

Civil Procedure I / Introduction to Lawyering Skills
Syllabus
Law 612/Section 319A Fall 2021

Introduction and Welcome

Welcome to Civ Pro I/ Introduction to Lawyering Skills (“ILS”). This actually two classes that are woven together. Part of the class focuses on Civil Procedure and builds the foundation for basic lawyering skills and professional values. The other part of the class is ILS, and in that part of the course you will learn about legal analysis, research, and writing. Together, the courses integrate rigorous instruction in legal analysis, research, and writing with the substantive law of civil procedure to give beginning law students an opportunity to combine skills and doctrine as practicing lawyers do.

Read this syllabus carefully, as you need to know this information to succeed in these courses.

GENERAL POLICIES

Instructors

Professor William Hubbard (whubbard@ubalt.edu)

Teaching Assistants (ILS): Mande Hehl (mandee.hehl@ubalt.edu), Torra Hausmann (torra.hausmann@ubalt.edu)

Law Scholar (Civil Procedure): Brad Rosen (bradley.rosen@ubalt.edu)

Class times and Office Hours

Class times:

Wednesday: 9:00 am – 11:45 am

Thursday: 8:30 am – 9:45 am

Friday: 9:00 am – 11:45 am

Office Hours:

Tuesday 1:00 to 3:00 pm.¹

Modality

This class will be taught 100% in person. Finally. That said, if the law school is closed for weather, we will be holding class via Zoom. You will access Zoom via our learning management platform, Sakai.

¹ The time and day for office hours may shift once I learn about your other class conflicts.

Party at Professor Hubbard's House

I am inviting all of you to my house on September 18, 2021. The details are still coalescing, but right now it's looking like it would start around 5 pm and end around 8:00 pm. Significant others and children are invited, too, but we ask that all adults be vaccinated against COVID-19.

Course Objectives and Learning Outcomes

1. Accurately identify, explain, and apply Civil Procedure rules,
2. Read and analyze cases and other sources of law by identifying the rule, holding, and determinative facts of cases,
3. Identify the elements of a rule and apply rules to facts,
4. Research and properly cite legal authorities, such as cases, statutes, and secondary sources,
5. Write predictive memoranda on legal issues, considering the weight and value of different authority, and
6. Build legal writing and grammar skills.

Course Web Site

This course has a Sakai webpage that we will use for many critical parts of our classes. For instance, I will post to Sakai class materials and assignments. You will also turn in assignments through Sakai. You are responsible for enrolling in the Sakai page and for checking it regularly for course information. I might accidentally post answers to the exam. You never know. The Sakai webpage will also be a forum for you to ask questions and for me to post answers.

Email Logistics

You can also email me at whubbard@ubalt.edu. Note that if you email me from an email account other than your University of Baltimore account, the University's spam filter may prevent me from getting your email. To be on the safe side, always use your University of Baltimore email account to contact me.

Also, you should add your University of Baltimore account to your computer or smartphone. Lawyers pay attention to details, and written communications are critical. (I've got 4 different email accounts on my phone.)

Professionalism

Professionalism is critical to the practice of law. We must be honest, dependable, and diligent. Our clients trust us with sensitive information and rely on us to help them resolve difficult, important problems. We must be respectful yet firm in our positions. We often operate in adversarial contexts supervised by judges who are skeptical of our arguments and unimpressed by our complaints. Above all, we must be mindful of the strategic consequences of our choices. Expressing frustration or anger towards a judge – even when justified – may undermine a client's case. Disrespecting a decision maker can hurt our clients.

I take professionalism seriously. If you fail to act professionally, there will be consequences. For example, I may lower your final grade. Professionalism matters to lawyers in many

contexts. Lawyers must be professional in communications with clients, in negotiation with opposing counsel, and in arguing to judges. Likewise, the professionalism requirement for this course applies in any context associated with our course, not just in class. If you make an unprofessional comment in class, that counts. If you send an unprofessional email to a TA, that counts.

But I recognize you are not lawyers yet. You are here to learn how to be a lawyer, including how to operate as a professional. Professionalism can also be a vague concept, sometimes making it hard to learn. If you engage in unprofessional conduct, I may talk to you. I have had students say and do things that would get them fired from a law firm. And those students were in no way penalized for their mistakes. Instead, they learned to be better. If I speak to you about professionalism, I encourage you to listen.

Ultimately, I think professionalism is empowering. We develop professional personas that allow us to do things we wouldn't or shouldn't do in our personal lives. I can professionally disagree with a judge. I can professionally proclaim in public that opposing counsel's argument is unpersuasive, unsupported, and unnecessary. Lay the foundations of this part of your lawyerly arsenal now.

Course-Work Expectations

You are required to be on time and prepared to participate in class. "On time" means you are in your seat when begins. "Prepared" means you have read the work assigned, briefed the relevant cases, carefully analyzed the rules mentioned in the readings, and looked up any words or terms in the readings that you did not understand. **You cannot simply skim the reading to get a general idea. You need to read and think about every word, because that's what lawyers have to do to be successful.**

You are expected to read and understand **all** the Rules of Federal Civil Procedure that are cited in your readings. If the reading talks about Rule 11, for example, look it up in the Federal Rules of Civil Procedure, and read it carefully. You are also expected to look up any words that you don't know in the readings. If they are legal terms, *Black's Law Dictionary* is a great resource. I will often ask students in class to define words. Yep. It's gonna be like that.

Finally, American Bar Association Accreditation Standards establish guidelines for the amount of work students should expect to complete for each credit earned. Students should expect approximately 1 hour of classroom instruction and 2 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. For our two classes (Civ Pro and ILS), this means that you should expect to spend at least 12 hours each week preparing for class by reading, taking notes, and thinking. If you are only spending an hour preparing for each class you're not working enough. Incidentally, if I ask you on the first day of class to raise your hand if you read the syllabus, put both hands on your head instead. Don't tell your classmates about this. It'll be fun.

Computers and the Internet

I encourage you to handwrite your notes. Numerous studies show that for the vast majority of students, laptops are distracting, and they actually make you do worse on exams. Phones are even worse. Here's a recent study, FYI:

https://www.usnews.com/news/education-news/articles/2018-07-27/study-cellphones-laptops-in-the-classroom-lead-to-lower-test-scores?src=usn_fb

Attendance

If you miss more than **three classes** in either Civ Pro I or ILS, you will not be able to take the final exam or turn in the final memo, respectively. Even these three “allowed” absence are only to be used when necessary. For example, if you miss four classes but have no excuse for some of those absences, you will not be able to take the final exam or turn in the final memo. In other words, you do not get “cut” days in my classes unless you keep your absences under four. If you miss more than three days and **all** of those absences are explained by injury, illness, or exigent circumstances, you will be able to take the final or turn in the final memo. I have discretion in determining what counts as an explained absence, but I swear I'm not unreasonable. And if you keep your absences under four in each class, I don't even need to know why you were absent. Want to sleep in a couple times? Fine. Just keep your absences under 4. But be careful. You may end up needing those absences once we hit cold and flu season. Oh, and did you hear about this Covid thing that's going around?

Pro tip: Missing class almost surely will lower your grade. Conversely, the more engaged you are in any class the more you will learn and the better you will perform. Law is not a spectator sport.

Class Cancellation

If I must cancel a class, notices will be sent to students via email. 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. *Also, there is no such thing as a “10-minute rule.”*

Also, I am extremely unlikely to cancel class. If the law school is closed due to weather, we will hold classes via Zoom. No more snow days. Because law school.

Grades

You will receive one grade for Civil Procedure I and one grade for ILS. Your professionalism - or lack thereof - may help or hurt your grade, e.g., changing your grade one step (such as, B+ to A-, or B- to C+).

Course Evaluations

It is a requirement² of our two courses that students complete course evaluations. The evaluation will be available later in the semester and is entirely anonymous. Faculty members will not have access to the feedback provided on course evaluations until after all grades are submitted.

Class Recordings

I will be recording most of our classes so that you can review that material from time to time. All class recordings are for the sole use of the class and may not be reproduced by students for any other purpose. I will not reproduce students' voices or images from the class for any other purpose without additional student consent. All such recordings are protected by a UB login process based on where they are posted.

For classes held online, , students may mute their microphone or turn off their camera if they do not consent to be recorded, but this may mean they need to find additional ways to participate in the class discussion. Students may be required to turn on their cameras and participate in graded class activities. In addition, students who turn off their camera and do not remain present for the class session may be subject to the Honor Code for misrepresenting attendance.

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 the School of Law. Violations of academic integrity include, but are not limited to: cheating; plagiarism; misuse of library materials; use of another's book or study materials without consent; unapproved multiple submissions; material misrepresentation of one's academic history or standing; misrepresentation of any academic matter; intentionally giving another student false or inaccurate information about class requirements; inappropriate discussion of exams; and misrepresenting or falsifying class attendance reports. For more information on the School of Law Honor Code, go here: https://law.ubalt.edu/academics/policiesandprocedures/honor_code/index.cfm.

Once you lose your reputation for honesty, it is hard to get it back, especially in the legal profession. Know the Honor Code, and stick to it.

Disability Policy

If you are a student with a documented disability who requires an accommodation for academic programs, exams, or access to the University's facilities, please contact the Office of Academic Affairs, at ublacadaff@ubalt.edu or (410) 837-4468.

Title IX Sexual Harassment and Sexual Misconduct 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

² I am required to state that completion of evaluations is a requirement. Giving me a positive evaluation is *not* a requirement.

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>.

CIVIL PROCEDURE I

Civil Procedure I Course Description

Civil Procedure I focuses on the process and procedures of a civil lawsuit, from filing a complaint through final appeal. It introduces the structure and operation of the state and federal court systems in the United States, concentrating on federal courts. Topics include pleadings, pre-trial motions, the discovery process, jury trial, judgments and relief, post-judgment motions, and appeals. Students will learn civil procedure through statutory interpretation, case analysis and rule synthesis, and legal research and writing projects. 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; citation; and professional norms.

Civil Procedure I Course Materials

These are required. You must bring them to class every day.

- Stephen C. Yeazell and Joanna C. Schwartz, *Civil Procedure* (10th ed., 2019) (“Yeazell”), ISBN-13: 978-1543808650
- Stephen C. Yeazell and Joanna C. Schwartz, *Federal Rules of Civil Procedure with Selected Rules and Statutes* (2019)

I encourage you to purchase the abridged version of Black's Law Dictionary, available at <https://tmsnrt.rs/2vfgSIN>. This book will help you to understand all of your classes.

You may find the following to be helpful, though they are not required.

- Joseph W. Glannon, *Civil Procedure: Examples and Explanations*
- Shreve and Raven-Hansen, *Understanding Civil Procedure*
- Terrill Pollman, Judith Stinson, Elizabeth Stinson, *Legal Writing: Examples and Explanations*
- Terri LeClerq, *Guide to Legal Writing Style*
- Please note that the library also has free access to several West Academic Study aids, including podcasts, at law.ubalt.edu/library. **They are free!**

Law Scholar Sessions

Brad Rosen is the Law Scholar for this course. He will provide you with a schedule for his sessions. Law Scholar sessions are not graded or required, but you are encouraged to attend them because you will review material we covered in class. Brad is here to help you. Be nice to him.

Civil Procedure I Grades

The Civil Procedure grade will be composed of a midterm exam (20%) (October 8), final exam (80%), and professionalism. The midterm and final examinations will test your knowledge of the subjects covered in this course, as well as your critical thinking, legal analysis, and argument skills. The midterm will be on Friday October 8, 2021, at 9:00 a.m.

INTRODUCTION TO LAWYERING SKILLS

ILS Course Description

This course integrates rigorous instruction in legal analysis, research, and writing with the substantive law of civil procedure to give beginning law students an opportunity to combine skills and doctrine the way lawyers must in the practice of law. Legal analysis, research, and writing skills will be developed through course-work that includes 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.

ILS Course Materials

These materials are required and must be brought to class.

- CHRISTINE COUGHLIN, JOAN MALMUD ROCKLIN, AND SANDY PATRICK, *A LAWYER WRITES: A PRACTICAL GUIDE TO LEGAL ANALYSIS* (3rd ed.), ISBN-13: 978-1531008765
- *THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION* (21st ed.)³

We will also be using additional books and online tools for ILS that will be provided to you by the Law Library at orientation. Do not purchase these independently. The law library will also provide you access to Lexis, Bloomberg, Westlaw, and CALI. Email lawlibref@ubalt.edu if you have any issues accessing these online sources.

- AMY E. SLOAN, *RESEARCHING THE LAW: FINDING WHAT YOU NEED WHEN YOU NEED IT* (3d ed.)
- DIONNE E. ANTHON, *THE BLUEBOOK UNCOVERED: A PRACTICAL GUIDE TO MASTERING LEGAL CITATION* (2d ed.)⁴

ILS Required Online Services

- You will receive an email from the library with a code for registering for Core Grammar for Lawyers, at coregrammarforlawyers.com.
- As with the Civil Procedure part of this course, we will also use our course Sakai Site. You will use it to turn in assignments, sign up for conferences, etc., and I will email you through the Sakai site. Please be sure to sign up.

Getting ILS Help

- (1) The Writing Center can help you. UB Law has a writing center that you can consult if you're having trouble with the basics, though I'm not sure how the coronavirus lockdown will affect the Writing Center. The website is: http://law.ubalt.edu/academics/academic-support/legal_writing_center/.

³ Students from previous classes recommend buying the Bluebook rather than renting it.

⁴ You will be given information about downloading this text during orientation. You do not need to buy it.

- (2) You **cannot** get help from your parents, friends, paralegals, or anyone else. No collaboration is allowed on your assignments for this course unless Professor Hubbard says so explicitly. In case of doubt, ask Professor Hubbard.
- (3) You **can** talk to me during office hours or by appointment.
- (4) You can talk to your teaching assistants, Mandee and Torra. They are here to help you. That said, they will not edit your memos.

Lexis and Westlaw Sessions

As part of your continuing orientation, you **must** attend one of the Lexis and Westlaw Training sessions listed below. There are four sessions being offered but you only need to attend one.

- Tuesday, August 31, 2021, 1:30 pm – 2:45 pm
- Tuesday, August 31, 2021, 7:45 pm – 9:00 pm
- Thursday, September 2, 2021, 1:30 pm – 2:45 pm
- Thursday, September 2, 2021, 7:45 pm – 9:00 pm

All four sessions will be the same, so **you just go once**. Note that these sessions are in addition to and different from the Lexis session we will be having on October 29, 2021.

ILS Grades

Your grades in ILS will be determined on the basis of your performance on (1) the three Memorandum Assignments, (2) the research and citation modules, (3) the exercises in Core Grammar for Lawyers, and (4) Professionalism.

Memorandum Assignments (65%)

All Memoranda must be turned in by the deadlines specified. Late papers will not be accepted unless you have a documented emergency.

- Initial version of the Closed Memorandum (10%): **Sunday, October 3, at 11 pm, submit .pdf via Sakai.**
 - The Closed Memo this year will focus on a motion to dismiss a claim involving an allegation of police misconduct.
- Revised Closed Memorandum (20%): **Sunday, October 24, at 11 pm, submit .pdf via Sakai.**
- Final Open Memorandum (35%): **Sunday, December 5, at 11 pm, post as .pdf via Sakai.**
 - The Open Memo this year will involve an attempt to oppose a summary judgment motion using a witness declaration.
- You will also be asked to turn in other assignments periodically and encouraged to bring copies of them to class, such as drafts of specific parts of your closed and open memoranda. These will count as part of your professionalism grade. They are essential to your success, so do them carefully.

Research and Citation Modules (30%)

- Module 1 – To be completed by September 9, 2021
- Module 2 – To be completed by October 28, 2021
- Module 3 – To be completed by September 17, 2021
- Module 4 – To be completed by October 11, 2021
- Module 5 – To be completed by November 8, 2021

Core Grammar for Lawyers Exercises (5%)

You will need to register for Core Grammar for Lawyers. (If you haven't received instructions for registering for this, please let me know.) You'll need to input the code for our class, which is: 321-116-3180. You must complete the exercises by the dates listed below. You will not be graded on these exercises, but you must **either test out of every lesson or pass** each lesson. You are welcome to complete them earlier than the due dates.

- Core Grammar for Lawyers ("CGL") Pretest: **Sunday, August 22 at 11:00 pm**
- CGL, Exercises A (Sentence Structure) 1-2: **Sunday, August 29, at 11 pm**
- CGL, Exercises A (Sentence Structure) 3-4: **Sunday, September 5 at 11 pm**
- CGL, Exercises B (Quotations) 1-2: **Sunday, September 12, at 11 pm**
- CGL, Exercises B (Quotations) 3-4: **Sunday, September 19, at 11 pm**
- CGL, Exercises D (Verbs and Agreement) 1-2: **Sunday, September 26, at 11 pm**
- CGL, Exercises D (Verbs and Agreement) 3-4: **Sunday, October 10, at 11 pm**
- CGL, Exercises C (Organizing Complex Ideas) 1-2: **Sunday, October 17, at 11 pm**
- CGL, Exercises C (Organizing Complex Ideas) 3-4): **Sunday, October 31, at 11 pm**

WEEKLY COURSE ASSIGNMENTS

The list of topics and assignments are subject to change. The material listed for each class should be completed before class.

Week 1: August 22-27

| DAY | TIME | CIV PRO | ILS |
|-----------|---------|---|--|
| Sunday | | | Register for Core Grammar for Lawyers (“CGL”) and complete the Pretest by 11:59 pm . Make sure to set aside about 90 minutes to do this. You will not be graded on this Pretest. The Pretest gives you the chance to test out of some parts of CGL; it tailors the software to each of your skill levels. I do not expect you to do well on this Pretest, as it includes material you may not have learned. <u>If you rush through the pretest you will have more work to do, so take your time.</u> |
| Wednesday | 9:00 AM | CP Class 1: Introduction to Civil Procedure <ul style="list-style-type: none"> • Read the syllabus carefully. • <i>Yeazell</i>, p. 1-7 (up to <i>Hawkins</i>), 293-300, 332-34 (read text box at the top of the page) • As you do the reading, imagine you are a lawyer faced with a potential client. When a potential client walks in the door, (1) what kinds of information do you want to obtain and (2) what kinds of decisions do you need to make? | |

| DAY | TIME | CIV PRO | ILS |
|-----------|----------|---------|--|
| Wednesday | 10:30 AM | | <p>ILS Class 1: Introduction, How Attorneys Communicate, Sources and Systems of Law</p> <ul style="list-style-type: none"> • <i>A Lawyer Writes</i>, xix-xx (Introduction), 3-14 (Chapter 1), 15-31 (Chapter 2) • Chapter 1 explains what an Office Memorandum is. This semester, you will be learning how to write an office memorandum and the many steps it takes to do so successfully. • Chapter 2 introduces the sources and systems of law. Where do the various sources of law come from? What is their weight? Does one supersede another? How can you tell? |

| DAY | TIME | CIV PRO | ILS |
|----------|---------|---|-----|
| Thursday | 8:30 AM | <p>CP Class 2: Introduction to Civil Procedure</p> <ul style="list-style-type: none"> • You are about to read your first judicial opinion and rules. To give you insights into how to read statutes, rules, and judicial opinions, start by carefully reading <i>A Lawyer Writes</i>, p. 33-59. Many of the same techniques for statutes apply to the Rules of Civil Procedure. Take your time with this reading. It is probably the most important reading you will do during your first semester of law school. • Now use the approaches laid out in <i>A Lawyer Writes</i> to do the reading in the Civil Procedure book. • Read <i>Yeazell</i>, p. 13-18. • Brief <i>Bridges v. Diesel</i> (p. 14). Use the Case Brief Template I've posted to the Files Director in Sakai. • By midnight, turn in your brief as a .pdf via Sakai under "Initial Case Brief." • Look closely at Rule 11(a), (b) and (c). Diagram Rule 11(b) and 11(b)(1). What obligations do they impose? On whom? What "red flag" words did you find? | |
| Friday | 9:00 AM | <p>CP Class 3: Introduction to Civil Procedure: The Complaint, The Response, Amendment; Factual Development – Discovery</p> <ul style="list-style-type: none"> • <i>Yeazell</i>, p. 18-27; 31-37 | |

| DAY | TIME | CIV PRO | ILS |
|--------|----------|---------|---|
| Friday | 10:30 AM | | ILS Class 2: Identifying Rules <ul style="list-style-type: none"> • <i>A Lawyer Writes</i>, 61-71 (Chapter 4) • How do you read and break apart a rule? |

Week 2: August 29-September 3

| DAY | TIME | CIV PRO | ILS |
|-----------|----------|--|--|
| Sunday | | | (1) Complete CGL, Exercises A (Sentence Structure) 1-2 by 11:59 pm . (2) By 11:59 pm Complete the “Student Information Sheet” assignment. Turn in as a .pdf via Sakai. |
| Wednesday | 9:00 AM | CP Class 4 - Introduction to Civil Procedure: Pretrial Disposition; Trial <ul style="list-style-type: none"> ○ <i>Yeazell</i>, p. 37-47 ○ Prepare a written case brief of <i>Houchens v. Am. Home Ass. Co.</i>, 927 F.2d 163 (4th Cir. 1991) to turn in at the beginning of class. | |
| Wednesday | 10:30 AM | | ILS Class 3: Closed Memo Assignment Introduction <ul style="list-style-type: none"> • Sakai: Closed Memo Assignment. Read the Closed Memo assignment very carefully. <i>Consider all of the questions listed in the Closed Memo Instructions.</i> |

| DAY | TIME | CIV PRO | ILS |
|----------|----------|---|--|
| Thursday | 8:30 AM | <p>CP Class 5 - Introduction to Civil Procedure: Appeals; Start Story of Pleading</p> <ul style="list-style-type: none"> • <i>Yeazell</i>, p. 50-59. Although we skipped some parts of chapter 1, which will be covered in your Civil Procedure II class next semester, take a look at Assessment Questions 1-4. These are the kinds of multiple-choice questions you will get asked on a midterm or final exam, or the bar exam. See if you understand the questions and how you would answer them. • Review the life cycle of the case. Review your notes from the semester so far. What questions do you have? • <i>Yeazell</i>, p. 361-68 • What is the <i>Haddle v. Garrison</i> complaint about? What factual allegations does it make? What legal claims does it assert? | |
| Friday | 9:00 AM | <p>CP Class 6 - Introduction to Civil Procedure: Summons and Calendaring Dates</p> <ul style="list-style-type: none"> • Read Federal Rules 1-6 | |
| Friday | 10:30 AM | | <p>ILS Class 4: One Legal Argument, Explaining the Law (Rules)</p> <p><i>A Lawyer Writes</i>, p. 93-112.</p> |

Week 3: September 5-10

| DAY | TIME | CIV PRO | ILS |
|-----------|----------|---|---|
| Sunday | | | Complete CGL, Exercises A (Sentence Structure) 3-4: Sunday, September 5 at 11 pm. |
| Wednesday | 9:00 AM | <p>CP Class 7: The Story of Pleading</p> <ul style="list-style-type: none"> • <i>Yeazell</i>, p. 366-80 • What courts was this complaint litigated in? What was the question presented in each case? Did the Supreme Court get it right? Why or why not? | |
| Wednesday | 10:30 AM | | No In-Class Session. Complete Library Module 1 |
| Thursday | 8:30 AM | | TA Class 1: Briefing Cases, taking notes, and succeeding |
| Friday | 9:00 AM | <p>CP Class 8: Sorting Strong Cases from Weak Ones</p> <ul style="list-style-type: none"> • <i>Yeazell</i>, p. 380-97 • We will be discussing <i>Conley v. Gibson</i> (p. 388), <i>Bell Atlantic v. Twombly</i> (p. 390), and <i>Ashcroft v. Iqbal</i>. This is a line of cases in which the Court interprets Rule 8(a)(2) over time. How does the Court understand what is required under Rule 8(a)(2) in each case? How does this change over time? What are the implications of this change? | |

| DAY | TIME | CIV PRO | ILS |
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| Friday | 10:30 AM | | Potential Extra Class Session to discuss the Closed Memo Problem |

Week 4: September 12-17

| DAY | TIME | CIV PRO | ILS |
|-----------|----------|--|---|
| Sunday | | | (1) Complete CGL, Exercises B (Quotations) 1-2 by 11:59 pm. (2) Complete the First Memo Check-In described in the Closed Memo Instructions by 11:59 pm |
| Wednesday | 9:00 AM | | No In-Class Session. Start Library Module 3 |
| Wednesday | 10:30 AM | <p>CP Class 9: Applying <i>Twiqbal</i></p> <ul style="list-style-type: none"> • Reread <i>Yeazell</i>, p. 385-97 • What questions do you have about <i>Twiqbal</i>? What are the holdings of <i>Twiqbal</i>? • Sakai: Read <i>Simms v. Hao</i> Complaint • You represent Hao. Using <i>Twiqbal</i>, how would you argue that the complaint should be dismissed? • If you represented Ms. Simms, how would you argue her complaint should withstand a motion to dismiss? | |
| Thursday | 8:30 AM | | No In-Class Session. Complete Library Module 3 |

| DAY | TIME | CIV PRO | ILS |
|--------|----------|--|---|
| Friday | 9:00 AM | CP Class 10: Pleading Special Cases – Requiring and Forbidding Specificity in Pleading; Allocating the Elements of a Claim <ul style="list-style-type: none"> • <i>Yeazell</i>, p. 397-410 • Does it make sense to have different pleading standards for different claims? • In <i>Jones v. Bock</i>, why does it matter who bears the burden of pleading exhaustion? | |
| Friday | 10:30 AM | | ILS Class 5: Explaining the Law (Case Illustrations, Citing and Avoiding Plagiarism) <ul style="list-style-type: none"> • <i>A Lawyer Writes</i>, p. 5-9, 113-39 |

Week 5: September 19-24

| DAY | TIME | CIV PRO | ILS |
|-----------|----------|---|--|
| Sunday | | | (1) Complete briefs of all of the cases identified in the Closed Memo Instructions. These briefs are not to be turned in. (2) Complete CGL, Exercises B (Quotations) 3-4 by 11:59 pm. (3) Complete the Second Memo Check-In described in the Closed Memo Instructions by 11:59 pm. |
| Wednesday | 9:00 AM | CP Class 11 - Limitations in Pleading <ul style="list-style-type: none"> • <i>Yeazell</i>, p. 409-21 • Closely read Rule 11(b) again (we did this way back on the second day of class), 11(c)(1) and 11(c)(2). | |
| Wednesday | 10:30 AM | | ILS Class 6: Applying the Law: Rule-based and Analogical Reasoning <ul style="list-style-type: none"> • <i>A Lawyer Writes</i>, p. 141-61 |
| Thursday | 8:30 AM | | TA Class 2: Stating and Explaining the law |
| Friday | 9:00 AM | CP Class 12: Responding to the Complaint: Default, Pre-Answer Motion, Answer <ul style="list-style-type: none"> • <i>Yeazell</i>, p. 421-433 • Rule 12 is the source of much litigation and is extremely important. Take the time to break it down carefully. | |

| DAY | TIME | CIV PRO | ILS |
|--------|----------|---------|---|
| Friday | 10:30 AM | | <p data-bbox="1163 240 1858 342">ILS Class 7: Counter-Analyses, Conclusions to One Legal Argument; Organizing Your Application of the Law.</p> <ul data-bbox="1213 375 1623 409" style="list-style-type: none"> <li data-bbox="1213 375 1623 409">• <i>A Lawyer Writes</i>, p. 163-84. |

Week 6: September 26-October1

| DAY | TIME | CIV PRO | ILS |
|-----------|----------|---|---|
| Sunday | | | (1) Complete CGL, Exercises D (Verbs and Agreement) 1-2 by 11:59 pm . (2) Complete the Third Memo Check-In described in the Closed Memo Instructions by 11:59 pm |
| Wednesday | 9:00 AM | CP Class 13 - Responding to the Complaint: Answer, Reply, Amendments <ul style="list-style-type: none"> • <i>Yeazell</i>, p. 433-453 | |
| Wednesday | 10:30 AM | | ILS Class 8: QP, BA, Facts and Conclusion Section <ul style="list-style-type: none"> • <i>A Lawyer Writes</i>, p. 229-58 |
| Thursday | 8:30 AM | | TA Class 3: Applying the Law, QP, BA, Facts, and Conclusion Section |

| DAY | TIME | CIV PRO | ILS |
|--------|----------|--|--|
| Friday | 9:00 AM | <p>CP Class 14: Modern Discovery – Discovery before Discovery and Crafting a Discovery Plan; Tools of Discovery (Required Disclosures, Requests for Production, Interrogatories and Requests for Admissions)</p> <ul style="list-style-type: none"> • <i>Yeazell</i>, p. 455-470, p. 476 • How would you define “discovery”? What obligations do individuals have before litigation takes place? What disclosures are mandatory once litigation commences? What are the various tools available to litigants in conducting discovery? • Do the problems in the book to practice how to apply the various rules? | |
| Friday | 10:30 AM | | No In-Class Session: Extra Time to Work on Closed Memo |

Week 7: October 3-8

| DAY | TIME | CIV PRO | ILS |
|-----------|----------|---|---|
| Sunday | | | <u>Initial Closed Memo Due.</u> Submit a .pdf via Sakai. |
| Wednesday | 9:00 AM | | No In-Class Session. Start Library Module 4 |
| Wednesday | 10:30 AM | No In-Class Session: Study for CP Midterm | |
| Thursday | 8:30 AM | | No In-Class Session. Complete Library Module 4 |
| Friday | 9:00 AM | CP Midterm | |
| Friday | 10:30 AM | | |

Week 8: October 10-15

| DAY | TIME | CIV PRO | ILS |
|-----------|----------|---|--|
| Sunday | | | (1) Complete CGL, Exercises D (Verbs and Agreement) 3-4 by 11:59 pm (2) Sign up for Initial Closed Memo conference by 11:59 pm. |
| Wednesday | 9:00 AM | CP Class 15: Extra Class on Twiqbal related to Memo Revisions | No In-Class Sessions <ul style="list-style-type: none"> • Individual Memo Conferences • Begin Library Module 2 |
| Wednesday | 10:30 AM | | |
| Thursday | 8:30 AM | CP Class 16: Tools of Discovery cont'd (Depositions, Physical and Mental Evaluations, Pretrial Witness Lists and Pretrial Order); Scope of Discovery – Relevance; Proportionality, Burden and Privacy <ul style="list-style-type: none"> • <i>Yeazell</i>, p. 471-85 | |
| Friday | 9:00 AM | CP Class 17: Discovery: Scope of Discovery – Proportionality, Burden and Privacy; Privilege, Trial Preparation Material <ul style="list-style-type: none"> • <i>Yeazell</i>, p. 485-501 | |
| Friday | 10:30 AM | | |
| | | | |

Week 9: October 17-22

| DAY | TIME | CIV PRO | ILS |
|-----------|----------|--|---|
| Sunday | | | Complete CGL, Exercises C (Organizing Complex Ideas) 1-2 by 11:59 pm |
| Wednesday | 9:00 AM | CP Class 18: Discovery - Trial Preparation cont'd; Experts <ul style="list-style-type: none"> • <i>Yeazell</i>, Review <i>Hickman v. Taylor</i>, p. 501-507 | |
| Wednesday | 10:30 AM | | ILS Class 9: Editing and Polishing <ul style="list-style-type: none"> • <i>A Lawyer Writes</i>, p. 259-83. • Work on revising and editing your memo. What did you change in revising your memo? Why? How will you revise and edit your memo over the next few days? • Be prepared to discuss in class. It may be helpful to have a copy of your revised memo with you. |
| Thursday | 8:30 AM | | |
| Friday | 9:00 AM | CP Class 19: Discovery - Ensuring Compliance and Controlling Abuse of Discovery <ul style="list-style-type: none"> • <i>Yeazell</i>, p. 507-22 | |
| Friday | 10:30 AM | | No In-Class Session: Extra Time to Work on Closed Memo |

Week 10: October 24-29

| DAY | TIME | CIV PRO | ILS |
|-----------|----------|--|---|
| Sunday | | | <u>Revised Closed Memo Due.</u> Submit a .pdf via Sakai. |
| Wednesday | 9:00 AM | CP Class 20: Resolution Without Trial - Default and Dismissal <ul style="list-style-type: none"> • <i>Yeazell</i>, p. 523-32 | |
| Wednesday | 10:30 AM | | No In-Class Session. <ul style="list-style-type: none"> • Complete Library Module 2 • Read Open Memo Problem |
| Thursday | 8:30 AM | CP Class 21: Resolution Without Trial - Summary Judgment <ul style="list-style-type: none"> • <i>Yeazell</i>, p. 569-79 | |
| Friday | 9:00 AM | CP Class 22: Resolution Without Trial - Summary Judgment <ul style="list-style-type: none"> • <i>Yeazell</i>, p. 579-91 | |
| Friday | 10:30 AM | | Lexis Research Session |

Week 11: October 31-November 5

| DAY | TIME | CIV PRO | ILS |
|-----------|----------|---|---|
| Sunday | | | (1) Complete CGL, Exercises C (Organizing Complex Ideas) 3-4) by 11:59 pm. (2) Complete the Fourth Memo Check-In described in the Open Memo Instructions by 11:59 pm |
| Wednesday | 9:00 AM | | No In-Class Session. Start Library Module 5 |
| Wednesday | 10:30 AM | <ul style="list-style-type: none"> • CP Class 23: The Trier and the Trial - Judges, Juries, Final Pretrial Conference and Order <ul style="list-style-type: none"> ○ <i>Yeazell</i>, p. 593-97 (Judges) ○ <i>Yeazell</i>, p. 606-618 (When may a jury decide? Choosing and Challenging Jurors) ○ <i>Yeazell</i>, p. 619-23 (Final Pretrial Conference and Order) ○ Sakai: Rule 106: Local Rules, Federal District Court, Maryland, p. 20-24 ○ Sample of Final Pretrial Order: https://www.fjc.gov/sites/default/files/2012/CivLit2D_Form36.pdf ○ This seems like an especially long reading, but it's not. There's a lot of basic background information here about how judges and juries are selected and challenged. We are going to focus our class discussion on when the right to a jury trial exists and on final pretrial conferences and orders, but you are also responsible for knowing how judges and juries are selected and challenged. | |

| DAY | TIME | CIV PRO | ILS |
|----------|----------|---|--|
| Thursday | 8:30 AM | | |
| Friday | 9:00 AM | | No In-Class Session. Complete Library Module 5 |
| Friday | 10:30 AM | CP Class24: Judges guiding Juries; Judges Controlling Juries: The Directed Verdict <ul style="list-style-type: none"> • <i>Yeazell</i>, p. 623-642 | |

Week 12: November 7-12

| DAY | TIME | CIV PRO | ILS |
|-----------|----------|---|--|
| Sunday | | | Complete the Fifth Memo Check-In described in the Open Memo Instructions by 11:59 pm |
| Wednesday | 9:00 AM | CP Class 25: The Trial - New Trial and The Limits of Judicial Power (Reexamination Clause and Jury as a Black Box) <ul style="list-style-type: none"> • <i>Yeazell</i>, p. 642-59 | |
| Wednesday | 10:30 AM | | ILS Class 10: Open Memo: QP, BA, Facts and Umbrella Rule <ul style="list-style-type: none"> • Review <i>A Lawyer Writes</i>, p. 229-53 |
| Thursday | 8:30 AM | | TA Class 4: Legal Research |
| Friday | 9:00 AM | CP Class 26: Appeal - Who can Appeal? <ul style="list-style-type: none"> • <i>Yeazell</i>, p. 661-73 | |
| Friday | 10:30 AM | | ILS Class 11: The Discussion Section: Introducing and Connecting Legal Arguments; Policy <ul style="list-style-type: none"> • <i>A Lawyer Writes</i>, p. 211-27 • <i>A Lawyer Writes</i>, p. 185-92 |

Week 13: November 14-19

| DAY | TIME | CIV PRO | ILS |
|-----------|----------|--|--|
| Sunday | | | (1) Sign up for memo conferences by 11:59 pm (2) Complete the Sixth Memo Check-In described in the Open Memo Instructions by 11:59 pm |
| Wednesday | 9:00 AM | CP Class 27: Appeal – When a decision may be reviewed: “Finality” <ul style="list-style-type: none"> • <i>Yeazell</i>, p. 672-81, 688-91 • Civil Judgment Form: http://www.uscourts.gov/sites/default/files/ao450.pdf. This is what a judgment is supposed to look like. • Federal rules of Appellate Procedure; look at Rules 3 and 4, and Form 1 (Notice of Appeal). Focus on 3(a)(1) and 4(a)(1). At http://www.uscourts.gov/sites/default/files/Rules%20of%20Appellate%20Procedure | No In-Class Sessions <ul style="list-style-type: none"> • Small Group Memo Conferences |
| Wednesday | 10:30 AM | | |
| Thursday | 8:30 AM | CP Class 28: Appeal - Scope of Review; Review Questions <ul style="list-style-type: none"> • <i>Yeazell</i>, p. 691-702 | |
| Friday | 9:00 AM | | |
| Friday | 10:30 AM | | |

Week 14: November 21-26

| DAY | TIME | CIV PRO | ILS |
|------------|-------------|----------------------|--|
| Sunday | | | |
| Wednesday | 9:00 AM | No In-Class Sessions | No In-Class Sessions – Work on your open memos |
| Wednesday | 10:30 AM | No In-Class Sessions | No In-Class Sessions – Work on your open memos |
| Thursday | 8:30 AM | No In-Class Sessions | No In-Class Sessions |
| Friday | 9:00 AM | No In-Class Sessions | No In-Class Sessions |
| Friday | 10:30 AM | No In-Class Sessions | No In-Class Sessions |

Week 15: November 28-December 3

| DAY | TIME | CIV PRO | ILS |
|------------|-------------|----------------------|---------------------------|
| Sunday | | | |
| Wednesday | 9:00 AM | No In-Class Sessions | No In-Class Sessions |
| Wednesday | 10:30 AM | CP Review Session | |
| Thursday | 8:30 AM | | TA Class 5: Memo Workshop |

Week 16: December 5

| DAY | TIME | CIV PRO | ILS |
|--------|------|---------|---------------|
| Sunday | | | Open Memo Due |