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| **Shield-Black_Scales** | **National Paralegal College**717 E. Maryland AvenuePhoenix, AZ 85014-1263Tel: 800 - 371 - 6105 Fax: 866-347-2744 e-mail: info@nationalparalegal.eduWebsite: **http://nationalparalegal.edu** |

**LEGAL DOCUMENT PREPARATION**

**PLG-404-1304**

**Syllabus and Course Guide**

The NPC Legal Document Preparation course meets 15 times over the course of the 8-week term in the NPC Interactive classroom Each session consists of about 60 minutes of online lecture by the course instructor. After the lecture, students may ask questions and make comments on the material being studied.

This class will meet on Tuesdays and Thursdays, beginning on April 9, 2013. There will be TWO alternative lecture times for this course:

**4:00 PM, Eastern Time – taught by Erin Steffin**

**9:00 PM, Eastern Time – taught by Eric Martinez**

You may come to either of these classes based on your own schedule and convenience. Attendance at either of the two classes (and passing the in-class quiz) will satisfy the weekly interaction requirement. You may switch back and forth between lecturers. Both classes will be recorded. There is no need to attend or listen to more than one section on a given day, as they will cover the same material.

To successfully complete the course, each student must satisfactorily complete:

- 4 written assignments

- 3 examinations

Unless an extension has been granted by the instructor, all assignments and exams must be submitted within 30 days of the end of the course.

**COURSE DESCRIPTION:**

This course is a practical course the deals with the preparation of a host of legal documents. We will look at many of the most important drafting tasks assigned to paralegals across a broad spectrum of practice areas. Students will learn by training and by completing hands-on tasks, by drafting key documents relating to the fields or torts, contracts, Wills, Trusts, Domestic Relations, Litigation, Real Property, and more. A variety of ancillary forms will also be reviewed so that the student will be familiar with the key forms that must be completed in whatever field he or she eventually practices in.

**INSTRUCTORS AND CONTACT INFO:**

**Lecturers:**

 **Eric Martinez (****ericm@nationalparalegal.edu****)**

 **Erin Steffin (****erin@nationaplparalegal.edu****)**

**Grader:**

 **Sophiea Bailey (****sophiea@nationalparalegal.edu****)**

**PREREQUISITES\***

Three of more of the following:

* Real Property
* Contracts
* Business Law
* Wills, Trusts and Estates
* Legal Research, Writing and Civil Litigation
* Domestic Relations
* Torts and Personal Injury

**\* Unless this requirement is waived by the Education Director, only students who have successfully taken three of more of the above courses may take this course.**

**COURSE OBJECTIVES:**

At the completion of this course, the student will be able to:

* Draft a basic sales or services contract from a template, adjusted to the facts and goals of a client
* Draft and review real property contracts, spotting key provisions and being able to analyze the provisions vis a vis the goals of a client
* Prepare many different types of real property deeds with a variety of provisions
* Prepare Articles of Incorporation for a for-profit or non-for profit corporation and be able to file such document with the appropriate state agency
* Review corporate by-laws and analyze their key provisions
* Draft a general or limited partnership agreement or LLC operating agreement from a template, adjusting the template to the needs of a client
* Draft a valid and binding Will, with key features, such as personal representative designations, establishment of testamentary trusts, no contest clauses and self-proving affidavits
* Draft certain types of testamentary trusts from templates
* Prepare a Chapter 7, 11 or 13 bankruptcy petition based on information provided by a client
* Prepare civil complaints and answers
* Prepare motions involved in a civil trial
* Prepare a variety of discovery requests, including requests for depositions, interrogatories, requests for documents, etc.
* Draft prenuptial agreements from templates
* Organize an appellate brief, including the preparation of a table of authorities and a general organization of the structure of an appellate brief

**TEXTBOOK AND READING ASSIGNMENTS:**

The textbook for this course is:

Basics of Legal Document Preparation

Author: Robert R. Cummins

Publisher: Delmar Publishers

ISBN: 0827367996

It is expected that each student will obtain a copy of the textbook prior to the beginning of the course. The book may be obtained in any manner the student chooses to do so, including:

Direct from the Publisher:

<http://www.delmarlearning.com/browse_product_detail.aspx?catid=2412&isbn=0827367996>

Amazon.com:

<http://www.amazon.com/Basics-Document-Preparation-Robert-Cummins/dp/0827367996>

Textbooks.com:

<http://www.textbooks.com/Search.php?CSID=Q2K0QUA0QUU0MQUCMMQ2MACMK&TYP=I&TXT=0827367996>

Unless otherwise noted, all reading assignments refer to the above referenced textbook. Any additional materials assigned in this syllabus may be posted on the NPC site for reading or download. All statutes and regulations referenced in the text can be downloaded or viewed through Lexis. Directions on how to do this will be discussed in class and posted to the course message board.

All reading assignments should be completed prior to the corresponding lecture. Lecture slides and additional documents can be found on the “Documents and Slides” page on the NPC student website.

**WRITTEN ASSIGNMENTS:**

At the outset of the course, four assignments will be posted “assignments and exams” page. The 4 assignments will cumulatively count for 40% of the student’s grade for the course. Information will be posted to the message board that indicates when the material for each assignment is discussed in class.

Assignments are to be submitted via the section of the student menu entitled “assignments and exams.”

It is highly recommended that assignment answers be composed in a word processing program and then passed into the NPC system rather than composing it in the assignment answer window. This is important because an inadvertent page refresh or login timeout could cause you to lose all unsaved work typed into the NPC assignment window.

PDF documents and images may also be submitted as part of your assignment. For a short tutorial on creating and submitting PDF documents, please see:

[**http://tinyurl.com/assignmentpdf**](http://tinyurl.com/assignmentpdf)

(You may have to log into Google to view this document.)

Each submitted assignment will be graded on the following scale:

4 - Excellent

3 - Good

2 – Satisfactory

1 – Poor

0 – Not acceptable (must resubmit)

(Half-points may also be awarded in assignment grading.)

Please see the “Assignment Grading Rubric” (the next page of this syllabus) for more detailed information as to how assignments are graded and the key elements of assignments that instructors look for when grading assignments.

In addition to a grade, students will receive written feedback from the instructor on their assignments, where appropriate.

***To the extent possible, it is recommend that students complete the assignments as the course proceeds rather than waiting until after the course ends.***

**Assignment Grading Rubric**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Factor** | **4 (Excellent)** | **3(Good)** | **2(Satisfactory)** | **1 (Poor)** | **0 (no credit)** |
| **Thoroughness** | Answered all questionsin the exercise completelyand in the appropriate order. | Answered all questionsin the exercise but notcompletely and/ornot on the appropriate order | Answered most of the questionsin the exercise but notcompletely and/or not on the appropriate order | Did not answer many of the questions in the exercise but did make some reasonable effort to do so. | Made little or no reasonable effort to answer the questions posed in the assignment |
| **Demonstrated Understanding** **Of the Assignment and has come to an appropriate conclusion** | Response demonstrates a thorough understandingof the exercise and the student has justified and enunciated an appropriate conclusion. | Response demonstrates an understandingof the exercise and comes to a conclusion. | Response demonstrates some understandingof the exercise. The conclusion that the students comes to may not be appropriately justified by the rest of the essay. | Response demonstrates some understandingof the exercise but shows a high level of confusion on the part of the student. The student’s conclusion, if any, is not supported b the rest of the essay. | Response demonstrates a very poor understanding of the subject matter presented by the assignment. |
| **Documentation/ Legal research (note: For assignments, sources should be those obtained through legal research; for exam essays, legal principles learned in class or the courseware is sufficient.)** | Student has cited at least two excellent sources and has applied them appropriately. Appropriate sources are documented and well cited and well integrated. | Student has cited one excellent source or two or more good sources but has missed at least one excellent source. Sources are integrated well in the assignment.  | Student has cited appropriate sources but has missed the best available OR student has cited good sources but has done a poor job of integrating them.  | Student has cited poor or inappropriate authorities or has failed to establish the relevance of the sources that he or she has cited. | Student has not cited any legal authorities or has cited authorities that are irrelevant. |
| **Organization** | Essay is organized very well; the reader can clearly understand where the essay is going at all point and a cohesive easy-to-follow argument is made in the essay. Separate paragraphs are used for separate ideas. | Essay is well organized. The essay is coherent, though may not flow freely. Different components of the essay are broken up appropriately. | Essay shows some level of organization, but is difficult to follow. The essay is not as focused as it should be. Essay may go back and forth between points without using new paragraphs. | Essay is poorly organized and is very difficult to follow. The student did not appropriately separate thoughts and did not properly organize the essay. | Student’s essay is in chaos. There is no reasonable attempt to organize the essay coherently. |
| **Critical Thinking and Analysis** | Shows excellent critical thinking and analysis. The student was able to apply the cited law to the facts of the given case in a clear and convincing manner. | Shows good critical thinking and analysis. The student’s points are well argued and well supported. | Shows adequate critical thinking and analysis. The student’s points are supported by logic, but are not exceptionally convincing. | Shows minimal critical thinking and analysis. The student’s arguments are weak and unconvincing. | Shows no effort critical thinking or analysis. The student’s points make no sense. |

**EXAMINATIONS:**

Examinations will be posted on the NPC website when indicated on the syllabus of the course. The examinations consist entirely of “short essay” questions. The 3 examinations will cumulatively count for 60% of the student’s course grade.

Examinations are non-cumulative; they cover only the material that has been covered since the previous examination. The instructor will provide specific information regarding the content of each examination as the examination time approaches.

All examinations are timed. A student may begin the examination any time after it is posted to the NPC website. Once begun, the examination must be completed within 4 hours.

Examinations will be graded on a conventional 0-100 scale. The number of points each question is worth is equal to 100 divided by the number of questions on the examination.

For each examination question, full credit will be awarded if the student:

1. Correctly identifies the legal issue(s) presented by the question
2. Applies the correct law to the legal issue(s) presented (note: full credit may also be awarded if the student’s answer comes to an “incorrect” conclusion if the student bases his or her analysis on correct law and supports his or her position in a convincing manner)
3. Presents his or her answer in a clear and understandable manner

The amount of partial credit to be awarded, if any, for an answer that is not complete and correct is at the discretion of the instructor. Instructors are instructed to award partial credit that is proportional to the level of knowledge and legal skill displayed by the student in answering the question.

The following factors are generally NOT taken into account in grading examinations:

Legal research; Although research is a key component of assignments, examinations are graded on the student’s knowledge of the legal concepts taught and do not require independent research.

Grammar and spelling (unless they impact the ability of the graded to understand the student’s answer); Although these are essential skills for a paralegal, examinations test legal knowledge and ability to apply the skills learned, not necessarily the ability to write professional legal memoranda (assignments test this skill). In addition, because exams are taken under time constraints, we would rather see the students spend their time spotting legal issues and applying applicable law than on proofreading answers for typos and grammar mistakes.

For more information on assignments and examinations, please see the *NPC Student Handbook*.

***To the extent possible, it is recommend that students complete the exams as the course proceeds rather than waiting until after the course ends.***

**NPC PLAGIARISM POLICY**

All work done by NPC students on assignments, examinations and research projects are expected to be their own work. Quoting other sources as part of analyzing a subject is desirable and necessary in many cases. However, when other sources are quoted or used, they must be properly attributed to the original sources. This applies to direct quotes of sources and to paraphrasing other sources or using ideas obtained from other sources even if the exact text it not used.

Plagiarism means using the materials of others without appropriately citing the source and is an academic offence.

Under the NPC plagiarism policy, a student may not, as part of any assignment or exam submission:

1. quote any text from any other source without:
2. putting quotation marks around the quotes material;

AND

b) appropriately citing the source of the quote

2) Pass off the work of another as his or her own, even if the student does not directly quote from the other source.

Please note that the NPC plagiarism policy does not mean that you cannot quote language from the courseware, textbook or slides as part of an answer to a question on an exam. These are resources that are meant to be used on an exam when applied in an appropriate manner. However, quoting other sources without attribution or quoting the text, slides or courseware without attribution in an assignment is plagiarism.

 For more information regarding the NPC Plagiarism Policy, penalties and due process rights where plagiarism is alleged, please see the NPC Plagiarism Policy at:

 <http://nationalparalegal.edu/pages/Plagiarism%20Policy.pdf>

**WEEKLY INTERACTION REQUIREMENT**

To ensure that all students are involved and participating in the course as the course moves forward, each student enrolled in this course must, at least one during each week, either:

1) Attend a live lecture and take and pass a short quiz given during class

OR

2) Submit at least one assignment

OR

3) Take at least one examination

OR

4) Answer a weekly “interaction” question or questions that will be posted on the

“Assignments and Exams” page.

The weekly “interaction” question(s) will be simple and straightforward and will cover material covered in class that week. Answers to these questions should be short (typically 1-3 sentences) and to the point.

This student response (which is necessary only if the student does not attend a live class or take an exam or submit an assignment in the given week) will be graded on a pass/fail basis. The interaction questions will be posted no later than Monday of each week and must be answered on or before the following Monday.

The weekly interaction questions will be posted alongside the assignments. Students who do not attend a live class or take an exam or submit an assignment in the given week will be required to answer the questions presented. Students who did attend a live class or take an exam or submit an assignment in the given week may ignore the question.

Any student who does not fulfill this requirement during a given week will receive a reduction in his or her over-all grade of 2 percentage points from his or her over-all average.

***Fulfilling the weekly interaction requirement is particularly important for students receiving financial aid. Federal regulations require the school to withdraw students who go 14 consecutive days without fulfilling an interaction requirement from financial aid and to return any outstanding financial aid money to the government unless the student interacts with the school prior to the time that the withdrawal is completed. If you are unable to fulfill a weekly interaction requirement, is critical that you stay in contact with the school so that other arrangements can be made.***

**COURSE GRADES**

The following formula will be used to calculate final grades

Cumulative exam scores + (assignment points x 12.5) = raw score

Because exams are worth up to 100 points and assignments up to 4 points each, the maximum raw score is 500. 10 raw points (2% of the raw point total) are deducted for each missed weekly interaction. Extra credit may be available for certain in class activities as may be announced by the instructor.

The following conversion chart is then applied based on the total raw points you have earned:

>474 = A+
445-474 = A
420-444 = A-
395-419 = B+
365-394 = B
340-364 = B-
315-339 = C+
285-314 = C
260-284 = C-
230-259 = D
<230 = F

**All examinations and assignments are due no later than Sunday, June 30, 2013 at 11:59 PM EASTERN TIME; That’s EASTERN time. That means 8:59 PM Pacific time, 9:59 PM Mountain time, 10:59 PM Central time, etc.**

***Please see the end of this syllabus for a note on NPC course extensions policy!***

**Lecture and reading assignments schedule**

**CLASS ONE Tuesday, April 9, 2013**

**4:00 PM and 9:00 PM-Eastern Time**

**This class is an introduction to the World of document drafting. We will discuss the nature of legal instruments and an overview of the various types of documents and exist. We will also discuss various procedural issues, such as methods of obtaining client information that is necessary before one can begin drafting, to the appearance of legal documents. We will also look at various ethical issues that must be carefully observed by both attorneys and paralegals when it comes to drafting legal documents**

**Assigned Reading:**

 **Chapter 1**

 **Appendix A**

**CLASS TWO Thursday, April 11, 2013**

**4:00 PM and 9:00 PM-Eastern Time**

**Class two will focus on contracts and drafting contracts. We will look briefly at the elements any contract required to be binding and tips to make sure that those elements are represented in the drafted contract. We will also look at key provisions such as risk of loss provisions, warranties, assignability, arbitration clauses, etc. We will also discuss remedies clauses and the importance of drafting them so that they are not considered unenforceable as penalty clauses.**

**Assigned Reading:**

 **Chapter 2**

**CLASS THREE Tuesday, April 16, 2013**

**4:00 PM and 9:00 PM-Eastern Time**

**In this class, we will turn to drafting real property transfer documents. We will look at contracts for the sale of real property. Then, we will turn to the various types of deeds that exist and discuss tips for carefully wording provisions in these critical documents. We will also discuss various mortgage documents, including mortgage deeds and mortgage agreements. Finally, we will look at various forms that are relevant to the rental of real property, including lease agreements.**

**Assigned Reading:**

 **Chapter 3**

**CLASS FOUR Thursday, April 18, 2013**

**4:00 PM and 9:00 PM-Eastern Time**

**In this class, we will focus on corporations and corporate papers. We will first look at certificates of incorporation and discuss clauses that should be used in forming special corporations (such as non-profit corporations). We will then turn to stock certificates and stock subscription agreements. Then, we will look at other documents relevant to running a corporation, such as corporate bylaws.**

**Assigned Reading:**

 **Chapter 4**

**CLASS FIVE Tuesday, April 23, 2013**

**4:00 PM and 9:00 PM-Eastern Time**

**Drafting Workshop**

**This will be our first of three document preparation workshops. We will begin class with one or more hypothetical scenarios. Then, we will start with a blank template of a typical appropriate form. We will work through the process of adapting the template to fit the facts of the hypothetical. Students will be encouraged to make suggestions as to how the document can be improved, in light of the “goals” of our hypothetical clients.**

**Assigned Reading:**

 **Appendix B**

 **Appendix C**

 **Appendix D**

**Examination # 1 will be administered at this point.**

**CLASS SIX Thursday, April 25, 2013**

**4:00 PM and 9:00 PM-Eastern Time**

**Next, we will turn to partnerships. We will discuss the important task of drafting agreements that will govern the partnership. Various important provisions will be analyzed, including: allocations of expenses, dissolution procedure, dissolution distribution, management, compensation of partners, restrictions on transferability of interest, etc. We will discuss the important differenced between drafting general partnership agreements and limited partnership agreements. In this vein, we will also touch on the LLC, an organization similar to the limited partnership, but with certain key differences that must be noted in drafting their respective operating agreements.**

**Assigned Reading:**

**Chapter 5**

**CLASS SEVEN Tuesday, April 30, 2013**

**4:00 PM and 9:00 PM-Eastern Time**

**Next, we will turn to Wills. We will briefly review the formal requirements for a valid Will and discuss how those requirements are manifested in the drafting of the document. We will also look at how various testamentary trusts are established and drafted into Wills. We will look at the personally representative, trustee and guardianship appointments. Finally, we will discuss the best and most legally effective ways to change an existing Wills.**

**Assigned Reading:**

**Chapter 6**

**CLASS EIGHT Thursday, May 2, 2013**

**4:00 PM and 9:00 PM-Eastern Time**

**We will follow out discussion of Wills with the related discussion of drafting inter-vivos (living) trusts. We will discuss the parties involved in forming a trust and important provisions, such as spendthrift provisions, trustee designation and important tax-related provisions. We will also survey various types of trusts, including revocable trusts, life insurance trusts, etc.**

**Assigned Reading:**

**Chapter 7**

**CLASS NINE Tuesday, May 7, 2013**

**4:00 PM and 9:00 PM-Eastern Time**

**In this class, we will focus on the documents relevant to a bankruptcy proceeding. We will look briefly at the debtor-creditor relationship and some of the important rules surrounding the bankruptcy process. Next, we will look at petition forms for Chapter 7, 11 and 13 bankruptcy proceedings. We will also discuss how to prepare schedules and various other forms relevant to the bankruptcy proceeding.**

**Assigned Reading:**

**Chapter 8**

**CLASS TEN Thursday, May 9, 2013**

**4:00 PM and 9:00 PM-Eastern Time**

**Drafting Workshop**

**This will be our second of three document preparation workshops. We will begin class with one or more hypothetical scenarios. Then, we will start with a blank template of a typical appropriate form. We will work through the process of adapting the template to fit the facts of the hypothetical. Students will be encouraged to make suggestions as to how the document can be improved, in light of the “goals” of our hypothetical clients.**

**Assigned Reading:**

 **Appendix E**

 **Appendix F**

 **Appendix G**

**Examination # 2 will be administered at this point.**

**PLEASE NOTE THAT THERE IS NO CLASS ON TUESDAY, MAY 14!**

**CLASS ELEVEN Thursday, May 16, 2013**

**4:00 PM and 9:00 PM-Eastern Time**

**In this class, we will turn to documents relevant to civil proceedings. We will look at pleadings in general and will focus on drafting complaints and answers. We will look at pre-trial and trial checklists for documents. We will discuss service of process affidavits, motions and supplemental pleadings as well.**

**Assigned Reading:**

**Chapter 9**

**CLASS TWELVE Tuesday, May 21, 2013**

**4:00 PM and 9:00 PM-Eastern Time**

**Next, we will continue with our discussion of the civil litigation process. We will focus on the discovery process in this class. We will look at the discovery tools and discuss how to draft demands for depositions, interrogatories, requests for documents, requests for admission, etc. We will also discuss drafting responses to all of these.**

**Assigned Reading:**

**Chapter 10**

**CLASS THIRTEEN Thursday, May 23, 2013**

**4:00 PM and 9:00 PM-Eastern Time**

**The next subject we will cover is that of Domestic Relations. We will look at pre-nuptial agreements and the important terms that go into those documents. Next, we will discuss separation agreements. We will also discuss drafting and filing divorce complaints, child custody and support agreements and judgments. At each stage, we will briefly look at the procedures that are important to follow in serving and filing each of the documents we discuss.**

**Assigned Reading:**

**Chapter 11**

**CLASS FOURTEEN Tuesday, May 28, 2013**

**4:00 PM and 9:00 PM-Eastern Time**

**In our next class, we will look at appeals and appellate procedure. We will mainly focus on preparation and drafting of appellate briefs. We will discuss the cover page, creating a table of contents and creating a table of authorities. Then, we will move to the brief itself, looking at drafting the question presented and the body of the brief. The body includes the statement of facts, statement of jurisdiction and the argument before the conclusion and relief sought. We will not so much focus on the content and structuring of the argument (that is covered in other courses). We will cover the ground rules for how appellate briefs need to look and how they should be organized.**

**Assigned Reading:**

**Chapter 12**

**CLASS FIFTEEN Thursday, May 30, 2013**

**4:00 PM and 9:00 PM-Eastern Time**

**Drafting Workshop**

**This will be our final of the three document preparation workshops. We will begin class with one or more hypothetical scenarios. Then, we will start with a blank template of a typical appropriate form. We will work through the process of adapting the template to fit the facts of the hypothetical. Students will be encouraged to make suggestions as to how the document can be improved, in light of the “goals” of our hypothetical clients.**

**Assigned Reading:**

 **Appendix H**

 **Appendix I**

**Examination # 3 will be administered at this point.**

**All examinations and assignments are due no later than Sunday, June 30, 2013 at 11:59 PM EASTERN TIME; That’s EASTERN time. That means 8:59 PM Pacific time, 9:59 PM Mountain time, 10:59 PM Central time, etc.**

***Please see the NPC EXTENSIONS POLICY below for details on extensions to complete your work.***

**NPC EXTENSIONS POLICY**

**1) Extensions that conform to the rules below may be requested from the “assignments and exams” page on the NPC student website.**

**2) No extensions are possible unless the student has first submitted at least one assignment or examination.**

**3) No extensions of more than thirty (30) days beyond the deadline are possible for any reason at all.**

**4) Requested extensions are granted automatically. It is not necessary to give any reason for the request. However, for each day of extension you request, you will be penalized 4 raw points (of 500 that determine your final grade - see page 8 of this syllabus). This accounts for 0.8% of your course grade, per day of extension. This is necessary to compensate for the advantage that students who take more time to do their work enjoy over those who complete their work on time. This also means that a short extension (e.g., a day or two) is unlikely to affect your grade, but a long extension (e.g., two weeks) is guaranteed to affect your grade.**

**5) The penalty referenced in Paragraph 4 may be waived by an instructor in extreme cases only. Extreme cases include circumstances beyond the control of the student that caused the student to be unable to complete work for *a significant period of time*. Circumstances such as being busy at work or at home, vacations, family occasions or power or internet outages lasting a few days, are foreseeable life circumstances. Extensions may be taken for these reasons (or, for that matter, for any reason at all), but the grade penalty will not be waived for anything short of a true, unforeseeable emergency.**