# FLORIDA BAR TOPICS

LAW 6930

2 Credit Hours

SPRING 2021

MLAC 106

Fridays 10:30 AM – 12:30 PM

Professor Maxwell

[SMaxwell@law.ufl.edu](mailto:SMaxwell@law.ufl.edu)

(321) 544-6089 cell

Office Hours:

Fridays, 1:30PM – 3:30PM

In accordance with law school policy, office hours are exclusively online. The instructor will be available in his personal Zoom meeting room during office hours. If the instructor is not present during office hours, please text the instructor. Zoom Meeting Room <https://ufl.zoom.us/j/3215446089>

Course Website: <http://elearning.ufl.edu>

Course Communications: I am text-friendly from 9AM-5PM Monday - Friday. I prefer emails if the communication is after 5PM or on the weekend.

Required Textbook: Topics in Florida Practice. The book is available for purchase in the bookstore.

**CLASS PREPARATION:**

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>

**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 & 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 OBJECTIVES:**

*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, homework essays, and timed in-class essays.

# Course Policies:

**ATTENDANCE & GRADED PARTICIPATION:**

Each class consists of two class periods. Because this course requires students to learn and practice new skills, participation in class is crucial and has a direct bearing on your final grade. Students often work together on in-class discussion or assignments; a student’s failure to attend and contribute is therefore a serious matter.

Students are expected to attend every class period. If a student without good cause\* misses more than two class periods, the student’s (in the instructor’s discretion and depending on the circumstances) final grade may be lowered as much as one grade level for each missed class period.

There is a student-initiated attendance protocol. It is the student’s responsibility to be counted present. A teaching assistant (TA) may be present to assist students and the instructor. The TA will be given the same respect due the instructor.

Students participating remotely must be on video in order to be counted as in attendance and must be prepared to participate in class discussion on the same terms as students in the classroom.

\*Students who are entitled to miss class for a religious holiday should notify the instructor in advance.

**REPORT TO FACULTY:**

After you receive the first Kaplan feedback on an essay, you must meet with the instructor or a designated professor outside of class. This meeting is mandatory. Not meeting is grounds for an failing the course. The professor may require additional meeting(s). If so, failure to meet as directed is grounds for failing the course.

**MAKEUP TIMED ESSAYS:**

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.

**ASSIGNMENTS:**

All assignments must be completed and submitted by the designated Canvas deadlines. A late assignment may lose up to **100%** of its total points, at my discretion. Late assignments will be a factor in determining whether a grade is lowered at the end of the semester.

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 count the assignment as not submitted.

***Issue Outlines -*** Issue outlines are barebones, must-know law. Access the blank issue outlines for each subject on Canvas prior to class. Use these to take down the law covered in class. 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 may need to revise them. Your issue outlines will become a memorization tool. Do not memorize until you are satisfied that your rules are accurate, complete, concise, and include the legal buzzwords.

Review every Issue Outline at least weekly. 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 ever feels ready. You are not ready. You may never feel ready. One goal with essays is to help overcome your particular 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. 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.*

**CANVAS SUBMISSION POLICY**:

Unless otherwise noted, all assignments should be submitted to Canvas before the designated deadline. If Canvas is down, you must email me the assignment before the deadline, and submit your assignment in Canvas as soon as Canvas becomes available. Canvas difficulties are not a basis for an extension on any assignment. Late submissions are grounds for lowering the final grade. Not submitting an essay is grounds for failing the course.

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

**KAPTEST SUBMISSION POLICY**:

Seven essays will also be submitted to Kaplan for written feedback. Timely submission of all seven essays is required. Timely submission shall mean by 11:59PM the same day the essay is due to Canvas. I encourage you to self-critique each essay and make needed revisions. It is the student’s responsibility to timely submit to Kaplan. Failure to submit an essay timely to Kaplan for feedback is grounds for lowering of the final grade. Failure to submit two or more essays is grounds for failing the course.

**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 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.

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 MISCONDUCT:**

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 & NETIQUETTE:**

All are expected to follow rules of common courtesy in all communications.

**PROHIBITION ON STUDENT RECORDING, PHOTOGRAPHY, & SOCIAL MEDIA POSTING:**

Students may not take, circulate, or post photos or videos of classroom discussions, whether they are in-person, hybrid, or completely online.  Students failing to follow this rule will be referred to the College of Law Honor Code Council and the university’s Office of Student Conduct and Conflict Resolution.

# COVID-19 Policies

We will have face-to-face instructional sessions to accomplish the student learning objectives of this course. In response to COVID-19, the following policies and requirements are in place to maintain your learning environment and to enhance the safety of our in-classroom interactions:

* You are required to wear approved face coverings at all times during class and within buildings. Following and enforcing these policies and requirements are all of our responsibility. Failure to do so will lead to a report to the Office of Student Conduct and Conflict Resolution. You also will no longer be permitted on the UF Law campus. Finally, Dean Inman will also report your noncompliance to the relevant state board of bar examiners.
* This course has been assigned a physical classroom with enough capacity to maintain physical distancing (6 feet between individuals) requirements. Please utilize designated seats and maintain appropriate spacing between students. Please do not move desks or stations.
* Sanitizing supplies are available in the classroom if you wish to wipe down your desks prior to sitting down and at the end of the class.
* Follow the TA’s guidance on how to enter and exit the classroom. Practice physical distancing to the extent possible when entering and exiting the classroom.
* If you are experiencing COVID-19 symptoms (<https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>), please do not come to campus or, if you are already on campus, please immediately leave campus. Please use the UF Health screening system and follow the instructions about when you are able to return to campus. <https://coronavirus.ufhealth.org/screen-test-protect/covid-19-exposure-and-symptoms-who-do-i-call-if/>.
* Course materials will be provided to you with an excused absence, and you will be given a reasonable amount of time to make up work. <https://catalog.ufl.edu/UGRD/academic-regulations/attendance-policies/>.

# 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 exam. Whether the exam is closed-book will be determined closer to exams and announced in class. 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.

Your final grade is primarily based on your performance on the final examination, but can be affected by your attendance, timeliness, and missing assignments, if any. Points allocated or awarded in Canvas or Kaplan do not count toward your final grade. Kaplan’s feedback is intended to help you grow as an essay writer.

# **WEEKLY SCHEDULE:\***

\*The detailed weekly agenda will be posted to Canvas each week. Please refer to Canvas each week for more detailed information on each class.

Class 1 January 22nd —Introduction to the bar exam, Professional Responsibility

Class 2 January 29th —Florida Constitutional Law – Homestead Exemption & IRAC

Class 3 February 5th —Property – Concurrent estates, Life Estates, Conveyancing, Mortgages & Other Security Interests

Class 4 February 12th—Property – Easements, Covenants, Equitable Servitudes, & Licenses

Class 5 February 19th—TBA; **Timed Property essay**

Class 6 February 26th—TBA

Class 7 March 5th—Contracts – Contract Formation & Defenses

Class 8 March 12th—Contracts – Enforcement & Breach of Contract

Class 9 March 19th—Contracts – Damages & Remedies

Class 10 March 26th—Contracts – Warranties, 3rd Party Rights; **Timed Contracts Essay**

Class 11 April 2nd—Torts – Negligence, Defenses to Negligence, Torts of Others

Class 12 April 9th—Torts – Liability Without Fault (Strict Liability)

Class 13 April 16th—Torts – Intentional Torts to the Person & Property, Defenses, Harm to Economic & Dignitary Interests, Tort Immunities; **Timed Torts Essay**

This syllabus is subject to modification.

Last update: 01/14/21