

SYLLABUS: LEGAL DRAFTING

Tuesdays and Thursdays, 3:05 – 4:30 p.m., Room 308
Spring Semester 2011

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Introduction:

The best way to learn drafting is to do a lot of drafting. Although I hope you will pick up some helpful substantive law along the way, the heart of this class will be your writing and class discussions about your writing.

More than half of the class will focus on drafting contracts. In addition to some drafting exercises, you will draft a simple contract and a complex commercial contract. We will also draft a will, and several other documents.

Because of the volume of writing required, there will be no exam. This course satisfies an upper-level writing requirement.

Reading Assignments:

I ask that you read most or all of the following books:

The Legal Writer, by Judge Mark Painter (3d Ed. 2005);
Contract Law From a Drafting Perspective, by Thomas R. Haggard (2003);
The Simple Will in Ohio, by Marilyn J. Maag (2010 Edition); and
Plain English for Lawyers, by Richard C. Wydick (5th Ed. 2005).

Class Participation:

Consistent creative or intelligent class participation will earn you one grade increment (i.e., from a B to a B+, or from a B+ to an A-). I reserve the right to lower your grade for unexcused absences adversely affecting a classmate assigned to work with you, or for frequent unexplained absences, lack of preparation, or inadequate participation.

Conferences and Appointments:

You are invited to call or e-mail me anytime. Upon request, I will be happy to come to the law school early to meet with you before class. I will also be available for conferences or for other appointments at other times if you are willing to come to my office.

Writing Assignments:

A. General Instructions

The attached calendar shows when all assignments are due. For three of the assignments, (two contracts and a will), both an initial draft and a second draft are required.

Generally, all written assignments are to be word processed, 12 point type, on 8½" x 11" white paper, with one inch margins on all four sides of the sheet. There are five exceptions: the will questionnaire, the client comments on the will, and three sets of corrections, in which neat and legible hand-written comments or interlineations in the margins of a pre-existing document are acceptable.

Except for the three second drafts, the will questionnaire, and the client comments on the will, the everyone will review and comment upon everyone else's drafting work in class. For the first drafts of the will and the two contracts, each student will submit his or her work to a designated student, (but be sure to bring a clean copy with you to class just in case we need it). The designated student will correct his or her classmate's work, post copies of the corrected work so that the entire class has access to it, and hand a corrected hard copy in. Each student will make an oral presentation of his or her corrections in class at some point during the semester.

For all other assignments (except for second drafts, the will questionnaire, and the client comments on the will), prepare multiple copies of your work to hand in and to distribute to every member of the class.

Footnotes should not be used at all. Type or write your name in the upper right corner of the first page of each assignment. Use standard inexpensive paper rather than bond paper or anything fancy. No cover sheets or separate title pages – document text should begin right below your title or case caption. No binders or folders – simply staple your pages together with a single staple in the upper left hand corner. You are learning to be professionals here; grammar, spelling, style, spacing, format, appearance, and how well you follow these instructions are each important, and will affect your grade.

If you hand in any assignment after the class on which it is due, but before the class on which we begin discussing it, you will lose one grade increment. Once we begin discussing the completed assignments in class, I reserve the right to not accept the late assignment at all, though I will try to listen to your story of woe with an open mind. If your lateness or unexcused absence from class prejudices a classmate assigned to work with you, the penalty may be more severe.

B. Instructions for Specific Assignments:

1. Contract assignments

You will complete first and second drafts of two contract assignments – a simple transaction, and a complex contract. Second drafts will not be distributed to the class. Double space all exercises from the book and all first drafts (excluding text within titles and headings, which should be single spaced). For second drafts, text within a paragraph should be single-spaced, with each heading and paragraph separated by an extra space.

The complex contract will be broken into 3 steps: a detailed outline, a first draft, and a polished final draft of the complete document.

2. Wills

When filling out the will questionnaire – (Form A or Form B from pp. 40-55 of The Simple Will in Ohio) – you are role-playing the part of a client. Copy the assigned form out of the book and fill it out. You may do so by hand if the result will be neat and legible. Turn in the original executed form to an assigned classmate, and keep a copy for yourself.

You will receive a copy of somebody else's questionnaire. You will work together with the author of the questionnaire, taking turns playing the part of client and attorney, and drafting each other's wills. When you complete your 1st draft of the will, turn in one copy to me, with a copy of your client's questionnaire clipped (not stapled) to the draft, and submit a copy of the draft to your client. First drafts should be double-spaced.

Later, acting in the role of client, submit your neat and legible handwritten comments on your attorney's 1st draft of your will to your attorney. Please be sure that your client comments includes both your own name and your attorney's name. Once again, keep a copy for yourself.

Second drafts of the will should incorporate your client's comments, as well as corrections that come out of the class presentations. For second drafts, text within each paragraph should be single spaced, with each paragraph and heading separated by an extra space. No need to make extra copies this time around. Clip (but do not staple) the original client comments to your second draft when you hand it in to me.