

# FLORIDA BAR TOPICS

LAW 6930

2 CREDIT HOURS

FALL 2019

HOLLAND HALL 285B

FRIDAYS 10:00 AM – 12:00 PM

**INSTRUCTOR:** Steven A. Maxwell, Esq.

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**OFFICE HOURS:** I am normally in my office during the business day, Monday-Thursday, 9AM-5PM. Appointments are not required. If you would like an appointment, please email or text me and we will arrange a time to meet.

**COURSE WEBSITE:** <http://elearning.ufl.edu>

**COURSE COMMUNICATIONS:** I am very text-friendly from 9AM-5PM Monday through Friday. I prefer emails if the communication is after 5PM or on the weekend.

**REQUIRED OR RECOMMENDED TEXTBOOKS:** *Topics in Florida Practice*. The book is available for purchase in the bookstore.

## **CLASS PREPARATION / WORKLOAD:**

ABA Standard 310 requires that students devote 120 minutes to out-of-class preparation for every “classroom hour” of in-class instruction. Florida Topics has 2 “classroom hours” of instruction each week, requiring at least 4 hours of preparation outside of class.

Because the course includes a wide variety of legal areas and a multitude of rules, you should spend the bulk of your time outside of class on **memorization techniques** we will discuss in class. Another significant portion of your time outside of class should be

completing the issue outlines on the subject covered and writing essays. Each activity spent outside of class should help reinforce your memorization and application of the legal rules. The course will cover the topics most likely to be tested on your bar exam, so be liberal with your time investment.

**ADDITIONAL RESOURCES:** For information about the Florida bar exam, visit <https://www.floridabarexam.org/>

To review all Florida bar exam essays going back to 2004, along with the student released responses, visit [https://www.floridabarexam.org/\\_85257bfe0055eb2c.nsf/52286ae9ad5d845185257c07005c3fe1/437db985ef81578885257c0c006546a5](https://www.floridabarexam.org/_85257bfe0055eb2c.nsf/52286ae9ad5d845185257c07005c3fe1/437db985ef81578885257c0c006546a5)

**COURSE DESCRIPTION:** Florida Bar Topics is a skills-development course. Its focus is improving analytical skills to approach Florida bar exam questions successfully. The course is designed to help you pass the bar exam.

Additional emphasis includes memorization skills and self-assessment of essays. The course includes a substantive review of selected subjects routinely tested on the bar exam. Actual bar exam problems are used to familiarize you with techniques for analyzing, organizing, and writing bar essays. We may also cover Florida Multiple choice topics if time allows.

**PREREQUISITE KNOWLEDGE AND SKILLS:** This course assumes you learned nothing in law school. The course will teach critical reading, analysis, issue spotting, and various sub-skills necessary for essay writing. The course presents tools that build long-term memory in place of the short-term memory tools most law students (and students generally) use.

**COURSE GOALS AND/OR OBJECTIVES:** Let's get real for a moment. You probably crammed throughout law school and didn't know what anyone was talking about in class. You pulled all-nighters during the reading period.

You showed up tired and BS'd your way through an essay by typing whatever came to mind. You had take-home or open-book exams, so you came away from law school with little to no law in your head. This must be remedied so you can pass the bar exam.

*By the end of the course, you should be able to:*

- *Understand the basics of the Florida Bar Exam and how to prepare;*

- *Spot issues in legal fact patterns through critical, active reading;*
- *Effectively plan/outline an essay response;*
- *State concise and accurate rule statements from memory which apply to the fact patterns;*
- *Apply the relevant law to the relevant facts for the issues raised in those facts;*
- *Memorize information for long-term (beyond the semester) retention; and*
- *Walk into the Tampa Convention Center confident of the exam grader's expectations.*

**INSTRUCTIONAL METHODS:** This course is not a traditional law class. There are ongoing assignments with deadlines. There are frequent quizzes, and timed in-class essays.

#### COURSE POLICIES:

**ATTENDANCE POLICY:** If extraordinary circumstances prevent you from attending class, being prepared for class, completing an exam or quiz, or turning in an assignment by the deadline, you must notify me as soon as is reasonable in the situation.

**REPORT TO FACULTY POLICY:** After you receive Kaplan feedback on an essay, you must meet with me outside of class. This meeting is mandatory. Not meeting with me is grounds for an F in the course. I may require additional meeting(s). If so, failure to meet again is grounds for an F in the course.

**MAKE-UP POLICY:** If you absolutely must miss a timed in-class essay, please contact Student Affairs to arrange a make-up. If your laptop fails, you should be prepared to hand-write your essay, just like the real bar exam.

#### ASSIGNMENT POLICIES:

All assignments must be completed and turned in by the deadlines listed on Canvas. A late assignment may lose up to **100%** of its total points, at my discretion.

If you do not make a good faith effort on any assignment, you will receive less than full credit. I reserve the right not to estimate what percentage of good faith effort you expended and award nothing for the assignment.

**CANVAS SUBMISSION POLICY:** Unless otherwise noted, all assignments should be submitted via Canvas. If Canvas is down, you must email me the assignment before the deadline, but still submit your assignment to Canvas as soon as Canvas becomes available. Canvas difficulties are not a basis for an extension on any assignment.

I strongly recommend you download the Canvas student app and enable alerts. The app can alert you to any assignment deadlines and updates. Be sure to enable notifications.

**KAPTEST SUBMISSION POLICY:** Seven essays will be submitted to Kaplan for feedback. Timely submission to Kaplan of each essay is required and must be done on the same day as the Canvas due date. It is the student's responsibility to timely submit to Kaplan. Failure to submit each essay to Kaplan promptly for feedback is grounds for an F in the course.

**Issue Outlines** - The issue outlines are barebones, must-know law. Access the blank issue outlines for each subject on Canvas prior to class. Your task is to use these as the skeletons where you take down the law. Using class lectures, your book, and the student released essays, fill-in the legal rules you learn during your study of each topic. Recognize that student released essays were written during the bar exam under timed conditions so you should check them for accuracy.

Review every Issue Outline at least weekly between now and the bar exam. On the final exam and on the bar, you must be able to recite rules from memory. Begin this practice now.

**Essays** - It is critical that you start writing for the bar exam. No one feels ready at this point. You're not ready. You may never feel ready. The goal with essays is to help force you overcome your obstacles to writing. Another is greater awareness of how you learn.

*\*\*\* Please note that I use student-submitted essays to provide feedback to the class as a whole. I may select yours to display in class. I do this to provide positive constructive feedback. If I select your essay, I will not disclose your identity unless you grant me permission to do so.*

#### **COURSE TECHNOLOGY:**

All assignments: use Canvas to submit all assignments. All materials: use Canvas to download course materials, including supplemental readings. Access Canvas at <https://elearning.ufl.edu/>.

For assistance with Canvas, please contact:

- <http://helpdesk.ufl.edu>
- (352) 392-HELP - select option 2

Essays for Kaplan Feedback: Kaplan will score and give written feedback on 7 full essays. You will receive an email soon from Kaplan with instructions for logging in to <https://www.kaptest.com/login>. Please check your junk folder if you do not receive the email the first week of class.

If you have problems accessing Kaptest, please call 1-800-523-0777.

Make It Stick Reading: VPN is required for off-campus access to UF library resources. See instructions on VPN use in the Start Here section of the course.

#### **ONLINE COURSE EVALUATION:**

I welcome your feedback. I invite you to complete an online evaluation at <https://evaluations.ufl.edu>. You will receive an administrative email when evaluations are open. Summary results are available at <https://evaluations.ufl.edu/results>.

#### **UF POLICIES:**

**UNIVERSITY POLICY ON ACCOMMODATING STUDENTS WITH DISABILITIES:** “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 Dean Rachel Inman when requesting accommodation. Students with disabilities should follow this procedure as early as possible in the semester.” You must submit this documentation prior to submitting assignments or taking quizzes or exams. Accommodations are not retroactive; therefore, students should contact the office as soon as possible in the term for which they are seeking accommodations.

**UNIVERSITY POLICY ON ACADEMIC CONDUCT:** 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 honesty 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 (<http://www.dso.ufl.edu/sccr/process/student-conduct-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. If you have any questions or concerns, please consult with the instructor or TAs in this class.

**CLASS DEMEANOR OR NETIQUETTE:** All are expected to follow rules of common courtesy in all email messages, threaded discussions and chats.

### GETTING HELP:

For issues with technical difficulties for Canvas, please contact the UF Help Desk at:

- <http://helpdesk.ufl.edu>
- (352) 392-HELP (4357)
- Walk-in: HUB 132

Other resources are available at <http://www.distance.ufl.edu/getting-help> for:

- Counseling and Wellness resources
- Disability resources
- Resources for handling student concerns and complaints
- Library Help Desk support

Should you have any complaints with your experience in this online course please visit <http://www.distance.ufl.edu/student-complaints> to submit a complaint.

### GRADING POLICIES:

**Final Exam** There will be a timed, closed-book exam. You will be graded on your ability to spot issues based on facts, knowledge of the law, and your application of the law to the facts. You will also be graded on your essay writing, including your use of IRAC, overall organization, and following the formatting requirements of the essay.

**GRADING SCALE:** The Levin College of Law's mean and mandatory distributions are posted on the College's website.

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

The law school grading policy is available at <http://www.law.ufl.edu/student-affairs/current-students/academic-policies#9>

Florida Bar Topics conforms to mandatory grading policies.

Yes, there is a high correlation between your cumulative law school GPA and bar passage at UF and in various national studies. This class is designed to make your GPA irrelevant to passing the bar exam. I do not care whether your GPA is 2.0 or 4.0 – YOU CAN PASS.

### Weekly Schedule of Topics and Assignments:\*

\*Each week's assignments are due by class time (10:00AM) the following week.

\*Each week's topic is the reading due that week. There are 2 main sources of readings: Locate that topic in our class book, *Topics in Florida Practice* and the posted supplements in Canvas. Secondly, Florida Bar Points identifies critical distinctions from MBE law.

Day	Date	Topic & Reading	Assignment
1	08/30	Syllabus & Introduction to FL bar exam; Professional Conduct	Complete Survey PR Issues Outline
2	09/06	FL Constitutional Law - Homestead Exemption from Forced Sales	

3	09/13	Property – Concurrent estates, Life Estates, Conveyancing, Mortgages & Other Security Interests	PROPERTY ESSAY 1
4	09/20	Property – Easements, Covenants, Equitable Servitudes, and Licenses	
5	09/27	Property – Nature of Leaseholds, Landlord & Tenant PROPERTY ESSAY 2	Property Issues Outline
6	10/11	20 Rules to Know for Florida Multiple Choice	Report to Professor
7	10/18	Contracts – Contract Formation & Defenses	
8	10/25	Contracts – Enforcement & Breach of Contract	CONTRACTS ESSAY 1
9	11/01	Contracts – Damages & Remedies	
10	11/08	Contracts – Warranties, 3rd Party Rights CONTRACTS ESSAY 2	Contracts Issues Outline
11	11/15	Torts – Negligence, Defenses to Negligence, Torts of Others	PROPERTY ESSAY 3
12	11/22	Torts – Liability Without Fault (Strict Liability)	TORTS ESSAY 1
13	11/26	Torts – Intentional Torts to the Person & Property, Defenses, Harm to Economic & Dignitary Interests, Tort immunities TORTS ESSAY 2	

Disclaimer: This syllabus represents current plans and objectives. As we progress, plans may need to change. Therefore, the syllabus is subject to modification.

Last update: 08/27/19