

SYLLABUS

UNIVERSITY OF BALTIMORE SCHOOL OF LAW FALL 2016

Course: Introduction to Lawyering Skills/Torts
LAW 610
319

Instructor: Eric B. Easton
eeaston@ubalt.edu
Tuesday & Thursday, 11:45-12:45

Days/Time: Tuesday & Thursday, 9:00-11:45; Wednesday, 9:00-10:15

Location: Room assignments are available through MyUB.

Course Description:

Integrates rigorous instruction in legal analysis, research, and writing with the substantive law of torts to give beginning law students an opportunity to combine skills and doctrine the way lawyers must in the practice of law. The course is taught by full-time, tenured and tenure-track legal writing professionals in sections of approximately 30 students with one-on-one conferences. Students will learn the law of imposed liability for personal, property, and economic harm, through case analysis and rule synthesis, print and online legal research, and legal writing projects. Doctrinal topics will include negligence (including professional malpractice); strict liability (including products liability) and intentional torts; causation and elements of damages; and affirmative defenses and limitations of duties including: assumption of the risk, contributory negligence, comparative negligence, immunity, and limited liability of property owners. Legal analysis, research, and writing skills will be developed through course-work that includes critical case reading, analysis and briefing; common law principles and processes; factual analogy and distinction; rule synthesis and application; objective/predictive writing (office memo); case law and statutory research, print and electronic; citation form; and professional norms and ethics.

Course Materials:

Required Texts:

Course Manual and Legal Analysis Text, to be downloaded.

Dan Dobbs, et al., *Torts & Compensation* (Concise Seventh Edition)

Richard K. Neumann, Jr., Sheila Simon, & Lyn Entrikin *Legal Writing* (3d ed., Aspen 2015).

Amy E. Sloan, *Basic Legal Research, Tools and Strategies* (6th ed., Aspen 2015).

Amy E. Sloan et al., *Basic Legal Research Workbook* (5th ed., Aspen 2016)

The Bluebook: A Uniform System of Citation (Harvard, 20th ed. 2015).

Tracy L. McGaugh, et al., *Interactive Citation Workbook for the Bluebook* (2016 ed., LexisNexis).

Recommended:

A legal dictionary, such as: *Black's Law Dictionary* (Bryan A. Garner, ed.), or Bryan A. Garner, *A Dictionary of Modern Legal Usage*.

A legal stylebook, such as: *Texas Law Review, Manual on Usage & Style*; Richard C. Wydick, *Plain English for Lawyers*; Bryan Garner, *The Elements of Legal Style*; Mary Barnard Ray & Jill J. Ramsfield, *Legal Writing: Getting It Right and Getting It Written*; Terri LeClercq, *Guide to Legal Writing Style*; Ann Enquist & Laurel Currie Oates, *Just Writing: Grammar, Punctuation, and Style for the Legal Writer*; or Ian Gallacher, *A Form and Style Manual for Lawyers*.

A guide to law school exams, such as: Richard Michael Fischl & Jeremy Paul, *Getting to Maybe: How to Excel on Law School Exams*; John C. Dernback, *Writing Essay Exams to Succeed (Not Just to Survive)*; or Charles C. Calleros, *How to Take Law School Exams: Preparation, Attitude, and Success*.

Not Recommended:

Commercial outlines such as Gilbert or Emanuel. If you must, buy a copy of the abridged *Restatement (Second) of Torts* and/or *Torts in a Nutshell*, both from West. The *Examples & Explanations* series can also be helpful.

Student Learning Outcomes:

The Introduction to Lawyering Skills/Torts course is designed to guide first-semester law students in learning the essential analytical, research, and writing skills they will need to succeed in law school, on the bar examination, and in practice. At the same time, the course will present and explain fundamental tort law principles and doctrine, with an emphasis on Maryland law where significant distinctions exist. Most importantly, the course will attempt to integrate skills development and doctrinal learning to deepen the students' understanding of the relationship between law and practice.

By the end of this course, students should have learned to understand the legal system of the United States; analyze facts, issues, and legal authorities; conduct legal research efficiently in print and electronic sources; communicate effectively in writing and orally; recognize and address professional responsibility issues; appreciate the varying roles of the lawyer, from analyst to advocate; and apply their knowledge and skills to solve legal problems. Persuasive writing and oral advocacy will be emphasized in the **Introduction to Advocacy** course in second semester.

Students will also become familiar with basic intentional torts – battery, assault, false imprisonment, trespass to land, trespass to chattels, intentional infliction of emotional distress – as well as some (but not nearly all) of the more advanced tort concepts, such as defamation, products liability, trade secrets, medical malpractice, and workers' compensation. Most of the course will be devoted to the fundamental elements of negligence law – duty, breach, causation, injury – and the many variations of each. Students will also explore the purposes and applications of strict liability.

Grades:

You will receive separate grades for Torts and Introduction to Lawyering Skills (ILS). In each part of the course, we will follow the Law School's academic standards requiring 15-25% of the class to receive a grade of A- or higher; 7-14% C- or lower, and an average grade between 2.67 and 3.0. For the ILS grade only, we're permitted to waive that lower-grade requirement. 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, we will publish no fixed grading scale, but rather try to give you a sense of where you stand relative to your colleagues.

Otherwise, 15% of your Torts grade will be based on a mid-term examination in Week 8. The final exam will be worth 85% (you'll find that the final exam is the sole or dominant grade you receive in most of your law school courses and, of course, your formal legal education will probably conclude with a bar examination). I reserve the right to raise or lower your torts grade by one-third of a letter grade based on your preparation for class and thoughtfulness in class participation. With a small class, you will be called upon often to participate. If you are properly prepared every day, you will quickly get over any nervousness you have about class participation and come to enjoy the process. If you are unprepared, let me know before class; I will not call on you that day, but you must not abuse this privilege.

There will be three major ILS writing assignments this semester: a single-issue predictive memorandum of law for which the research has been already been done, a rewrite of that memo, and a double-issue predictive memorandum of law for which you will have to do the research. All of them will be on torts issues. Together, these assignments will be worth roughly 70% of your ILS grade: 10%, 20%, and 40%, respectively. Your analysis assignments – case briefs and analysis exam (you need not submit written answers to discussion questions) – will be worth 10% of your grade; your

research and citation exercises and research exam will be worth 20% of your grade. We will also be experimenting with some short-form electronic and oral communication skills.

All of your analysis and research assignments will be graded pass/fail by your teaching assistants; they will also grade your analysis examination. Your citation exercises will be machine graded, and librarians will grade your research examination. I will grade all of your writing assignments and your torts examinations.

Course Expectations:

American Bar Association Standards for Law Schools establish guidelines for the amount of work students should expect to complete for each credit earned. Students should expect approximately one hour of classroom instruction and two hours of out-of-class work for each credit earned in a class, or an equivalent amount of work for other academic activities, such as simulations, externships, clinical supervision, co-curricular activities, and other academic work leading to the award of credit hours.

The unique pedagogical approach of this course presents both doctrinal and skills instruction in an integrated fashion. For example, traditional predictive writing assignments – office memoranda – will be based primarily on tort law issues; traditional torts pedagogy will be supplemented by written documents: complaints, motions, client letters, etc. Even as you are learning to write (like a lawyer, that is), you will also be “writing to learn,” that is, gaining a deeper appreciation for legal doctrine through research and writing in that body of law. Students should come to think of doctrine and skills as inseparable, just as they are in legal practice.

As a general rule, you will meet once a week with one of your teaching assistants, Andrew Waggoner or Michelle Dauksha, on Wednesday from 9-10:15 a.m. In first two weeks, the TAs will reinforce our discussions on legal analysis and guide you through a series of analysis exercises, primarily in the form of case briefs. As the semester goes on, they will give you fundamental instruction in legal research and citation. Throughout the semester, you can rely on them for general advice about law school, but I’ve asked them not to get involved in the major writing projects.

The TA meetings are meant to be informal, but they are not “optional” by any means. Your attendance and participation is required and expected. And you can be sure they will be helpful.

We will meet together on Tuesday and Thursday from 9-11:45 a.m. For the first three weeks, all of that time will be spent on legal analysis using a series of torts cases as our text. Most of the time thereafter, we will spend about two-thirds of each class on doctrine and the balance on legal writing – all of which will involve instruction and exploration of the law of torts.

The primary pedagogical approach to the doctrinal portion of the classes will be a modified Socratic dialog, which means you must come to class prepared to discuss the reading assigned for that session. The legal writing portion of those classes will be more conversational in nature as we explore the intricacies of basic legal documents together.

You are expected to read the writing textbook assignments, but your mastery of that material will come out in your questions and, ultimately, written work. Our class discussion will generally track the reading assignments, at least in the early weeks, but we’ll often be working with alternative materials. As time goes on, the books I’ve asked you to buy will become your primary reference works (be sure to save them for the next semester of skills training).

That said, we will often discuss tort doctrine in writing class and writing in our doctrinal classes and sometimes substitute one for the other. Philosophically, the more we erase the line between doctrine and skills, the more quickly you will learn to think and act like a lawyer.

Attendance:

Class attendance is a primary obligation of each student whose right to continued enrollment in the course and to take the examination is conditioned upon a record of attendance satisfactory to the professor. A student who exceeds the

maximum allowed absences (generally 20% of class sessions) as illustrated below may be compelled to withdraw from the course, or may be barred from sitting for the final exam. Students who are forced to withdraw for exceeding the allowed absences may receive a grade of FA (failure due to excessive absence). This policy is consistent with American Bar Association Standards for Law Schools.

Regular Semester Hours		
Credit Hours	Meetings Per Week	
	1	2
2	2 absences	5 absences
3	2 absences	5 absences
4	--	5 absences

Course Website:

This course has a TWEN page that links to this syllabus, announcements, the class assignments, and other class materials. You are responsible for self-enrolling in the TWEN page and for checking it regularly for course information.

Computers:

Students may use laptop computers for class-related purposes.

Class Cancellation:

If the instructor must cancel a class, notices will be sent to students via email and posted on the classroom door. If there is inclement weather, students should visit the University of Baltimore web site or call the University's Snow Closing Line at (410) 837-4201. If the University is open, students should presume that classes are running on the normal schedule.

Academic Integrity:

Students are obligated to refrain from acts that they know or, under the circumstances, have reason to know will impair the academic integrity of the University and/or School of Law. Violations of academic integrity include, but are not limited to: cheating, plagiarism, misuse of materials, inappropriate communication about exams, use of unauthorized materials and technology, misrepresentation of any academic matter, including attendance, and impeding the Honor Code process. The School of Law Honor Code and information about the process is available at http://law.ubalt.edu/academics/policiesandprocedures/honor_code/.

The law school's honor code, promulgated and administered by the student body, is an important part of life at the University of Baltimore and an important reminder of the high standards of conduct demanded of members of the legal profession.

Two important issues need to be addressed here: collaboration and plagiarism.

Although much of your law practice after you graduate will be collaborative in nature, we have found over the years that students develop basic legal skills more successfully when they do certain required tasks independently. We wish to emphasize, however, that we have found independent work valuable only in these limited circumstances and only in these introductory skills courses.

With respect to Torts and the rest of your classes, we strongly urge you to consider collaborating as much as possible by discussing the cases you are reading with your fellow students and by reviewing your course work with classmates. Many students find it helpful to form and meet regularly in a study group. Throughout law school and in the practice of law, you will learn a great deal from regularly conferring with your colleagues.

If you've seen the movie or television series, *The Paper Chase*, you will see a very bad model for study groups. In that model, each student prepares the outline for a different course and, toward the end of the semester, they share the outlines among themselves. This is the worst possible model to follow.

While you might get an A in the course for which you prepare the outline, you'll probably get Cs in all the other courses. Division of labor is a prescription for failure. That's because all of the learning value of an outline lies in its making – not in reading one made by a classmate or a commercial publisher. To prepare for exams, outline each course yourself. Then discuss the course with your study group.

During the semester, the specific application of the law school's honor code to the assignments you will submit is as follows:

Case briefs and other analysis assignments may be discussed with your TA and me. Before they are submitted, you may not discuss the substance of the analysis assignments with any other person. After they have been submitted, we encourage you to discuss and review the cases with your fellow students.

The analysis examination must be done independently, using course materials and class notes only.

Basic Legal Research (BLR) Workbook exercises may be discussed with your partner, your teaching assistant, the professional librarians, and me. You may not discuss the substance of the *BLR Workbook* assignments with any other person before they are submitted.

Unfortunately, the research exercises seem to incite a little unauthorized collaboration every year – even though you are permitted to work with a partner. So fair warning: unauthorized collaboration (here or elsewhere) is an honor code violation, and I will consider identical incorrect answers among non-partners to be prima facie evidence of unauthorized collaboration. And, trust me, the penalties far outweigh any conceivable benefit. Law graduates have been denied admission to the bar for academic integrity violations in law school. Professional responsibility is an important part of your life from the first day of law school forward.

Interactive Citation Workbook (ICW) exercises may not be discussed with any person before the due date. You are to complete these exercises entirely on your own.

You may freely discuss your initial memorandum assignments (Memo 1 and Memo 2) **only in class and with me**. Your TAs have been asked not to discuss them with you, and no one else may assist you in their preparation.

After you have received instructions for revising your first memoranda and your personal conferences have been completed, you may freely discuss the substance and style of the memoranda rewrites with other members of your section. You are not permitted to discuss the substance of the memoranda with other students, faculty, or attorneys. You may read your revised memoranda to non-attorney spouses, other relatives, or friends to test for clarity of expression, but you may not obtain professional writing or editing assistance.

If you have any questions concerning collaborative work, ask me **before** beginning your collaborative work.

The portions of the Honor Code most pertinent to your participation in the Legal Skills Program are the following:

III. PROHIBITED CONDUCT

It shall be a violation of the Honor Code to engage in any of the following academic misconduct:

A. **Plagiarism.** Plagiarism is misrepresenting the work of another person as one's own. Examples include—but are not limited to—submission of papers purchased or downloaded on the internet or supplied by others; paraphrasing or

quoting material written by another, published or unpublished, without properly documenting the source; misrepresenting another's analysis, synthesis, organization, or compilation of sources as one's own, whether the source is a fellow student or any other author; or using any Internet sources as one's own without full citation and appropriate use of quotation marks. Plagiarism is a breach of academic honesty and does damage to the student's own education, to the legitimate interests of other students who observe the norms of academic professionalism and to the process of education and scholarship generally. The harms caused by plagiarism are the same whether the conduct is knowing or simply negligent. For this reason, even negligent or inadvertent plagiarism is a violation of this code. Law students are adults, and aspire to membership in a profession that demands integrity and high standards of professional care. They are responsible for ensuring that their academic conduct steers well clear of the line between original work and plagiarism.

B. Cheating. Cheating includes the actual giving or receiving of any unauthorized assistance or unfair advantage on any form of academic work. Examples may include, but are not limited to, talking with other students during the administration of an exam, the use of crib sheets or any other materials not expressly authorized by the professor during exams, unauthorized possession of exam materials prior to or after the administration of the exam, and copying from other students' exams, use of unauthorized resources on a research or other writing assignment or in a competition for academic credit when prohibited by the competition's rule, and violating rules provided by a professor or proctor on an examination or assignment.

1. There shall be a presumption that any student who accesses potential resource materials, including, but not limited to, crib sheets, outlines, cellular phone, "smart phone", tablet, mobile device, or any other technological device not specifically authorized by a professor for use during an examination has cheated.

C. Misuse of Materials.

1. Misuse of any law school library, writing center, or law career development office materials. Misuse includes marking, damaging, hiding, or destroying materials; removing materials without authorization; or depriving other students of materials meant to be for the use of all students, such as a failure to reshelve or replace books, multimedia recordings, or other class or resource material.

2. Use of another student's or professor's books, class notes, or other study materials without that person's consent.
3. Depriving another student, temporarily or permanently, of that student's books, class notes, or other study materials.
4. Intentionally giving another student false or inaccurate information about class assignments, study materials, notes, or other class requirements.

D. Communications regarding examinations.

1. Knowingly discussing an examination that has been taken with another student who has yet to take the examination or with any person in any place where a reasonable person should realize that the conversation could be heard by another student who has not yet taken the examination. Any student who learns, intentionally or accidentally, of any question or answer to an exam not yet taken must report this information immediately to the professor, administrator or staff member responsible for supervising the examination or to the Dean's Office.
2. Knowingly discussing an examination that has not been taken (but is scheduled to be taken) with another student who has already taken the examination.

E. Misrepresentation. Misrepresentation includes but is not limited to:

1. Misrepresenting one's own or another's class attendance or falsifying attendance records;
2. Misrepresentation of one's own credentials, academic history, class standing or extracurricular experience on any application for any academic position or honor or document submitted for internship, recommendation, employment or reimbursement, including, but not limited to a resume, transcript, a job application, or a cover letter.
3. Material misrepresentation to any member of the Law School faculty, staff or administration or to any supervising attorney in the case of clinics or internships of any matter pertinent to satisfaction of employment or course requirements, including, but not limited to, the number of hours worked.

F. Impeding the Honor Code Process. A student who engages in the following misconduct shall be considered to be impeding the Honor Code Process:

1. Failing to make a prompt report of a potential violation of this Code as required by Section V.(A).
2. Failing to reveal fully any knowledge or evidence concerning an alleged violation on proper request of an Investigator, the Hearing Committee, or any accused student or his or her representative.
3. Knowingly misstating or misrepresenting a material fact in testimony or a written statement given during an investigation or a hearing of an alleged violation of this Code.
4. Knowingly filing a false complaint of a violation of this Code.
5. Knowingly failing or refusing to comply with any order of an Investigator or the Hearing Committee

A further word about plagiarism: When you use someone else's words, use quotation marks and a citation (footnote or otherwise). If you fail to use quotation marks, you are plagiarizing, even if you use a proper citation. If you paraphrase extensively, and your inadequate citation leaves any ambiguity as to what and how much you have borrowed, you are plagiarizing. If you have any questions about plagiarism, I urge you to read the pamphlet at <http://lwionline.org/publications/plagiarism/policy.pdf> produced by the Legal Writing Institute. I should also alert you to the fact that the law school subscribes to services that compare student work to the Internet and other electronic databases for plagiarism.

DON'T EVEN THINK OF PLAGIARIZING. THE CONSEQUENCES OF GETTING CAUGHT (AND, INCREASINGLY, THE CERTAINTY) FAR OUTWEIGH ANY POSSIBLE ADVANTAGE YOU MAY REALIZE.

Title IX Sexual Misconduct and Nondiscrimination Policy:

The University of Baltimore's Sexual Misconduct and Nondiscrimination policy is compliant with Federal laws prohibiting discrimination. Title IX requires that faculty, student employees and staff members report to the university any known, learned or rumored incidents of sex discrimination, including sexual harassment, sexual misconduct, stalking on the basis of sex, dating/intimate partner violence or sexual exploitation and/or related experiences or incidents. Policies and procedures related to Title IX and UB's nondiscrimination policies can be found at: <http://www.ubalt.edu/titleix>.

Disability Policy:

If you are a student with a documented disability who requires an academic accommodation, please contact Leslie Metzger, Director of Student Services, at 410-837-5623 or lmetzger@ubalt.edu.

ASSIGNMENTS

Turning In Assignments

Analysis Assignments and Exam:

You will upload one copy of each of your analysis assignments on the TWEN site at the beginning of class on the day they are due. (The first one can be submitted to your TA in hard copy, then uploaded once you learn how.) After the first class, all uploads must be done by 12 a.m. (midnight) before class (no all nighters!). Because they are largely objective in nature, and because they are graded pass/fail by your TA, they will not be graded anonymously. You should put your name on every analysis assignment you turn in.

Your TA will grade your analysis exam anonymously. You will take it under exam-like conditions, in an exam booklet that I will provide, and you should identify yourself with the last five digits of your cell phone number – no name anywhere on the booklet. Most of you will receive 2 points per question for the exam; outstanding exams will receive 3 points, while substandard exams will receive 1 point. A major purpose of this exam is to teach you what a law school exam is like, so you can adjust your approach to study accordingly.

Research Assignments and Research Exam:

In your first TA meeting, you will select a partner for completing research exercises. Both of you must work collaboratively on all assignments; there is to be no “division of labor.” Failure to comply with this instruction is an honor code violation. Your TAs are authorized to adjust partnerships on request or *sua sponte* (look it up; it’s a good habit) as they deem appropriate for an optimum learning experience by all involved parties.

Each pair of students will be assigned one of the fifteen problem sets in Sloan & Schwinn, *Basic Legal Research Workbook* (BLR Workbook). You will then work through 13 exercises during the semester and submit them when due to your TA, who will grade them on a pass/fail basis.

Because the TAs will be grading these exercises on a pass/fail basis (I will review all failures), you should put your name(s) on your exercises. Make and keep copies of everything you do. Mistakes happen, and maintaining copies of your entire work product for the semester is the best way to ensure that mistakes don’t affect your grade.

For the first time this year, our librarians will be involved in creating, administering, and grading the research exams. You will receive additional information and instruction regarding this exam later in the semester.

Few lawyers have fond memories of library research exercises, but they are an essential component of your legal education. The time you invest laboring on these exercises will save you countless hours and much trouble when you undertake legal research problems later in this program, throughout law school, and on the job. Your mastery of the skills required to do these exercises will be far more important to your employers, beginning next summer, than the contribution these exercises make to your grades.

Citation Exercises:

Each student will also complete three sets of citation exercises. These exercises will come from *Interactive Citation Workbook for the Bluebook* (ICW). The citation exercise sets will be due on September 18, October 19, and November 13. ***These exercises must be done individually; there will be no collaboration on citation exercises.***

Although your TA will spend some time discussing citation, most of the citation instruction this semester will be self-directed. Therefore, you should read the *Interactive Citation Workbook* and begin working on the questions well before they are due. The exercises contain a total of 90 questions, so if you wait until the night before they are due to start working on them, you will not be able to complete them.

You will submit your answers on line through the Interactive Citation Workstation 2016 in Lexis. You access the Interactive Citation Workstation from its web site:

<<http://lexisnexis.com/icw>>

From that page, click on the tab for “*Bluebook*,” register using Option 1, Registered LexisNexis Law School Users, and follow instructions. You will need a Lexis password to use this option. Enter your name and e-mail address. Enter your teaching assistants’ e-mail addresses as the “Primary Professor’s E-mail” and “Secondary Professor’s E-mail” as they instruct. **Do NOT use my e-mail address here at all; I don’t want to receive copies of these exercises or take time to redirect them.**

Once you have registered for the Workstation, select the exercise you want to complete. Select the question number you want to complete, and follow the instructions on the screen. When you are finished, click Quit to return to your work later or Done if you have completed the assignment. **You are strongly encouraged to write your answers in hard copy before you enter them in the Workstation (or at least to write them down contemporaneously) – just in case.**

When you finish an exercise, a report of your score will automatically be e-mailed to your TAs. You will also see a summary of your results. You must print this summary for each ICW exercise. On the due date for each set of exercises, you must submit the summary printouts to your TA at the beginning of your class meeting. We require paper back up for all ICW exercises in the event of technical difficulties. If you do not submit hard copies on time, your work will be considered late *even if your TA received the e-mailed score reports before the deadline*. Late ICW exercises will not be accepted, so it is very important that you print your score reports and submit them in a timely fashion.

You may complete the on-line exercises at any time, and you may submit printed summaries for each set of exercises before the due date. You may not, however, submit each printed summary separately. Printed summaries for the assigned sets of exercises must be stapled together and submitted at one time to your TA.

Memorandum and Rewrite Assignments:

All memoranda must be submitted electronically. You will receive further instructions on submitting copies to the TWEN site; they must be turned in not later than 12:00 a.m. (midnight) on the day they are due. Late papers will be penalized 5 points for the first 30 minutes; 5 additional points for 31 minutes to 24 hours; and 10 additional points for each 24-hour period or fraction thereafter.

The memoranda must be formatted for printing on 8½- by 11-inch paper; must be double-spaced; must use a 12-point Century or equivalent font (not Times Roman); and must have margins of one inch all around. Double spacing is defined as three lines of type per inch. Page limits will be strictly enforced, just as they are in the courts, and I will penalize students who exceed them. Staple all pages together in the upper left-hand corner only, and do not use plastic, cardboard, or other covers. Number all pages.

All of your memoranda will be graded anonymously, so ***do not put your name anywhere*** on the papers. Instead, each memorandum must contain, in the top right-hand corner: (1) the last five digits of your cell phone number, (2) the assignment (Memo 1, Memo 1 Rewrite, etc.), and the date. I will read and grade all of the papers.

In the case of an emergency – not inconvenience – you may be able to stop the clock. While emergency procedures will vary depending on the nature of the problem, they will ***always require a telephone call*** to your TA or me. In any case, failure to submit the memorandum will rarely be excused.

A word about anonymous grading: Anonymous grading is part of the culture of this and most law schools. No professor wants to know whose exam she is grading, lest some kind of bias (positive or negative) unconsciously creep into the process. With scholarly seminar papers, however, we abandon anonymity so that we can provide help to our students throughout the writing process.

The memoranda you will write this semester, as well as your writing projects in Introduction to Advocacy, fall somewhere in between these two paradigms. The personal attention we give your writing will come primarily through written comments and a personal conference before each rewrite.

The rest of my support will come in the classroom and will apply to everyone's work.

Accordingly, we can preserve "substantial" anonymity. I say "substantial" because, as I come to know your writing styles from our personal conferences, you or I may think I can identify the author of a paper or two. With each of you improving dramatically with every effort, however, I'm more likely than not to be wrong. That uncertainty is a good check on any bias, and you can be sure you'll be graded fairly.

Torts Exams:

I will administer the mid-term exam under exam-like conditions. Accordingly, it will be done in class, closed book, using computers loaded with security software (or, rarely, in exam booklets I provide). It's the very best practice you can get!

The final exam, like all final exams, will be administered by the law school – not by me. You will receive an exam number, instructions for using computers, exam booklets, etc., from the administration. I will just write it and grade it.

Schedule of Assignments:

WEEK 1

Tuesday, Aug. 23

Submit maxi-brief on *Thomas v. Winchester* on TWEN before class.

Prepare to discuss *Thomas v. Winchester* and accompanying material.

Wednesday, Aug. 24– TA Meeting #1

Case Briefing and Citation I

Thursday, Aug. 25

Submit mini-brief on *MacPherson v. Buick* on TWEN before class.

Read and prepare to discuss Dobbs, Chapters 1 & 2; *MacPherson v. Buick* and accompanying material (in “Course Materials” on TWEN site); and review Neumann & Simon, Chapters 6 & 7.

WEEK 2

Tuesday, Aug. 30

Submit mini-brief on *Halliday v. Sturm, Ruger & Co.* on TWEN before class.

Read and prepare to discuss *Escola v. Coca Cola Bottling Co.* and *Halliday v. Sturm, Ruger & Co.* (in “Course Documents” on TWEN site).

Wednesday, Aug. 31 – TA Meeting #2

Case Briefing and Citation II

Introduction to Legal Research (Read Sloan, Chapters 2 & 3)

Thursday, Sept. 1

Submit mini-brief on *Harris v. Bd. of Educ.* on TWEN before class.

Review and prepare to discuss Neumann & Simon, Chapter 4; *Sargent v. Bd. of Educ.* and *Harris v. Bd. of Educ.* (in “Course Documents” on TWEN site).

WEEK 3

Tuesday, Sept. 6 – Practice Analysis Exam

Analysis Exam Preview

Wednesday, Sept. 7

ANALYSIS EXAM

Thursday, Sept. 8

Read and prepare to discuss Memo 1 Packet (in “Assignments” on TWEN site); Neumann, Chapters 8-10. Introduction to Memo 1 Assignment (available on Web site).

WEEK 4

Tuesday, Sept. 13

Read and prepare to discuss Dobbs, Chapter 3, Intentional Torts; Neumann, Chapters 14-16.

Wednesday, Sept. 14 – TA Meeting #3

Secondary Sources (Read Sloan, Chapter 4)

BLR Workbook Exercises 1-1 & 1-2 Due

Thursday, Sept. 15

Analysis Exam Post Mortem

Read and prepare to discuss Dobbs, Chapter 4, Defenses;

Neumann, Chapters 11-13

WEEK 5

Tuesday, Sept. 20

Read and prepare to discuss Dobbs, Chapter 5, Duty.

Q&A on Memo 1.

Wednesday, Sept. 21 – TA Meeting #4

Case Law Research (Read Sloan, Chapter 5)

ICW Exercise Set 1 (Exercises 11, 1-3, 5, Questions 1-5) Due

Thursday, Sept. 22

Read and prepare to discuss Dobbs, Chapter 6, §§ 1&2, Breach I.

WEEK 6

Tuesday, Sept. 27

Read and prepare to discuss Dobbs, Chapter 6, §§ 3 & 4, Breach II.

Read and prepare to discuss Neumann & Simon, Chapters 17-19.

Wednesday, Sept. 28 – TA Meeting #5

Updating the Law (Read Sloan, Chapter 6)

BLR Workbook Exercises 3-2 Due

Thursday, Sept. 29

Read and prepare to discuss Dobbs, Chapter 7, Harm/Cause.

Read and prepare to discuss Neumann & Simon, Chapters 20-22

MEMO 1 DUE, 11:59 p.m., Oct. 1, on TWEN site

WEEK 7

Tuesday, Oct. 4

Read and prepare to discuss Dobbs, Chapter 8, Proximate Cause.

Read and prepare to discuss Neumann & Simon, 23-24.

REWRITE ASSIGNED; CONFERENCE SIGNUP

Wednesday, Oct. 5 – TA Meeting #6

Statutory Research (Read Sloan, Chapter 7)

BLR Workbook Exercises 4-2 Due

Thursday, Oct. 6

Read and prepare to discuss Dobbs, Chapter 9, §1 & §6, Contributory Negligence & Exceptions, *Harrison v. Mont. Cnty. Bd. of Educ.* and *Coleman v. Soccer Ass'n* (in "Course Documents" on TWEN site). (I will lecture on Comparative Negligence principles.)

Rewrite Q&A

WEEK 8 (Personal Conferences)

Tuesday, Oct. 11

Torts Midterm Preparation

Wednesday, Oct. 12 –TA Meeting #7 (Yom Kippur)

Legislative History (Read Sloan, Chapter 8)

ICW Exercise Set 2 (Exercises 10, 6 & 7, 14A & 15, Questions 1-5) Due

Thursday, Oct. 13

TORTS MIDTERM

Midterm Postmortem

WEEK 9

Tuesday, Oct. 18

Read and prepare to discuss Dobbs, Chapters 10 & 11, Assumption of Risk and Other Defenses.

Wednesday, Oct. 19 – TA Meeting #8

Electronic Research (Read Sloan, Chapter 10)

BLR Workbook Exercises 5-2 Due

Thursday, Oct. 20

Read and prepare to discuss Dobbs, Chapter 12, Premises Liability.

Read and prepare to discuss Sloan, Chapter 11 (Research Plan) and review Neumann & Simon, Chapter 23.

MEMO 1 REWRITE DUE, 11:59 p.m., Oct. 23

WEEK 10

Tuesday, Oct. 25

Read and prepare to discuss Dobbs, Chapters 14 & 15, Immunities.

Introduction to Memo 2

MEMO 2 ASSIGNED; CONFERENCE SIGNUP

Wednesday, Oct. 26 – TA Meeting #9
Research Strategy (Read Sloan, Chapter 11)
BLR Workbook Exercises 6-2 Due

Thursday, Oct. 27
Lexis/Westlaw/Bloomberg Training

WEEK 11 (Personal Conferences)

Tuesday, Nov. 1
Read and prepare to discuss Dobbs, Chapter 16 & 17, Nonfeasance/Contracts.
Discuss Memo 2, Issues.

Wednesday, Nov. 2 – TA Meeting #10
Administrative Law (Read Sloan, Chapter 9)
Research Exam Preparation
BLR Workbook Exercises 7-2 Due

Thursday, Nov. 3
Read and prepare to discuss Dobbs, Chapter 13, Malpractice
Discuss Memo 2, Research Strategy Lecture

WEEK 12

Tuesday, Nov. 8
Malpractice (Cont.)
Submit 1 case for each Memo 2 issue to Prof. Easton

Wednesday, Nov. 9 – Practice Research Exam

Thursday, Nov. 10
Read and prepare to discuss Dobbs, Chapter 18 & 19, Third Persons, Emotional Harm.

WEEK 13

Tuesday, Nov. 15
Read and prepare to discuss Dobbs, Chapter 20, Prenatal Harm

Wednesday, Nov. 16
Research Exam
ICW Exercise Set 3 (Exercises 12 & 13, 14B, 16, Questions 1-5) Due

Thursday, Nov. 17
Read and prepare to discuss Dobbs, Chapter 21, Death.
Memo 2 Wrap-Up: Editing for Confidence

MEMO 2 DUE, 11:59 p.m., Nov. 20

WEEK 14

Tuesday, Nov. 22

Read and prepare to discuss Dobbs, Chapter 22, Vicarious Liability.

Wednesday, Nov. 23

Read Dobbs, Chapter 25 & 26, Settlements/Damages (Lecture).
Final Exam Review (subject to change)

Thanksgiving, Nov. 24

Tuesday, Nov. 29 (Makeup Day – Thursday Schedule)

Read and prepare to discuss Dobbs, Chapter 23, Strict Liability.

FINAL EXAM – TBA