

**UNIVERSITY OF BALTIMORE SCHOOL OF LAW**  
**FALL 2017**

**COURSE:** Introduction to Lawyering Skills (ILS)/Civil Procedure I  
LAW 612A-429

**COURSE DESCRIPTION:**

Introduction to Lawyering Skills (ILS) is the first of two first year legal research and writing classes. It integrates the fundamental lawyering skills of researching and writing about the law with the substantive doctrinal class of Civil Procedure I. All writing assignments will be based on the substantive law of civil procedure. As such, this course uses principles of civil procedure to teach legal analysis, reasoning and writing. The process of learning legal writing, in turn, will deepen your understanding of the Federal Rules of Civil Procedure.

Information and assignments regarding the Civil Procedure portion of the course are contained in a separate syllabus. The assignments for the ILS portion of this course are contained in this syllabus.

**FACULTY:** Kimberly Wehle, Professor of Law  
[kwehle@ubalt.edu](mailto:kwehle@ubalt.edu)  
(410) 837-5507

Paul Cucuzzella, Adjunct Professor  
[paul.cucuzzella@maryland.gov](mailto:paul.cucuzzella@maryland.gov)  
(410) 767-1409  
E-mail to arrange individual meetings/office time

**TEACHING ASSISTANTS (TAs):**

Beatrice Campbell  
[Beatrice.campbell@ubalt.edu](mailto:Beatrice.campbell@ubalt.edu)

Matthew Allison  
[matthew.allison@ubalt.edu](mailto:matthew.allison@ubalt.edu)

**DAYS/TIMES/LOCATIONS:**

This course is comprised of two elements: (1) legal writing and (2) legal research and citation. Unless otherwise indicated on the syllabus, the course will meet in Angelos Law Center Room 403 on **Tuesdays, 7:45 pm-9:00 pm and Wednesdays, 6:00 pm-7:30 pm**. Absent further instruction, your TAs will meet with you for **mandatory** legal research/citation on **Wednesdays**, and Prof. Cucuzzella will meet with you for legal writing on **Tuesdays**. For the TA sessions, the class will be divided into two sections. One section will meet in the Angelos Law Center Room 403, and the other section will meet in a room to be assigned by the first day of class. Room and TA assignments will either be emailed to students' ubalt.edu emails and/or posted on the course TWEN site.

**COURSE MATERIALS:**

1. The Bluebook: A Uniform System of Citation (20<sup>th</sup> ed. 2015) (“**BB**”) (also available as online subscription but hard copy is strongly recommended).
2. Brian Garner, Legal Writing in Plain English (University of Chicago Press; 2<sup>nd</sup> ed. 2013) (“**Garner**”).

3. A one-year subscription to Mastering the Bluebook: Interactive Exercises, which can be done at <https://masteringthebluebook.com> (“**MTB**”). You can register at the website, where there are registration instructions. Your registration should be completed prior to our first class.
4. A one-year subscription to Core Grammar for Lawyers, which can be done at [www.CoreGrammarforLawyers.com](http://www.CoreGrammarforLawyers.com) (“**CGL.com**”). You can register at the website, where there are registration instructions. An access code will be provided prior to the first day of class. Your registration should be completed prior to our first class.
5. There will be occasional handouts, which will be posted on Westlaw’s TWEN site. You must **enroll in TWEN** for this course.

Please be sure to get the correct edition of each text. Old editions will not suffice. Additional textbooks for the Civil Procedure portion of the class are listed on the Civil Procedure syllabus.

### **STUDENT LEARNING OUTCOMES:**

This course will teach students legal writing, research, and citation skills that are necessary for success in both law school and the professional practice of law.

In the research portion of the course, students will learn basic research skills, such as the vertical structure of the court systems, how to locate statutes, cases, and secondary sources, and how to understand the basic elements of a case. Students will also learn basic legal citation skills consistent with the Bluebook format.

In the writing portion of the course, students will learn how to draft inter-office legal memoranda in the context of specific client issues. Students will learn the large scale organization of legal memoranda, how to present legal analysis in IRAC (Issue, Rule, Analysis, Conclusion) format, and how to effectively communicate ideas and analysis as related to a specific client issue.

### **GRADES:**

Law 612 is a 6-credit course, but the Civil Procedure and ILS components are graded separately. You will receive a grade in ILS (3 credits) and a grade in Civil Procedure (3 credits). For ILS, the final grade will be based on the following:

1. Closed Memo Assignments (30% of total):
  - Case Brief due 8/30 in class (1%)
  - Citations to Closed Memo Cases (w/short cites) due 9/6 in class (1%)
  - Closed Memo Rule/Hierarchy Case Chart due 9/13 in class (1%)
  - Draft Closed Memo Issue Statement due 9/19 in class (1%)
  - Draft Closed Memo Statement of Facts due 9/19 in class (1%)
  - Closed Memo Draft due 9/25 by 11:59 p.m., via e-mail (5%)
  - Final Closed Memo due 10/9 by 11:59 p.m., via e-mail (25%)
2. Open Memo Assignments (50% of total):
  - Open Memo Sources with Explanations due 10/24 in class (1%)

Open Memo Issue Statement due 10/31 in class (1%)  
Open Memo Draft due 11/6 by 11:59 p.m., via e-mail (8%)  
Final Open Memo due 11/22 by 11:59 p.m., via e-mail (40%)

3. Performance in the TA Section (20% of total):

Mastering the Bluebook (5%)  
Bluebook Exam (5%)  
Research Exam (5%)  
CGL.com/MTB In-Class/Lexis Learn (5%)

Grading rubric sheets for certain closed and open memo assignments will be posted on TWEN in advance of the due dates. **Unless the Professors or TAs indicate otherwise, you must work on your assignments independently.** Collaboration with other students, lawyers, parents, friends or anyone else is a violation of the School of Law Honor Code, which applies to this class.

**ATTENDANCE:**

Class attendance is a primary obligation for students. According to law school policy, a student who exceeds the maximum allowable absences (**5 for this course – THIS MEANS 5 TOTAL BETWEEN PROFESSOR CUCUZELLA’S CLASSES AND YOUR TA’S CLASSES**) may be compelled to withdraw from the course and may receive an “F.” **The TA sessions are NOT optional.**

Attendance is established by signing the attendance sheet. Students are responsible for making sure that they sign the attendance sheet. Each day you forget to sign in during class, you will be counted as absent for that day.

**Please be on time for class and do not leave the classroom during class unless there is some sort of emergency.**

**CLASS PREPARATION AND PARTICIPATION:**

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.

You will need to prepare carefully in order to participate in required class discussions. Preparation and participation are emphasized in law school because they comprise the most basic elements of professional competence. A lawyer who does not show up or is unprepared for hearings or client meetings may not only lose the case, but may also be fined, disciplined, or sued.

**Failure to come prepared with completed assignments in either Professor Cucuzzella’s and the TA’s sessions may result in a reduction of your final grade up to a full letter grade (e.g., A- to a B-) for inadequate class preparedness and participation, or withdrawal from the course. Your grade may also be enhanced based on the quality of your class preparation and participation. The same policy applies to your classroom professionalism.**

In the case of a true emergency that makes it virtually impossible to prepare for class, you may contact Professor Cucuzzella or your TA in advance of class (preferably by email) and, if appropriate, you will not be called on that day. This policy should be used only in the most serious of circumstances.

### **COURSE TWEN PAGE:**

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

### **ELECTRONIC DEVICES:**

Laptops are permitted and will be needed to complete electronic research exercises. If we have a guest speaker, no laptop use will be permitted during that event. If excessive “surfing,” gaming, instant messaging, or the like are detected, laptop use will be prohibited. **Cellular phones, PDAs, and other electronic devices are not to be used during class.**

### **CLASS CANCELATION:**

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/](http://law.ubalt.edu/academics/policiesandprocedures/honor_code/).

### **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:**

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](mailto:lmetzger@ubalt.edu).

## ASSIGNMENT SUBMISSION & ACCEPTANCE POLICIES:

**Honor Code:** The most recent version of the Law School's Honor Code applies to all assignments. The Code contains many important provisions, including dispute resolution procedures. It is available on the law school's website and in the library; read it carefully.

**Memo Assignments:** All written assignments must be submitted in the manner and times as indicated in this syllabus. Assignments submitted by e-mail will be considered submitted as of the date/time the student's e-mail is received in the instructor's inbox. Weather closings will NOT affect assignment deadlines. Assignments submitted on or before a deadline will be given full credit. Assignments submitted late will be accepted up to 24 hours after the deadline, but will be penalized 25% if submitted within 12 hours of the deadline and 50% if submitted between 12 hours and 24 hours of the deadline. **Submissions will not be accepted 24 hours after the deadline and will receive no credit.** These penalties will be waived only if, in the judgment of the instructor, a late submission is caused by unforeseeable circumstances beyond the student's control. It is your professional obligation to advise the instructor and your TA of any unforeseeable circumstances that prevent you from timely filing a written assignment.

**MTB Assignments:** For the MTB assignments, you are to complete the assigned problems online and bring a hard copy of the results to your TA class. You are to complete the assigned problems online prior to the beginning of class on the due date. You must print out and provide your TA with a paper copy of the assignments before class ends on the day they are due. **Otherwise, you will receive a grade of zero. Please see "Mastering the Bluebook: Interactive Exercises" handout (posted on TWEN) for directions.** (Make sure you are completing the MTB problems using the Bluebook and NOT some other citation manual.) **TA session MTB Assignments will be reviewed in class and graded on the basis of participation; MTB Sets will be graded based upon the accuracy of each problem.**

NOTE: Should there be any discrepancies between the correct answer as identified in the Bluebook and the answer in the MTB program, please notify your TA at the time of your MTB submission.

**Core Grammar for Lawyers ("CGL.com"):** This course incorporates online lessons from CGL.com. **Six CGL sets will be due throughout the semester. They must be completed at any point before the due date. If you obtain a perfect score on any section of the CGL.com Pre-Test (due prior to our first class), you are excused from completing that assignment during the regular course of the semester. Thus, the more time you spend on the Pre-Test, the less time you will have to spend on the sets during the semester.** To get access to CGL, you must go to [www.coregrammarforlawyers.com](http://www.coregrammarforlawyers.com) and sign up. You will then need to access our class page. An access code will be distributed prior to the first class.

**Lexis Learn Modules ("LL"):** This course incorporates online interactive video lessons from LexisNexis® that teach legal research skills. These modules will assist with learning valuable legal research skills that can be applied to researching for the open memo. Instructions for accessing the modules will be distributed after submission of the closed memo.

## CLASS SCHEDULE & ASSIGNMENTS:

The following outline contains the order of classes and assignments. Given the numerous variables that can affect the speed at which we move through the material, the syllabus may be modified as the semester progresses. We

will notify you of any changes via email through TWEN and in class. Classes denoted as “ILS” are sessions with Professor Cucuzzella; classes denoted “TA” are sessions with the Teaching Assistants.

Class 1 (8/21) (TA): **Reading and Briefing Cases; IRAC (Issue-Rule-Analysis/Application-Conclusion)**

Reading Due:

- **Garner**, pgs. 7-20; 183-85
- *Silvestri v. Gen. Motors Corp.*, 271 F.3d 583 (4th Cir. 2001)

Assignment Due:

- **CGL.com** B:1-4

Class 2 (8/22) (ILS): **Introduction to the Legal Systems, Authority & Hierarchy; Closed Memorandum Overview**

Reading Due:

- ILS Syllabus
- **Garner**, pp. 173-83 (Appendix A.1-7)

Assignment Due:

- **CGL.com**, Pre-Test
- **CGL.com**, A:1-4

Class 3 (8/30) (TA): **Introduction to Citations (Cases/Statutes)**

Reading Due:

- Mastering the Bluebook Handout (posted on TWEN)
- **Garner**, pp. 24-41; 183-85 (Appendix A.8.)

Assignments Due:

- Confirm that you can access both Westlaw and Lexis
- Come to class with **ICW** and **BB** texts
- **CGL.com**, C:1-4
- Case Brief (case will be assigned during 8/23 class)

Class 4 (8/31) (ILS): **Identifying Rules in Cases; Legal Analysis**

Reading Due:

- **Garner**, pp. 44-62; 187-88 (Appendix A.11-13)
- FRCP 37
- Closed Memo Cases and Closed Memo Assignment

Assignment Due: None

Class 5 (9/5) (ILS): **Predictive Writing; Organizing Your Legal Analysis; Basic Memorandum Structure, Outlining and Formatting**

Reading Due:

- **Garner**, pp. 67-104, 186-87 (Appendix A.10)

Assignment Due:

- **CGL.com**, D:1-4

Class 6 (9/6) (TA):    **Research Assessment from Library Pt 1**

Reading Due:

- **MTB Exercise TBD**
- **BB Rules**, R10.1-10.5; R10.9
- Cross-Reference Tables 1, 6, 10 & 12

Assignments Due:

- **MTB Exercise TBD**
- Citations to Closed Memo Cases (w/ short cites)

Class 7 (9/12) (ILS):    **Writing the Memorandum, Pt. 1—Issue Statement (Question Presented) & Facts**

Reading Due:

- **Garner**, pp. 107-39; 185-86 (Appendix A.9)

Assignment Due: None

Class 8 (9/13) (TA):    **Cases and Rules**

Reading Due:

- **MTB Exercise TBD**
- **BB Rules**, R10.1-10.5; R10.9
- Cross-Reference Tables 1, 6, 10 & 12

Assignments Due:

- **MTB Exercise TBD**
- Closed Memo Rule/Hierarchy Chart

Class 9 (9/19) (ILS):    **Writing the Legal Memorandum, Pt. 2—Discussion Section; Analogizing & Distinguishing Cases**

Reading Due:

- **Garner**, pp. 143-51

Assignment Due:

- Draft Closed Memo Issue Statement
- Draft Closed Memo Statement of Facts

**NOTE: Draft Closed Memo due Monday, Sept. 25 by 11:59 p.m., via e-mail.**

Class 10 (9/20) (TA):    **Signals and Parentheticals**

Reading Due:

- Bring copy of closed memo rule/hierarchy case chart to class.
- **MTB Exercise TBD**
- **BB Rules R1.1-1.6; R10.6.2; R10.6.3**

Assignment Due:

- **MTB Exercise TBD**

Class 11 (9/26):      **Research Assessment from Library Pt. 2 (No ILS Class)**

Class 12 (9/27) (TA): **Statutes and Parallel Citations**

Reading Due:

- **MTB Exercise TBD**
- **BB R10.3.1-10.3.2; R12.1-12.3**
- Cross-Reference Table 1

Assignment Due:

- **MTB Exercise TBD**

Class 13 (10/4) (TA): **Quotations (TA)**

Reading Due:

- **Garner, pgs. 159-72**
- **MTB Exercise TBD**
- **BB R5**

Assignment Due:

- **MTB Exercise TBD**

Week of 10/2—10/6: **Personal Conferences** with Prof. Cucuzzella or Prof. Wehle on Draft Closed Memos, times and locations TBD; **No ILS class on Oct. 3**

**NOTE: Final Closed Memo due Monday, Oct. 9 by 11:59 p.m., via e-mail**

Class 14 (10/10) (ILS): **Open Memo Overview; Introduction to Research—Primary v. Secondary Sources; Researching Primary Sources—Statutes, Rules and Cases; Finding Cases through Prior & Subsequent History**

Reading Due:

- **Garner, pp. TBD**
- Open Memo Assignment posted on TWEN

Assignment Due: None

Class 15 (10/11) (TA):        **Research Assessment from Library Pt. 3**

Reading Due:

- **MTB Exercise TBD**
- **BB R15, R16**

Assignments Due:

- **MTB Exercise TBD**
- LL Modules 1-3 by 11:59am

Class 16 (10/17) (ILS): **Focusing Your Legal Research; Primary Sources; Finding Cases through Prior/Subsequent History**

Reading Due: None

Assignment Due: None

Class 17 (10/18) (TA): **Mini Research Projects, Pt. 2—Rules/Cases (finding Controlling Cases); Citing Prior History**

Reading Due:

- **BB R4; 10.7**
- **MTB Exercise TBD**

Assignments Due:

- **MTB Exercise TBD**
- LL Modules 4-7 by 11:59 a.m.

Class 18 (10/24) (ILS): **Open Memo Issue Statement; Statement of Facts**

Reading Due: None

Assignment Due:

- Open Memo Citations (w/ short cites) and Explanations

Class 19 (10/25) (TA): **Research Assessment from Library Pt 4**

Reading Due:

- **MTB Exercise TBD**
- **BB R18**

Assignment Due:

- **MTB Exercise TBD**

Class 20 (10/31) (ILS): **Open Memo Discussion Section**

Reading Due: None

Assignment Due:

- Open Memo Issue Statement

**NOTE: Open Memo Draft due Monday, Nov. 6 by 11:59 p.m., via e-mail.**

Class 21 (11/1) (TA): **Focusing and Updating Research; Citation Manual Eccentricities; Parentheticals; Analogizing & Distinguishing Authority**

Reading Due:

- Review FRCP Rules 8, 12 and 56

Assignment Due:

- **MTB Exercise TBD**

Class 22 (11/7) (ILS): **What to Expect in Practice** (Guest Speaker)

Assignment Due: TBD

Class 23 (11/8) (TA): **Bluebook Exam**

Reading Due:

- None

Assignment Due:

- None

Week of 11/13—11/17: **Personal Conferences** with Prof. Cucuzzella or Prof. Wehle on Draft Open Memos, times and locations TBD.

**NOTE: Final Open Memo due Wednesday, Nov. 22 by 11:59 p.m., via e-mail**