

Introduction to Lawyering Skills/Torts
Professor Nancy Modesitt
nmodesitt@ubalt.edu
410-837-1902
Room 507
Administrative Assistant: Gloria Joy

Texts

1. Dan B. Dobbs, Paul T. Hayden, and Ellen M. Bublick, Torts and Compensation: Personal Accountability and Social Responsibility for Injury, Concise Edition (Seventh Edition, Thompson/West)
2. Richard Neumann and Sheila Simon, Legal Writing (Second Edition, Aspen)
3. Amy E. Sloan, Basic Legal Research, (Fifth Edition, Aspen)
4. Bluebook: A Uniform System of Citation (19th Edition Harvard Law Review)

Office Hours for Professor Modesitt

Mondays and Wednesdays noon-1, or by appointment.

Class meeting times

Monday mornings:	9:00 - 10:15
Monday afternoons:	1:30 - 4:15
Wednesdays:	1:30 - 4:15

Student Assistants

Teaching Assistants: John Baber, Jermaine Haughton, Laura Ruppertsberger

Law Scholar: Chelsea Endzel

Course Overview

This class integrates the fundamental lawyering skills of researching, writing, and analyzing the law with the substantive doctrinal class of Torts. Thus, in this class, you will learn about Torts not only through the use of a textbook, but also through your writing and research assignments. Class time will include the following activities: understanding substantive tort law through reading, class discussion, legal research, and formal and informal writing assignments; learning how to effectively conduct legal research; learning to analyze and apply the law; and communicating effectively about the law and your analysis of a client's legal issues.

Professionalism

I expect you to display professionalism in this class. This includes arriving on time, attending all classes, being prepared for class, and behaving respectfully. If you are not prepared for a class, please let me know by sending an email before class that day.

Grading

You will receive two separate grades for this class. Your Torts grade (4 credits) will be based primarily on your performance on a final exam. It will also take into account class participation (10%). Class participation takes into account both the quality and quantity of your participation. It also includes your preparation for meetings with me and your TAs.

We will discuss in class whether your Torts grade will also include performance on a midterm examination.

Your Introduction to Lawyering Skills grade (3 credits) will be based upon the following:

1. Closed Research Office Memorandum – 25%
2. Open Research Office Memorandum – 40%
3. Other writing assignments, research and citation assignments/quizzes – 25%
4. Participation in class – 10%

All assignments (the memoranda and the research and citation assignments/quizzes) must be submitted on time to receive full credit. If you submit an Office Memorandum assignment late, but within 24 hours of the time it was due, it will be penalized 10%. **Please do not wait until the last minute to submit assignments on TWEN.** Assignments not submitted within 24 hours of the time due will receive a zero. All assignments must be submitted before the last day of class in order to pass the class.

This course follows the Law School's academic standards requiring 15-25% of the class to receive a grade of A- or higher; 7-14% a C- or lower, and an average grade between 2.67 and 3.0. Thus, how your performance compares to that of your peers will be far more determinative of your grade than any fixed grading scale could reflect. Accordingly, there is no fixed grading scale, but I will provide you with information so that you will get a sense of where you stand relative to your colleagues.

Reading and other assignments

Reading and other assignments will follow the order listed below. However, assignments may be added or changed. This listing does not include all assignments; some will be announced in class and/or posted on TWEN. Changes to the syllabus will also be announced in class and/or posted on TWEN. You must use TWEN for this class.

You must bring to class with you each day all texts from which you were assigned reading. In addition, you must bring your Bluebook with you on Monday mornings.

Week 1, August 19

Topics: Introduction to Torts and Lawyering Skills, Introduction to Intentional Torts, Battery, Basic Legal Citation, Citing a Case, Introduction to Legal Research, Researching in Legal Encyclopedias and Treatises, Email Correspondence.

YOU MUST SIGN UP FOR TWEN BEFORE THE FIRST CLASS. YOU WILL RECEIVE INSTRUCTIONS VIA EMAIL ON WATCHING CITATION VIDEOS IN ADVANCE OF THE FIRST CLASS.

Monday a.m.: Sloan, Ch. 1 (do not read the materials on ALWD because we will not be using that citation manual). Bluebook: please review the Quick Reference: Court Documents and Legal Memoranda (located inside of the back cover of the Bluebook), the Table of Contents, and pp. 1-14, 87-99. Your goal is not to memorize, but to familiarize yourself with structure of the Bluebook. In addition, you must watch a video that will explain the basics of legal citation – information on watching this video will be emailed to you a few days before classes start.

Monday p.m.: Dobbs, Chs. 1 & 2; Neumann & Simon, Chs. 1-3, 5, 6. Sloan, Ch. 4 pp. 43-51, 61-68. Bring to class a hard copy of your brief of Van Camp v. McAfoos.

Wednesday: Research Assignment 1 due in hard copy. Dobbs, Ch. 3, pp. 29-46; Neumann & Simon, Ch. 26.

Your email analysis (assigned in class) must be sent to Professor Modesitt by 8:45 a.m. on Friday.

Week 2, August 26

Topics: Assault, False Imprisonment, The Structure of Office Memoranda, Introduction to Client Interviewing, Drafting an Effective Fact Section and Issue Statement, Researching and Understanding Statutes, Working with Legal Rules.

Monday a.m.: Watch citation recording #2. Sloan, Ch. 7, pp. 173-180, 191-204.

Monday p.m.: Dobbs, Ch. 3, pp. 46-53, read *Great Atlantic & Pacific Tea Co. v. Paul* (posted on TWEN). Neumann & Simon, Chs. 4, 10, 14.

Wednesday: . Dobbs, Ch. 3, pp. 53-59 (stop at § 5). Draft of Fact section of the Closed Research Office Memorandum due in hard copy. Before drafting, please read Neumann & Simon, Chs. 20-22 and skim the sample memorandum at Appendix A

Your draft Issue must be emailed to Professor Modesitt by 5 p.m. on Friday.

Week 3, September 2

Topics: Researching Cases, Defenses to Intentional Torts.

Monday: Class cancelled for Labor Day.

Wednesday: Dobbs Ch. 4, pp. 63-70; Sloan, Ch. 5 pp. 93-100; 112-124, Neumann & Simon, Chs. 7, 12-13. Case chart (assigned in class) due in hard copy.

Research Assignment 2 must be emailed to Professor Modesitt by 8:45 a.m. on Friday.

Week 4, September 9

Topics: Defenses to Intentional Torts, Revising Written Documents, The Structure of Legal Analysis, Drafting Legal Memoranda, Citing Statutes.

Monday: Watch citation recording #3.

Monday p.m.: Final version of case chart due in hard copy. Pyramid of legal rules to be used in Closed Research Office Memorandum due in hard copy (assigned in class). Neumann & Simon, Chs. 8-9, 15-17, 19.

Wednesday: Written rule synthesis exercise due in hard copy (assigned in class). Dobbs, Ch. 4, pp. 75-88.

Week 5, September 16

Topics: Effective Citation and Signal Use, Revisiting the CREAC Paradigm, Drafting a Conclusion, Introduction to Negligence

Monday a.m.: No new readings. List of sources, in proper Bluebook format, to be used in Closed Research Office Memorandum due in hard copy. Watch citation recordings #4 and #5.

Monday p.m.: Dobbs, Ch. 5 pp. 91-107.

Wednesday: Conclusion section due in hard copy; revision to draft CREAC due. Tomorrow, Friday, or over the weekend you will be meeting with your TA to work

on your Closed Research Office Memorandum. Your TA will let you know what the times for these meetings will be and where they will take place.

Week 6, September 23

Using Signals, Revising Written Work, Revisiting the CREAC Paradigm, Research in the Law Library and Using Alternates to Westlaw and Lexis

This week you will meet individually with me to continue your work on your Closed Research Office Memorandum. For this meeting, bring two copies of your draft (one for me and one for you) along with a list of your questions. You must have a complete draft prepared for this meeting.

In addition to meeting with me this week, you will attend two different research training sessions. One session will be with your TA and will take place in the library. This will be scheduled by your TA. Before you attend this session please read Sloan, Ch. 4, pp. 51-61 and Ch. 7 pp. 180-191.

In addition, there will be a research training session held on either Monday afternoon or Wednesday afternoon (you will be assigned to one) in our regular classroom. This research session will include Westlaw and Lexis training as well as using the materials on the law library's website. Before you attend this session, please read Sloan, Chs. 2, 3, 6 and 10.

Closed Research Office Memorandum must be submitted by Sunday, September 29 at 5:00 p.m. via TWEN.

Week 7, September 30

Topics: The Duty and Breach Elements of a Negligence Claim; Citing Secondary Sources.

Monday a.m.: Watch citation recording #6.

Monday p.m.: Dobbs, Ch. 5, pp. 108-120.

Wednesday: Dobbs, Ch. 6, pp. 121-146.

Week 8, October 7

Topics: Res Ipsa Loquitur, Cause in Fact, Actual Harm, Citing Secondary Sources, Client Interviewing, Creating a Research Plan

Monday: Research Assignment 3 due. Sloan, Ch. 11

Monday p.m.: Dobbs, Ch. 6, pp. 147-175. Be prepared for a client interview.

Wednesday: Dobbs, Ch. 7. Review Neumann & Simon, Chs. 8, 12. Bring the best secondary source you located in your research for the Open Memorandum to class and be prepared to explain how you found it and why it is helpful.

Week 9, October 14

Topics: Proximate Cause, Conducting Effective Research, Selecting Appropriate Authority, Organizing a Multi-Issue Legal Memorandum

Monday a.m.: Initial source list for Open Research Office Memorandum due (in proper citation format).

Monday p.m.: Dobbs, Ch. 8.

Wednesday: Midterm.

Week 10, October 21

Topics: Contributory & Comparative Fault, Damages, Assumption of the Risk, Statutes of Limitation, Damages, Organizing a Multi-Issue Legal Memorandum

Monday a.m.: Citation and research review. Neumann & Simon, Ch. 18, review Sloan Ch. 2.

Monday p.m.: Dobbs, Ch. 9, pp. 243-260, 265-268. In addition, you must research Maryland law to determine the legal rule that applies where both the plaintiff and the defendant are at fault in a negligence case. Bring a copy of the most important Maryland cases on point to class and be prepared to explain the Maryland approach and compare/contrast it with the approaches outlined on pp. 245-46 of the text.

Wednesday: Point headings and annotated outline for Open Research Office Memorandum due. Dobbs, Ch. 10.

Week 11, October 28

Topics: Special Duties, Medical Malpractice and Informed Consent, Drafting a Multi-Issue Legal Memorandum

Monday: Citation and research quiz.

Monday p.m.: Dobbs, Ch. 11, pp. 283-292, Dobbs, Ch. 12.

Wednesday: Umbrella passage for Open Research Office Memorandum due. Dobbs, Ch. 13, pp. 329-355.

Week 12, November 4

Topics: Nonfeasance, Duty to Protect from Third Persons, Emotion Distress Claims, Revisiting the CREAC Paradigm

Monday a.m.: No session. Small group sessions with your TA will occur sometime this week instead.

Monday p.m.: Dobbs, Chs. 16, 18.

Wednesday: Draft of one issue in Open Research Office Memorandum due. Dobbs, Ch. 19, pp. 467-490.

Week 13, November 11

Topics: Strict Liability, Evaluating Written Legal Analysis (editing, reorganizing, and assessing whether additional authority is needed)

Class will only meet once this week, on Wednesday in the afternoon. You will also have a required meeting with Professor Modesitt to discuss your Open Research Office Memorandum at some point during the week. Sign-up sheets for the meetings will be posted on TWEN in advance of this week. For this meeting, bring two copies of your draft along with a list of questions. You must have a complete draft prepared for this meeting.

Wednesday: Dobbs, p. 517, Ch. 23.

Open Research Office Memorandum must be submitted by Sunday, November 17, at 5:00 p.m. via TWEN.

Week 14, November 18

Topic: Products Liability

Monday a.m.: Dobbs, Ch. 24, pp. 563-589.

Monday p.m.: Dobbs, Ch. 24, pp. 589-610.

Wednesday: TBD.

Week 15, November 25

Topics: Products Liability

Monday (make up for Labor Day): TBD.