

Section A

Drafting Component

Syllabus

1. Schedule

The Advanced Research component starts the course for Section A.

Following that is the Drafting Component, which meets as follows:

Friday, Sept. 11 — 8:10 to 10:00 am (2 hours)
Friday, Sept. 18 — 9:10 to 10:00 am (1 hour)
Monday, Sept. 21 — 8:10 to 10:00 am (2 hours)
Friday, Sept. 25 — 8:10 to 10:00 am (2 hours)

2. Text Materials

Photocopied text materials will be distributed during the last week of August. At that time, you'll be told which pages to read for each class.

3. Contacting Me Outside of Class

To make an appointment, contact me directly. The most reliable method is email.

email address:	Richard.k.neumann@hofstra.edu
office:	Room 213 (at the end of the corridor that begins opposite room 206)
telephone:	516-463-5881 — <i>but email works much better</i>
secretary:	Joyce Cox, room 216. Tel: 516-463-6339 Joyce.a.cox@hofstra.edu

4. Email

Material will be distributed through your Hofstra email address. If you use a non-Hofstra address, be sure that it reliably receives email forwarded from your Hofstra address.

I will send by email copies of work we do in class as well as assignments. And you will submit your work by email.

In Section A, the Drafting Component does **not** use TWEN or Blackboard (although other parts of the course do use TWEN).

5. Learning Goals

Statute and contract drafting is creating rules and using them to solve problems. The following are all collections of rules: statutes, contracts, administrative regulations, court rules, bylaws, local ordinances, wills, trusts, injunctions, and other court orders.

Every rule is a duty, discretionary authority (DA), or a declaration. Attached to a rule might be a test or conditions that, if satisfied, activate the rule. Tests and conditions are made up of elements or factors. Contracts also include representations (reps) and warranties, although these are not technically rules.

The following should be **your goals** as a student. They are the benchmarks against which you will be evaluated and you should evaluate yourself.

1. understand **how duties, DA, declarations, and tests and conditions work**

2. be able to **fix and avoid phrasing and sentence problems** and **create sound organization and format**
3. be able to **express duties, DA, declarations, and tests and conditions** in statutes and contracts
 - a. **draft** them from scratch
 - b. **critique** those drafted by others
 - c. **redraft** badly written ones
4. be able to **express** the two extra things that occur in contracts — **reps and warranties**
5. be able to **organize contracts**
 - a. **critique** the organization of existing contracts
 - b. **reorganize** badly organized contracts

6. Exercises and Assignments

Exercises are drafting the problems we'll work on in class. Do them before class, and be prepared to explain your solutions during class. You may be called on even if you don't raise your hand.

You will receive two drafting **assignments**, which you will complete and submit out of class and on which you will be graded.

7. Grading

Foundational Legal Skills is graded pass/fail. Your grade for the course as a whole is determined by your overall performance in all three modules. During each module, you will be required to complete satisfactorily all assignments in a timely manner. If you fail to complete satisfactorily one or more graded assignments in any module, you will be at risk of failing Foundational Legal Skills and having to retake the entire course.

8. No Laptops or Other Electronic Devices During Class

During the Drafting Component, you are not permitted to use laptops, tablets, cell phones, smart phones, or any other electronic device. If you violate this rule, I will ask you to see me after class, and you may be counted as absent.

Laptops, etc., will **not** help you learn drafting. In fact, they get in the way of learning. (The opposite is true in the Advanced Research Component, where laptops *will* help you learn.)

When we do drafting exercises in class, pay attention to the **process** of what we're doing. Make notes *only* of what you're learning about the **process through which we draft and redraft**. Don't bother to write down what you see on the screen at the front of the room. After class, I'll send you the final product by email.

9. Attendance

The NY Court of Appeals, the ABA (which accredits law schools), and Hofstra require students to be in good and regular attendance in every course. Foundational Lawyering Skills has two separate attendance requirements.

- 1. attendance in *the course as a whole*:** You are permitted no more than **six hours** of unexcused absences during the semester. This is *six hours* — *not* six classes. If you miss a two-hour class, you have used one-third of that allotment.
- 2. attendance in *each module*:** The course is divided into three modules. Within a module, you are permitted no more than **three hours** of unexcused absences. If you miss a two-hour class, you have used *two-thirds* of that allotment. If you miss a second two-hour classes, you have violated the module attendance requirement even if you attend every class in the other two modules.

These are **separate** requirements. If you violate **either** of them, you are at risk of failing the class or being administratively withdrawn from it. If you fail or are administratively withdrawn, you must retake the entire course.

If you believe that you must be absent in excess of these limits for religious reasons or because of truly compelling hardship, you should contact the Office of Student Affairs as soon as possible. Accommodations can be made for students who must be absent for religious reasons or truly compelling hardship. If you ask Student Affairs for an exception, your request must include appropriate documentation.

An attendance sheet will be circulated in each class. Failure to sign the attendance

sheet is dispositive evidence of absence. You are responsible for signing *during* the class. Falsification of a signature, such as signing for another student, is a violation of the Code of Academic Conduct and will be punished accordingly.

10. Professionalism

When a law school teacher looks at you, the teacher sees the thousands of future clients who will depend on you after you graduate. The teacher, the school, and you are responsible to those clients.

Class is a professional business meeting. ***You are expected to behave in class with the same level of professionalism that governs a lawyer's behavior in any meeting where the lawyer is an active participant.***

- It is unprofessional to ***arrive late*** without a compelling reason. If you walk into class late, you *must* see me after class and explain why. If you don't have a compelling reason, you'll be counted as having an unexcused absence. Compelling reasons do not include things like "I couldn't find a parking space." A professional plans ahead and allows extra time to arrive early at professional obligations.
- It is unprofessional to ***leave the room*** except in an emergency. Needing to use the restroom isn't an emergency. In a courtroom, a trial will go on for hours. If you ask for a restroom break in the middle of a cross-examination, the judge's jaw will drop in astonishment.
- It is unprofessional to ***chat with people sitting next to you*** during a business meeting. Chatter makes it hard for others to hear and for those speaking to make themselves heard. If you do this in class, other students will get angry at you and dislike you. If you distract others in this way, you and I will have a private conversation about professional maturity.
- You may be counted as absent for any class in which you ***violate the rules on electronic devices*** explained above.

11. Medical Conditions

If you have a medical condition that might be relevant to school work, such as ADHD or dyslexia, please feel free to discuss it with me privately so we can work out something that could be helpful to you in the course, in school generally, and in lawyering.