

LEGAL DRAFTING SPRING 2012 (04 JAN. 2012)

INSTRUCTOR: *MICHAEL E. KOZLAREK*

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803.253.8924, 7:15 a.m. – 4:30 p.m. (M-F)

803.312.3199, 5:00 p.m. – 10:00 p.m. (M-F; 7:15 – 10:00 p.m. Sat-Sun)

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I. General Information

Text: Thomas R. Haggard & George W. Kuney, *Legal Drafting: Process, Techniques, and Exercises* (2d ed. 2007)

Class Time and Location: Thursday, 4:20 p.m. until 6:30 p.m., LAWC 338

II. Course Policies

A. (1) Attend class. Be on time. Chronic lateness: 10-point deduction from your final grade. Four tardies of ≥ 15 minutes equals one absence. I will randomly call on students. So, participate in class, but do not trample on your classmates (possible $\pm \leq 10$ points to your final grade for *truly* outstanding or horrendous preparation/participation). Miss more than two classes and you must get approval from the Dean to receive a grade other than “F.” Miss four classes and you automatically fail.

(2) If scheduled, individual conferences are required. Show up. Be on time. If you cannot attend, please reschedule well in advance (possible -10 points from your final grade for *tardiness in appearance or rescheduling* (without legitimate excuse – obviously, I am the arbiter of “legitimate”)). Failing to attend a conference: 20-point deduction from your final grade.

B.(1) Assignments are Pass/Fail. That means, you will draft and redraft an Assignment until I tell you to stop because it is “passing.” This is an important process. As with actual legal work, no (turned in) first draft is ever “passing.” Assignments will receive group feedback.

Your final grade is based on your score on the Final Assignment, as adjusted. The Final Assignment is worth 100 points with no Redraft. Subject to the limitations below, I will assign a letter grade (A, B+, B, C+, C, D+, D and F), as appropriate.

A $\leq 30\%$ of class enrollment (rounded to nearest number – as of Final Assignment due date)

B+ $\leq 50\%$ of class enrollment (rounded to nearest number – as of Final Assignment due date)

B $\leq 40\%$ of class enrollment (rounded to nearest number – as of Final Assignment due date)

(2) Submit each Assignment on time and in the following format: Name, date, Assignment number and class information on a cover page; typed; (except for the cover page) double-spaced; 12-pt. Times New Roman; 1-in. margins; number each page (except the cover page), bottom center, (and if presented in hard copy) stapled in the upper, left-hand corner. Failure to follow these simple instructions will result in the Assignment not “passing,” and possibly resulting in deducted points from the final grade.

(3) Each Assignment must be turned in no later than the beginning of class in hard copy or electronically. Redrafts must include an *electronically created* redline/blackline between the original and the Redraft (no handwritten comparisons). Any Assignment due on a day other than a class day should be emailed to the address above or hand delivered to my office (not at the law school).

Email is the best method by which to turn in each Assignment and Redraft. The email time-stamp signifies the Assignment was complete at that time. My office does not use a “time stamp.” Thus, ensure an hand-delivered Assignment arrives in advance of the deadline. Any misrepresentation as to timeliness is an Honor Code violation. Keep a *hard copy* of each Assignment for yourself.

(4) A late Assignment will not be “passing” and will subject the transgressor to an additional penalty with respect to the final grade – depending on the length and frequency of the tardiness. *E.g.*, a paper due by 1:00, but emailed or delivered at 1:01, is one day late. *Neither* a computer *nor* a printer problem is an excuse for tardiness. A late Assignment will result in 10-point, per-day, deduction from your final grade.

(5) Lawyers learn a great deal from each other. Therefore, you are required to work on Assignments throughout the semester in teams of no more than four and no less than two. These need not be permanent alliances.

On these Assignments, each team member is expected to contribute to the process, and each will receive the same Pass/Fail record. By putting your name on the Assignment, you attest you contributed significantly to the Assignment. Team drafting is most productive when each member of the team has a chance to review and critique each draft in its entirety. Having each member work on only an individual “section” of an Assignment is truly ineffective.

The Final Assignment will be an individual effort – no help (from anyone).

You may use spell- and grammar-checking programs when editing and proofreading. Also, you may seek help with grammar and style at the Law School’s Writing Clinic. Because not everyone in the class has access to practicing attorneys or other helpers, you may not ask anyone apart from me, your teammates (except on the Final Assignment), and the students at the Writing Clinic to read your drafts. Seeking help from any -one or -thing is an Honor Code Violation.

Plagiarism is an Honor Code violation. I define plagiarism as the negligent or intentional passing off of someone else’s work as yours. To avoid negligent plagiarism, be sure you understand the basic rules of quotation and citation, and feel free to ask me any questions you may have about them. I will refer incidents of suspected plagiarism to the appropriate committee for action.

C. There will be **NO** make-up Assignments – obviously, extraordinary and unexpected circumstances always arise. Part of being a lawyer is learning to know and manage extraordinary and unexpected circumstances before they occur. (Yes, you can learn to anticipate and manage unexpected circumstances).

D. If you have a disability, let me know so I can inform the Law School and ask it to make accommodations. Also, please see the Law School Registrar to document your disability. The Law School must have documentation before it can make accommodations.

III. Class Assignments *

12 Jan.

Read Chapters 1-3 & 6
Exercise 15 – turn in

19 Jan. (Guest Lecturer)

Chapters 16 & 17
Exercises 13 & 14 – be prepared to discuss in class
Exercise 16 – turn in

26 Jan. (No class)

* Always subject to revision.

02 Feb.

Chapters 14 & 15
Exercises 11 & 12 – prepared to discuss in class
Exercise 17 – turn in
Exercise 16 Redraft – turn in

09 Feb.

Chapters 7, 8 & 9
Exercises 4, 5 & 6 – prepared to discuss in class
Exercise 20 – turn in

16 Feb.

Chapters 10 & 11
Exercises 7 & 8 – prepared to discuss in class
Exercise 17 Redraft – turn in

23 Feb. (Probably No Class, but continue to plan to be here until told otherwise)

01 Mar.

Chapter 12 & 13
Exercise 9 & 10 – prepared to discuss in class
Exercise 20 Redraft – turn in

08 Mar. Spring Break – NO CLASS

15 Mar.

Chapters 4 & 5
Exercises 1 & 2 – prepared to discuss in class
Exercise 21 – turn in

22 Mar.

Exercises 18 & 27 – turn in

29 Mar.

Exercise 21 Redraft – turn in

05 Apr.

Evaluations – please bring your laptop
Discuss Final Assignment
Exercise 19 – turn in
Exercises 18 & 27 Redraft – turn in

12 Apr.

Exercise 19 Redraft – turn in