# I will grade several drafting assignments this semester.

Common-law CoA: premises liability complaint, answer, motions

# Legal Drafting

#### Law 6807, Section 16228

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

Instructor: Maggie Temple-Smith

312-N Holland Hall

352 273 0943

Office Hours: Tuesday, Wednesday, and Thursday 9-12:00 and

as announced via Canvas website

1. **Course Materials**
2. Textbook. The textbook is Legal Drafting by 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.

Your grade will be based partly on a final project (worth at least 50% of your final grade) and partly on certain written exercises announced at the CANVAS website at least one week in advance.

**III. Grading Policy**

A. Graded Assignments. I will grade some of the assignments, including in-class exercises and quizzes. **If, without authorization, you do not turn in a graded assignment 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.**

B. Non Graded Weekly Assignments. Your grade in Legal Drafting is also based on timely and otherwise satisfactory completion throughout the semester of the homework assignments. Any late, missing, or incomplete assignment may affect your grade. **If you fail to turn in, on time, a satisfactorily completed assignment, your final grade in the course may drop one level, and for each additional missing, late, or otherwise unsatisfactory assignment, your grade may drop one more level. If you fail to turn in, on time, three assignments, you may be dropped from the class roll.**

D. 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>**.**

E. 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/>) and the College of Law webpage (<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 podcasts videos for reviewing subjects covered in the class on the CANVAS site; and any on line quizzes will 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.

# Course Schedule\* for Spring 2019

**\*I reserve the right to alter this schedule and the number of assignments to accommodate the class.**

# PART 1. MEETINGS 1-11: LITIGATION

Unless otherwise instructed (e.g., “Post only at Canvas), you must BOTH post your assignments AND provide me with a hard copy. Otherwise, the assignment is incomplete.

# MTGS 1-5: Introduction to Course & to Basic Florida Pleading

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| **Mtg 1** | Assigned Reading | Work Due in Class | **Discussion** |
| **Jan 8 (Tue)** | None | None | Introduction to course; begin discussion of first assignment |

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| Mtg 2 | Assigned Reading & Work Due in Class\* Drafting a simple common-law complaint | | Discussion |
| **Jan 10 (Thu)** | Applicable Law: Parts 1-2 of Rules and Statutes; Assigned Cases  **Read:** Assigned pages in textbook + any supplemental material  Fact Pattern for Premises Liability Complaint  Sample Premises Liability Pleading | Graded (Open book) Questionnaire 1 re: assigned readings | Students assigned to “law firms”  **Discuss:** Sample pleading and underlying law  Prepare list of necessary facts for complaint |
| **\* Always check the DATED ASSIGNMENT INSTRUCTIONS before beginning. They tell you where to find the materials AND provide crucial guidance for the assignment.** | | |

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| Mtg 3 | Assigned Reading & Work Due in Class\* Drafting a Simple Common-Law Complaint | | Discussion | |
| **Jan 15 (Tue)** | **Applicable Law:** Assigned Rules and Statutes & Cases  Fact Pattern for Premises Liability Complaint (Simulation 1)  Sample Premises Liability Pleading | **Prepare** a complaint using the materials provided. Follow the instructions in the assignment folder.  SHARE WORK WITH FIRM IF INSTRUCTED  POST and SUBMIT A HARD COPY as instructed | | Law firms discuss/review/edit complaints  Instructions for revisions and posting requirements: refer to instructions |
| **\*Always check the DATED ASSIGNMENT INSTRUCTIONS before beginning. They tell you where to find the materials AND provide crucial guidance for the assignment.** | | | |

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| Mtg 4 | Assigned Reading & Work Due in Class\* Defensive Pleadings and Motions | | Discussion |
| **Jan 17 (Thu)** | **Applicable Law:** Assigned Rules and Statutes  **Read:** Assigned textbook pages re: Motions  In addition, **read** the complaint I posted  & any sample motions | Graded Open Book Questionnaire 2  (Assigned readings)  Prepare list of three possible 1.140 motions and the reasoning in support of each one. | Rule 1,140 motions |
| **\*Always check the DATED ASSIGNMENT INSTRUCTIONS before beginning. They tell you where to find the materials AND provide crucial guidance for the assignment.** | | | |

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| Mtg 5 | Assigned Reading & Work Due in Class\* Answers & Defensive Pleadings | | Discussion |
| **Jan 22 (Tue)** | **Applicable Law:** Assigned Rules and Statutes  **Read:** Assigned textbook pages re: Answers | Graded Open Book Questionnaire 3  (Assigned readings)  By Friday at noon, submit your revised complaint and your answer | Drafting responses and affirmative defenses |
| **\*Always check the DATED ASSIGNMENT INSTRUCTIONS before beginning. They tell you where to find the materials AND provide crucial guidance for the assignment.** | | | |

# MTGS 6-11: Simulations 3-4--Analyzing a Statute; Drafting a Pleading Pursuant to Statute

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| Mtg 6 | Assigned Reading & Work Due in Class\* Statutory pleading | | Discussion |
| **Jan 24 (Thu.)** | **Applicable Law:**  Study the assigned statute | **Prepare:** Worksheet: Identifying the elements of the cause of action | Elements of cause of action  Supporting facts & timeline |
| **\*Always check the DATED ASSIGNMENT INSTRUCTIONS before beginning. They tell you where to find the materials AND provide crucial guidance for the assignment.** | | | |

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| Mtg 7 | Assigned Reading & Work Due in Class\* Statutory pleading | | Discussion |
| **Jan 29 (Thu.)** | **Applicable Law:**  Study the assigned statute and the fact pattern for Simulation 3  **Review** Assigned Materials, including the sample complaint and the worksheet you prepared | **Prepare:** First draft of statutory pleading | In-class editing and discussion |
| **\*Always check the DATED ASSIGNMENT INSTRUCTIONS before beginning. They tell you where to find the materials AND provide crucial guidance for the assignment.** | | | |

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| Mtg 8 | Assigned Reading & Work Due in Class\* Statutory pleading | | Discussion |
| **Feb 5 (Thu.)** | Review materials as instructed | Prepare: Revised statutory complaint | In-class editing and discussion |
| **\*Always check the DATED ASSIGNMENT INSTRUCTIONS before beginning. They tell you where to find the materials AND provide crucial guidance for the assignment.** | | | |

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| Mtg 9 | Assigned Reading & Work Due in Class\* Statutory pleading | | Discussion |
| **Feb 12 (Tue)** | Review materials as assigned/instructed | Prepare Statutory Complaint for Simulation 4 (Graded Exercise) | TBA |
| **\*Always check the DATED ASSIGNMENT INSTRUCTIONS before beginning. They tell you where to find the materials AND provide crucial guidance for the assignment.** | | | |

# Introduction to Contract Drafting

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| Mtg 10 | Assigned Reading & Work Due in Class\* | | Discussion |
| **Feb 14 (Thu.)** | **Read:** Assigned materials in textbook on contracts, basic contract articulation, and creation of a drafting outline | Prepare: Graded worksheet/questionnaire | Introduction to contracts |
| **\*Always check the DATED ASSIGNMENT INSTRUCTIONS before beginning. They tell you where to find the materials AND provide crucial guidance for the assignment.** | | | |

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| Mtg 11 | Assigned Reading & Work Due in Class\* | | Discussion |
| **Feb 19 (Tue)** | **Read**: Assigned materials on ambiguity and word choice and on certain types of K provisions | Prepare: Graded worksheet/questionnaire  Draft the assigned provisions; insert them in the drafting outline I prepared for you | Revise/edit the assigned provisions; discuss how they would apply;  compare versions |
| **\*Always check the DATED ASSIGNMENT INSTRUCTIONS before beginning. They tell you where to find the materials AND provide crucial guidance for the assignment.** | | | |

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| Mtg 12 | Assigned Reading & Work Due in Class\* | | Discussion |
| **Feb 21**  **(Thu.)** | **Read**: Assigned materials on ambiguity and word choice and on certain types of K provisions | Prepare: Revise and add the next set of assigned provisions | Revise/edit the assigned provisions; discuss how they would apply;  compare versions |
| **\*Always check the DATED ASSIGNMENT INSTRUCTIONS before beginning. They tell you where to find the materials AND provide crucial guidance for the assignment.** | | | |

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| Mtg 13 | Assigned Reading & Work Due in Class\* Writing Workshop 1 Tutorial Groups | | Discussion |
| **Feb 26**  **(Tue)** | **Read**: Assigned materials for Writing Workshop 1  (Tutorial Groups) | Prepare: Graded worksheet/questionnaire | writing principles |
| **\*Always check the DATED ASSIGNMENT INSTRUCTIONS before beginning. They tell you where to find the materials AND provide crucial guidance for the assignment.** | | | |

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| Mtg 14 | Assigned Reading & Work Due in Class\* | | Discussion |
| **Feb 28**  **(Thu.)** | **Read**: Assigned materials on rules of construction and on various types of contract provisions | Revise and add the next set of assigned provisions | Revise/edit the assigned provisions; discuss how they would apply |
| **\*Always check the DATED ASSIGNMENT INSTRUCTIONS before beginning. They tell you where to find the materials AND provide crucial guidance for the assignment.** | | | |

### SPRING BREAK

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| Mtg 15 | Assigned Reading & Work Due in Class\* Writing Workshop 2 Tutorial Groups | | Discussion |
| **Mar 12 (Tue)** | **Read**: Materials assigned for Writing Workshop 2  Checklist for provisions | Prepare: Worksheet for Group  Graded draft of provisions (check submission deadline) | Revise/edit the assigned provisions; discuss how they would apply |
| **\*Always check the DATED ASSIGNMENT INSTRUCTIONS before beginning. They tell you where to find the materials AND provide crucial guidance for the assignment.** | | | |

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| Mtg 16 | Assigned Reading & Work Due in Class\* Conceptualizing the Transaction | | Discussion |
| **Mar 14 (Thu)** | **Read**: Materials on conceptualizing the transaction and on preparing a “drafting outline” (including the template we’ll use) | Prepare topic list for contract and a list of questions for the client (not a client letter) | preparing a “drafting outline” |
| **\*Always check the DATED ASSIGNMENT INSTRUCTIONS before beginning. They tell you where to find the materials AND provide crucial guidance for the assignment.** | | | |

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| Mtg 17 | Assigned Reading & Work Due in Class\* Conceptualizing the Transaction  (Tutorial Group—Workshop) | | Discussion |
| **Mar 19 (Tue)** | **Read**: Continued--Materials on conceptualizing the transaction and on getting information from the client | Prepare: Graded worksheet/questionnaire  Outline of organizational plan for previous document (“drafting outline”) | preparing a “drafting outline”’; getting info from client |
| **\*Always check the DATED ASSIGNMENT INSTRUCTIONS before beginning. They tell you where to find the materials AND provide crucial guidance for the assignment.** | | | |

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| Mtg 18 | Assigned Reading & Work Due in Class\* TBA | | Discussion |
| **Mar 21 (Thu)** | **Read**: Assigned materials | Prepare: Revised outline (graded) | the “drafting outline”  Client interview |
| **\*Always check the DATED ASSIGNMENT INSTRUCTIONS before beginning. They tell you where to find the materials AND provide crucial guidance for the assignment.** | | | |

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| Mtg 19 | Assigned Reading & Work Due in Class\* Tutorial group: Preparing a Drafting Outline | | Discussion |
| **Mar 26 (Tue)** | **Review** all materials on organization | Prepare as and when instructed: Graded “Drafting Outline” | Conceptualization and creation of an organizational scheme for a document |
| **\*Always check the DATED ASSIGNMENT INSTRUCTIONS before beginning. They tell you where to find the materials AND provide crucial guidance for the assignment.** | | | |

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| Mtg 20 | Assigned Reading & Work Due in Class\* Liability and Termination—Contract Provisions | | Discussion |
| **Mar 28 (Thu)** | **Read**: Materials on protection against liability and on termination/cancellation | Prepare: Graded worksheet/questionnaire | TBA |
| **\*Always check the DATED ASSIGNMENT INSTRUCTIONS before beginning. They tell you where to find the materials AND provide crucial guidance for the assignment.** | | | |

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| Mtg 21 | Assigned Reading & Work Due in Class\*Contract-Drafting Project Distributed | | Discussion |
| **April 2 (Tue)** | TBA | TBA | In-class writing/editing project |
| **\*Always check the DATED ASSIGNMENT INSTRUCTIONS before beginning. They tell you where to find the materials AND provide crucial guidance for the assignment.** | | | |

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| Mtg 22 | Assigned Reading & Work Due in Class\* | | Discussion |
| **April 4 (Thu.)** |  | Required set of client questions due as instructed  Required draft of outline due | In-class writing/editing project |
| **\*Always check the DATED ASSIGNMENT INSTRUCTIONS before beginning. They tell you where to find the materials AND provide crucial guidance for the assignment.** | | | |

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| Mtg 23 | Assigned Reading & Work Due in Class\* | | Discussion |
| **April 9 (Tue.)** | TBA | TBA | TBA |
| **\*Always check the DATED ASSIGNMENT INSTRUCTIONS before beginning. They tell you where to find the materials AND provide crucial guidance for the assignment.** | | | |

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| Mtg 24 | Assigned Reading & Work Due in Class\* | | Discussion |
| **April 11(Thu)** | TBA | TBA | TBA |
| **\*Always check the DATED ASSIGNMENT INSTRUCTIONS before beginning. They tell you where to find the materials AND provide crucial guidance for the assignment.** | | | |

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| Mtg 25 | Assigned Reading & Work Due in Class\* | | Discussion |
| **April 16 (Tue)** | TBA | TBA | TBA |
| **\*Always check the DATED ASSIGNMENT INSTRUCTIONS before beginning. They tell you where to find the materials AND provide crucial guidance for the assignment.** | | | |

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| Mtg 25 | Assigned Reading & Work Due in Class\* | | Discussion |
| **April 18 (Thu)** | TBA—Part 1 of Contract Project | TBA | TBA |
| **\*Always check the DATED ASSIGNMENT INSTRUCTIONS before beginning. They tell you where to find the materials AND provide crucial guidance for the assignment.** | | | |

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| Mtg 26 | Assigned Reading & Work Due in Class\* | | Discussion |
| **April 22 (Tue)** | TBA—Part 2 of Contract Project? | TBA | TBA |
| **\*Always check the DATED ASSIGNMENT INSTRUCTIONS before beginning. They tell you where to find the materials AND provide crucial guidance for the assignment.** | | | |