences. |
| 3/21 | Read Chapter 9: Termination and Cancellation. | Complete On Line Practice Contract Drafting Quiz. | Go Over Duration, Termination, and Cancellation. |
| 3/26 | Read Simulation 5, **Draft a Contract.**  |  | Go Over Insurance, Release, Waiver and Assumption of Risk.  |
| 3/28 |  | Draft Contract for Simulation 5. Print and Turn in for Grade. | Go Over Contract for Simulation 5.  |
| 4/2 | **Learn How to Revise A Contract to Protect a Client’s Interests.** | Revise a Contract on Behalf of Buyer. | Discuss Qualifying Provisions: Notice Def. & Opp. Cure, Late Fee, Attorneys Fees; Best Efforts, Good and Workmanlike, Satisfaction of Party; Reasonable Discretion, Personal Knowledge. |
| 4/4 | Read Fla. Realtors Form for Purchase and Sale of Real Estate or Exclusive Listing of Real Estate. **Revise Contracts to Protect a Client’s Interests.**  | Make Revisions to Form Contracts on Behalf of Buyer. | Go Over Revisions to Form Contracts. |
| 4/9 | Read Fannie Mae Note and Mortgage forms. | Draft E-mail Explaining Note and Mortgage to Borrower. | Go Over E-mail, Note and Mortgage Provisions. |
| 4/11 | Read Chapter 14 and 15: Private Rulemaking Documents, **Learn to Modify a Statute or Rule.** |  | Introduce Statutory Drafting. Amend a Homeowners Association Rule. |
| 4/16 | Chapter 16: Public Rulemaking Documents. |  | Complete Course Evaluations. Revise a Statute.  |
| 4/18 | Read Rulemaking Project Memo.  |  | **Work in Teams to Modify a Statute or Rule**, Upload to CANVAS for Grade. |