**Legal Drafting Course Policies & Assignment Schedule**

Temple-Smith, Fall 2019

Law 6807, Section 4734

**I. Course Procedures and Policies**

**A. Required Course Materials**

The following materials are required:

**Twen Course**: I will add my students to the TWEN course and you will receive an email when the course is available for your use.

Cupples’ Drafting Manual: Purchase from Target Copy.

Assignment Packets for each meeting (detailed instructions as needed plus materials in addition to the manual I require you to use)—Available at TWEN under the “Assignments” Link

Packets as needed for Graded Assessments—Available at TWEN under the “Graded Assessments” link one week in advance of the due date.

**B. Work Load and Preparation for Class**

American Bar Association Standard 310 requires that students devote 2 hours to out-of-class preparation for every “classroom hour” of in-class instruction. Legal Drafting has 2 “classroom hours” of in-class instruction each week; thus, the ABA standard requires at least 4 hours per week of preparation outside of class.

**C. Course Objectives & Learning Outcomes**

Students will work with simulated fact patterns and applicable statutes, rules, and case law to prepare legal documents. If you work diligently, **Legal Drafting** **will help you become more law-practice-ready** by helping you practice tasks that lawyers and courts must perform:

• Carefully reading and analyzing language.

• Applying laws, cases, rules, and conventions when drafting documents.

• Drafting and editing documents so that—

(1) they contain the content necessary for your case;

(2) the content is well organized and easy to follow; and

(3) the content is articulated so that it’s clear, unambiguous, precise, and correct.

• Self-editing.

• Working independently.

• Working as part of a team.

• Keeping track of and meeting deadlines.

• Behaving in a manner that is suitable for a professional setting

**D. Cell Phones & Laptops**

When meeting with clients, judges, or employers, lawyers often must put away cell phones. During our class—

• Cell phones must be **silenced and** **put away**—not on the table, not in your lap. ☺

• Unless I authorize or require their use or you request permission to use your laptop for a good cause, you should not use your laptop during class. **Please do bring your laptop with you.**

It’s good practice for practice. ☺

**II. Grading & Factors Affecting Grades**

**A. Types of Take-Home Assignments**

There are 3 types of take-home assignments:

(1) **Ungraded** drafting assignments (“Regular Assignments”), usually meaning an assigned document or an assignment relating to the particular document.

(2) **Graded** assessments (exercises, usually open book, designed to familiarize you with certain material that I expect you to learn/retain and to ensure that you read it closely enough to make this happen).

(3) **Final Project** (a document based on the contracts segment of the course).

**B. Overview of Ungraded Document-Drafting Assignments**

Most assignments will be submitted in hard-copy form at the beginning of class—**always bring 2 printed copies to class (unless otherwise instructed) AND post the paper to TWEN.** Here’s a list of Regular Assignments:

(1) **Complaint**, negligence (5) Assigned provisions for first contract

(2) **Complaint**, breach of contract (6) Assigned provisions for second contract

(3) **Answer** to complaint

(4) **Complaint**, statutory

The list doesn’t include the graded assessments, the final project, or any preparatory assignments that may come up (e.g., the practitioner’s guide to a statute).

Graded assessment exercises are announced on the syllabus or at least one week ahead otherwise.

**C. Assignments You Are Required to Save**

**Please save and submit with your** **Final Project** any (1) Regular Assignmentsthat I return to you with comments and (2) graded assessments.You can pick up that material during the next semester if you’d like.

**D. Editing & Marking of Ungraded Drafting Assignments**

Some ungraded drafting assignments will be done in stages. We will go over portions of assignments in class so that you can **practice self-editing** (a skill necessary for lawyers).

I will mark the final version of (1) one complaint, (2) the collection of sections for the first contract, and (3) the collection of sections for the second contract. I might occasionally comment briefly on an earlier draft, but most feedback will be “universal feedback” given in class.

If you would like more specific feedback, you should make an appointment or attend office hours. I will be happy to go through your document and answer any questions.

**E. Timeliness & Completeness of Assignments**

You are allowed **TWO “freebie” late assignment**: i.e., you may turn in one Regular Assignment not later than 24 hours after the due date. These extensions do not apply to graded assessments and not the final project. If for good cause you require an extension for a graded assessment or the final project, you must get advance permission from me.

Regular Assignments are due at the beginning of the class on the due date **even if you are absent** that day. If you are absent, please POST THE ASSIGNMENT AT TWEN IN THE ALLOCATED MAILBOX not later than the time the class begins.

**F. Penalty for Missed Assignment**

Failure to timely submit a satisfactorily completed assignment may result in the dropping of your course grade by one level: for example., from “A” to “A-” or from “C+” to “C.”

Failure to turn in any **graded assessment** on time (without authorization) will automatically result in a one-letter-grade drop in the grade for that assignment: for example, from “A” to “B” or from “B+” to “C+.”

**Failure to timely submit two assignments** of any kind may result in a student’s being dropped from the class roll and being ineligible to submit the final project.

Failure to turn in the **final project** on time (without authorization) will automatically result in a one-letter-grade drop in the final grade: for example, from “A” to “B” or from “B+” to “C+.” The grade may continue to drop at the rate of one full letter grade per each 24-hour period that the final project document remains unsubmitted.

**G. Participation (and Why It Matters)**

Your final course grade—e.g., whether you are eligible for a bump in your blind grade--is affected by timely attendance and participation. Beginning with Meeting 3, I award 5 points for each day that a student is in his or her seat before I finish calling roll or the time class officially begins, whichever occurs earlier.

Participation includes the following:

* Professionalism in class and in handling problems affecting your performance in class (including letting me know if you are having a problem)
* Attendance in class ON TIME
* Preparation/reading as evidenced in responses to questions
* Meaningful contributions to class discussion
* Performance on ungraded document assignments reflecting attention to the readings/discussion
* Attendance and excellent participation at small group workshops (if held)
* Timely submission of assignments.

**H. Attendance**

Starting with Meeting 3, I award 5 participation points for each person who is in class and ready to start at the time class begins or the time I complete calling the roll, whichever is later. If you are late but attend class, I award 1 participation point.

If you are late, it is up to you to ensure that I mark you present.

If you are **absent from more than four class meetings**, you may be dropped from the class roll and become ineligible to submit the final project. 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).

**I. Final Grades**

Factors relating to the calculation of the final grade are—

• Blind grade: your grade on the final project.

• Raw grade: average grade for all graded assessments + grade for final project.

• Final Grade: raw grades usually need to be bumped up to meet the mandatory

curve and grade distribution. The major factor in making this call is my overall assessment of your participation and professionalism.

Final grades are calculated as follows:

• 40% of raw grade**:** final project contract drafting assignment (take-home, blind graded)

• 25% of raw grade: final assessment exercises—reading and applying contract language (open-book take-home, blind-graded assignment)

• 35% of raw grade: average score on 5-8 other assessments (depending on time constraints)—i.e., open-book graded exercises based on assigned readings.

The scale for graded assessments (not including the Final Project Assessment above) is as follows:

A 96-100 B- 80-82 D+ 67-69

A- 90-95 C+ 77-79 D 63-66

B+ 87-89 C 73-76 D- 60-62

B 83-86 C- 70-72 F below 60

**Part III. Disclosures Regarding UF Policies**

**1. College of Law Grade Policy** (Final Grades)

Grades for this course will be in compliance with the College of Law’s posted grading policy, including the mandatory mean and grade distributions. Final letter grades for the course are determined in accordance with the following point equivalency:

Letter Grade Point Equivalent

A (Excellent) 4.00

A- 3.67

B+ 3.33

B (Average) 3.00

B- 2.67

C+ 2.33

C (Below average) 2.00

C- 1.67

D+ 1.33

D (Poor) 1.00

D- 0.67

E (Failure) 0.00

**2. University Policy on Grade Points**

Information on the University policy as to assigning grade points is available at: <http://catalog>.ufl.edu/ugrad/current/regulations/info/grades.aspx

**3. Accommodations**

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 Student Affairs (Dean Rachel Inman) when requesting accommodation. Students with disabilities should follow this procedure as early as possible in the semester.

**4. Course Evaluations**

Students are expected to provide feedback on the quality of instruction in this course by completing online evaluations 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 when they are open. Summary results of these assessments are available to students at https://evaluations.ufl.edu/results/ .

**5. UF Honesty Policy**

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 honor 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 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.

For the University Honor Code, please see:

<http://www.dso.ufl.edu/sccr/process/student-conduct-honor-code/>

For the College of Law Honor Code, please see:

<http://www.law.ufl.edu/student-affairs/additional-information/honor-code-and-committee/honor-code>

If you have any questions or concerns, please consult with the instructor in this class.

***Assignment Schedule starts on next page***

**Legal Drafting Assignment Schedule (Temple-Smith) Fall 2019**

**Part 1: Meetings 1 through 10**

The assignment schedule **will be distributed in multiple parts** (instead of all at once) during the semester. That distribution reduces confusion by reducing the need to rewrite the schedule if we need to spend extra time on any assignments**.**

**I reserve the right as needed to make changes to assignments that extend the time for completion.**

Most drafting assignments are to be completed outside of the class meetings. Each drafting assignment (not including assigned readings) may require at least 2 hours to complete. The Final Project will require substantially more than 2 hours and the Final Assessment may as well.

**DRAFTING MANUAL** = Cupples, Legal Drafting Course Manual (at Target Copy Center)

**Assignment** = Assignment Packet (at Twen)

**Class Plans and Assignments**

**Class Meeting**:

**PART 1—LITIGATION DOCUMENTS (Meetings 1-10)**

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| **(1) Wed. Aug. 27** | **Submit**: Nothing to Submit  • **In class**: Introduction to course  • **For Meeting 2**: Simulation #1—Sample Pleading Based on Fact Pattern  *-* Read “Florida Pleading Basics” (hand-out) and study the sample complaint | | | |
| **(2) Fri. Aug. 30** | | **Submit**: Nothing to Submit  Simulation #1: How to Analyze the Elements and Supporting Facts for a Premises Liability Complaint  • **In-class**: discuss our pleading template (simple approach to setting up and organizing pleading) plus some of the considerations involved in drafting a Florida pleading based on “ultimate facts.”    **ASSIGNMENT FOR MEETING 3:**  For Meeting 3, you will need to pick up the materials from Target.  IN THE SYLLABUS, read the section on COURSE POLICIES AND PROCEDURES so you understand how the course is graded, what factors affect grades, rules for missed or late assignments, and other related matters.  In the Drafting Manual from Target, read pp. 12-36 (Civil Litigation Basics). While “Florida Pleading Basics” introduced some of this material, you need to read all these pages for an in-depth discussion of the essentials.  Using the fact pattern and outline of elements/organization I distributed in class at Meeting 2, draft a premises liability complaint based on the Leland fact pattern. | | |
| **(3) Wed. Sept. 4** | | | **Submit:**  Premises Liability Complaint based on Leland Fact Pattern (Post to TWEN mailbox not later than class time *and* bring a printed copy to class)  **Simulation: Drafting a Premises Liability Complaint Continued**  • **In class**: Based on class discussion, edit your premises liability complaint. (Be sure you also post the paper at TWEN.)  **ASSIGNMENT FOR MEETING 4:**  READ:   * In the Drafting Manual *carefully review* pages 12-26—Basics About Civil Litigation). * At TWEN, read the material (including the instructions and format guidelines in the **Assignment Packet for Meeting** 4). Be sure to follow the format guidelines for the two complaints you submit for Meeting 4. * **Revise** your edited premises liability complaint. Attach to the BACK of the printed copy your edited copy. * **Prepare** a complaint for breach of contract. | |
| **(4) Fri., Sep. 6** | | | | **Submit:**  Final Premises Liability Complaint based on Leland Fact Pattern (Post to TWEN mailbox not later than class time *and* bring a printed copy to class)  First draft of Breach of Contract Complaint based on materials in packet (same submission instructions)  ***FOLLOW FORMAT GUIDELINES***  Continue *Simulation 2: Drafting a Breach of Contract Complaint*  **• In class**: Discuss/edit breach of contract complaint  **ASSIGNMENT FOR MEETING 5**  Conclude *Simulation 2: Drafting a Breach of Contract Complaint*   * Review in Drafting Manual pp. 12-26, focusing closely on guidance in writing allegations; review as needed Assignment Packet for Meeting 5   In the Assignment Packet for Meetings 5-6, carefully follow the instructions regarding the materials on answers and defenses. However, do NOT draft the answer for Meeting 5.  **Prepare for class:**   * Draft final breach of contract complaint * Prepare Graded Assessment 1: for Meeting 5. . |
| **(5) Wed., Sep. 11** | | | | **Submit:**  Revised Breach of Contract Complaint based on your editing (one printed copy and one copy to TWEN, following format guidelines)  Guided Assessment #1 (one printed copy to me; another to TWEN mailbox).  **In-class:** Begin discussion of *Simulation 3: Defensive Pleading* and materials included in the packet  **ASSIGNMENT FOR MEETING 6**  Read/review: Materials in Packet for Assignments 5-6 (carefully following the instructions)   * **Prepare** an answer to the complaint that I included in the packet. |

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| **(6) Fri., September 13** | **Submit:**  **(1)** Answer to complaint (same instructions and formatting requirements as before)  **(2)** Final breach of contract complaint (same with edited copy attached to back of the complaint)  **• In class**: Continue discussion of *Simulation 3: Defensive Pleading*  Based on any class discussion, make changes/additions to the answer. We will wind up our discussion of answers/defenses in the next class.  **ASSIGNMENT FOR MEETING 7**  - Read Drafting Manual, pp. 27-35 (content of complaint per Fla. rules & statutes).  --Prepare final version of answer (same submission instructions and formatting guidelines as for complaints)   * Additional Materials: Assignment Packet for Meeting 7: Read these materials and follow the instructions to complete the questionnaire/timeline for the statutory complaint |
| **(7) Wed. Sept. 18** | **Submit:**  (1) Assigned questionnaire/timeline for the statutory complaint (submit printed copy and to TWEN)  (2) Final answer (same submission instructions and formatting as for complaints).  **• In class**:  Conclude: *Simulation 3: Defensive Pleadings*  Begin *Simulation 4: Drafting a Statutory Complaint*  Discuss analysis of the facts and elements for an FTA complaint; discuss mechanics of pleading under a statute.  **ASSIGNMENT FOR MEETING 8**  Continue *Simulation #4—Drafting a Statutory Complaint continued*  **Materials:** Assignment Packet for Meeting 8. Carefully follow all instructions.  **Prepare:**  Draft the FTA complaint based on class discussion and materials provided to you. The same formatting and submission instructions (printed copy + TWEN) apply. |

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| **(8) Fri. Sept. 20** | **Submit:**  First draft of FTA complaint (submitted and formatted as above)  **In-class**  Continue: *Simulation #4—Drafting a Statutory Complaint continued*  Review/edit draft.  **ASSIGNMENT FOR MEETING 9**  **Material:** Assignment Packet for Meeting 9. Follow the instructions and do any assigned reading  Review your breach of contract complaint. What facts do the breach of contract complaint and the FTA complaint have in common? Be prepared to discuss.  **Prepare:** Revised version of FTA complaint |
|  | **NOTICE: Assessment 2 will be due IN CLASS on Friday, September 27. The packet will be posted at TWEN under “Graded Assessments” by noon on Saturday, Sep. 21.** |
| **(9) Wed. Sep. 25** | **Submit:**  Revised draft of FTA complaint (same submission instructions/formatting as usual)  Graded Assessment 2 (printed and at TWEN)  **• In class (you will need your laptop)**    Continue: *Simulation 4—Drafting a Statutory Complaint/Multi-Count Pleading*  We will discuss how you would add a second count based on breach of contract.  **ASSIGNMENT FOR MEETING 10**  We will begin our discussion of Contract Drafting.  Read in Drafting Manual:  • 55-58 (hyper-cautious approach).  • 66-76 (writing style for contracts).  • 87- 93 (Class Conventions for phrasing contract statements).  **Prepare for Meeting 10**:  Graded Assessment 2 (printed and at TWEN)  Final draft of statutory pleading with second count incorporated (same requirements as always) |

END OF PART 1 OF THE ASSIGNMENT SCHEDULE.

From this point, I have provided the estimated time period for the remainder of the course. I will provide an equally detailed syllabus before Meeting 10.

**PART 2 OF THE ASSIGNMENT SCHEDULE (Contracts)**

**Meetings 11-24 (Contracts)**

Preparation for contract drafting

How courts read and construe contracts.

Sentence Structure and Precision (discussion of ambiguity)

Conventions for framing types of contract statements.

Types of Contract Provisions—understanding and using forms for guidance.

Organizational Template for Contracts

**Drafting exercises: focusing on drafting provisions for two different types of contracts.**

Developing Drafting Outline (for final project)

**Meetings 25-26 Winding up course/final projects**