

Torts / Introduction to Lawyering Skills

(Law 610—319B)

Professor Lindsay / Fall 2021

Course Overview

This course integrates instruction in legal analysis, research, and writing with the substantive law of torts. “Torts” refers to the body of law governing responsibility and compensation for various harms that people inflict on one another. Examples include battery, automobile accidents, professional malpractice, products liability, and defamation. Among other topics, the course will cover negligence liability (which applies to most “accidental” harms); strict liability (which applies to some types of defective products, some animal attacks, and certain “abnormally dangerous” activities); intentional torts; the calculation of “damages” (i.e., compensation); and affirmative defenses such as assumption of risk, contributory negligence, comparative negligence, and qualified governmental immunity.

In Introduction to Lawyering Skills, students develop analytical, writing, and legal research skills that will provide an essential foundation for future coursework and legal practice. Topics and skills include reading and analyzing legal cases and statutes; understanding common law principles and processes; identifying and applying legal rules; developing factual analogies and distinctions; objective (or “predictive”) legal writing, in the form of office memoranda and other written professional communication; researching case law, statutes, and secondary sources; legal citation; and professional norms and ethics.

Instructors

Professor Matthew Lindsay

Office: 516

mlindsay1@ubalt.edu (generally the best way to contact me; I check email throughout the day); (410) 837-4688 (o)

Office Hours: Tuesday, 12:00–2:00, and by appointment.

ILS Teaching Assistants: Eleanor Clerc (eleanor.clerc@ubalt.edu); Leah Rowell (leah.rowell@ubalt.edu)

Torts Law Scholar: Jamie Fisher (jamie.fisher@ubalt.edu)

Required Materials

- Ward Farnsworth & Mark Grady, *Torts: Cases and Questions* (3rd ed. 2019) (available at the UB Bookstore and through various online sellers)
- Christine Coughlin, et al., *A Lawyer Writes* (3rd ed. 2018) (available at the UB Bookstore and various online sellers)
- *The Bluebook: A Uniform System of Citation* (21st ed. 2020) (available at the UB Bookstore and various online sellers)
- Amy E. Sloan, *Researching the Law: Finding What You Need When You Need It* (3rd ed. 2020)
- Dionne Anthon, *The Bluebook Uncovered* (2nd ed. 2020) (keyed to the 21st edition of *The Bluebook*)

→ An email you received from the UB Law Library provides instructions for accessing *Researching the Law*, *The Bluebook Uncovered*, Core Grammar for Lawyers, and other important digital resources.

Class Meeting Times & Locations

- Monday & Wednesday, 1:30–4:15 in AL 402; Tuesday, 9:00–10:15 in AL 802.

Note: ILS Section Meetings with the TAs will take place on Mondays from 1:30 to 2:15 in AL 402, beginning in the second week of class. Attendance is mandatory.

- Torts Law Scholar (*highly recommended*): Monday, 5:30–6:30, beginning on August 30; location TBA.

Grades: You will receive two grades for ILS/Torts—a four-unit grade for Torts and a three-unit grade for Introduction to Lawyering Skills. The distribution of grades will conform to the Law School’s standard first-year grading curve: Between 15% and 25% will receive an A or A-; between 7% and 14% will receive a C- or lower; and the average grade will be between a B- and B.

Your **Torts grade** (4 units) will be based on the following four assessment items:

- (1) A three-hour, limited-source, in-class **Final Examination** will account for **either 90% or 70%** of your final course grade. (See #2, below.) The Final Exam is cumulative and can test any of the assigned readings and anything that we have discussed in class. I will distribute practice exam questions throughout the semester.
- (2) A 75-minute, limited-source, in-class **Midterm Examination** administered on TWEN on Tuesday, October 5, will account for **either 20% or 0%** of your final course grade. The Midterm Exam is **redeemable**. This means that if your Midterm score is lower than your Final Examination score, your Midterm score will not count toward your course grade. *For example:* If you receive an 88 on the Midterm and an 80 on the Final, your combined exam score for the course will be an 82 (i.e., the average of the two exam scores, with the Midterm weighted .2 and the Final .8). If you receive a 78, 68, or 58 on the Midterm and an 80 on the Final, your combined exam score for the course will be an 80. (This example assumes away #3, below, in the interest of a simpler illustration.)
- (3) Before each class meeting, students will submit their answers to one or more **Reading Questions**. The Reading Questions, which should generally take no more than 30 minutes to complete, are intended to help focus your attention on some of the most important issues or concepts in that day’s reading assignment. Your answers to the Reading Questions are due 30 minutes before the beginning of class. Reading Questions will be scored on a Credit/No Credit (C/NC) basis. Timely submission and good-faith effort will generally be sufficient to earn Credit. We will address each reading question during our class discussion, but I will not return individual answers. A student who fails to submit an answer before the corresponding class meeting will receive a NC. Late submissions will not be accepted. Reading Questions will count for **10%** of the final course grade. I will drop up to five NC scores in my calculation of your total score.
- (4) **Participation** in class discussion is mandatory. Excellent class participation—regular attendance plus contributions to class discussion that reflect careful preparation—may result in a third-of-a-grade increase (e.g., from a B+ to an A-). Poor class participation—frequent absences and/or lack of informed participation—may result in a third-of-a-grade reduction (e.g., from an A- to a B+).

Your ***Introduction to Lawyering Skills*** grade (3 units) will be based primarily on the following written memos and exercises, but may also be affected by class participation, as described above.

- (1) Research and Writing Exercises (20%): You will complete a series of nine of research and writing exercises throughout the semester. These are denoted on the Syllabus, ILS Research Exercise#1, #2, #3, etc.
- (2) Closed Research Office Memo (20%): You will complete a five-to-seven-page memorandum, which will be assigned during Week 2 and due on Sunday, October 3.
- (3) Open Research Office Memo (50%): You will research and write a twelve-to-fifteen-page memorandum, which will be assigned during Week 7 and due Wednesday, December 1.
- (4) ILS Research and Citation Modules (10%): You will complete a series of online instructional videos, CALI (Computer-Assisted Legal Instruction) Lessons, and Assignments relating to legal research and citation. The Modules are administered by the UB Law Library and can be accessed through the course's Sakai site. The assignments will be scored on a C/NC basis. Here is the schedule for completion of the Research and Citation Modules:

Module 1 (Civics and the Legal Research Process): Module 1 should be completed before your ILS Section Meeting on Wednesday, August 25. There is no assignment for Module 1 but there is a quiz. *Total time required: Approximately 1 hour.*

Module 3 (Cases): Specific sections are assigned for weeks 4 & 5. Submit the Module 3 Assignment by **Wednesday, September 22 at 10:00 p.m.** *Total time required: Approximately 4 hours.*

Module 2 (Secondary Sources): Module 2 is assigned on week 10, but it can be completed at any time prior to that. Submit Module 3 Assignment by **Wednesday, October 6 at 10:00 p.m.** *Total time required: Approximately 3 hours*

Module 4 (Statutes): Module 4 is assigned formally on week 13 but can be completed at any time prior to that. Submit Module 4 Assignment by **Friday, November 19 at 10:00 p.m.** *Total time required: Approximately 2 hours.*

Module 5 (Federal Research): Module 5 is assigned formally on week 14 but can be completed at any time prior to that. Submit the Module 5 Assignment by **Wednesday, November 24 at 10:00 p.m.** *Total time required: Approximately 3 hours.*

- (5) Core Grammar for Lawyers Online Exercises (CGL): You must test out of or pass each lesson by the date indicated below. The exercises will not be graded, but failure to complete them by the stated deadline will be factored into my assessment of your class participation and can negatively affect your course grade. Each "lesson" takes about 30 minutes to complete. You are welcome to complete them in advance of the due dates.

- CGL Pretest: Fri., Aug. 27 at 10:00 p.m.
- CGL, Ex. A (Sentence Structure) 1–4: Fri., Sept. 3, at 10:00 p.m.
- CGL, Ex. B (Quotations) 1–4: Fri., Sept. 10, at 10:00 p.m.
- CGL, Ex. D (Verbs and Agreement) 1–4: Sun., Sept. 26, at 10:00 p.m.
- CGL, Ex. C (Organizing Complex Ideas) 1–4: Fri., Oct. 8, at 10:00 p.m.
- CGL, Ex. E (Style Manual Eccentricities) 1–4: Sun., Sept. 27, at 10:00 p.m.
- CGL, Ex. F (Clarity) 1–4: Sun., Oct. 11, at 10:00 p.m.

Course Objectives / Learning Outcomes: At the conclusion of this course, students will be equipped to:

- Identify and define a broad range of torts claims;
- Demonstrate substantive knowledge of tort law;
- Apply legal rules to varied factual situations;
- Articulate important policy rationales for legal rules and deploy those rationales in legal analysis;
- Recognize various forms of legal authority and articulate the relationship among them;
- Read and analyze legal cases accurately and efficiently, and identify the various component parts of those cases;
- Identify and explain legal rules;
- Locate relevant legal authority;
- Construct persuasive legal arguments;
- Demonstrate understanding of formal conventions and etiquette for professional written communication;
- Demonstrate mastery of legal citation for cases, statutes, and secondary sources.

School of Law and Class Policies

Attendance: Class attendance is mandatory. A student's right to be enrolled in the course and to take the final examination is conditioned on a record of attendance satisfactory to the professor. A student who exceeds the maximum number of allowed absences (generally five class sessions) may be required to withdraw from the course or be barred from sitting for the final exam. Students who are required to withdraw for exceeding the allowed number of absences may receive a grade of FA (failure due to excessive absence). This policy is consistent with American Bar Association Standards for Law Schools.

An attendance sheet will be circulated at the beginning of every class. Students who sign in will be considered "present and prepared" (and thus eligible to be called on); students who do not sign in will be counted absent. This attendance policy applies to your TA section, which is a required component of ILS. Arriving late to class can be disruptive and distracting for other students. At my discretion, persistent late arrival to class may be counted as an absence and may factor into your participation grade.

Class Cancellation: Although I never anticipate class cancellations, in the event that illness or some other cause forces me to cancel or postpone a class, I will send notice via email as early as possible.

Course Website: The course webpage on Sakai will serve as the online portal for relevant course material, including updated versions of the course syllabus, course assignments, ILS Research and Citation Modules (administered by the library), and links to supplemental videos. This is also where you will submit most of your completed course assignments. I will also use the Sakai email function to communicate important course information. You can access the Sakai site from the myubalt.edu portal, under "Tools." The School of Law is in the process of transitioning to Sakai, and this is the first time that I am using it. If you detect problems or have difficulties with the Sakai site, please let me know so that I can work to resolve them. For technical support with Sakai, please contact UB Sakai and Technical Support at ubsakaisupport@ubalt.edu, call toll free at 1.855.501.0856, or use the [live chat](#), available 24/7. You will speak with a Sakai Technician who will provide immediate assistance to help resolve your problem or connect you with another staff member who can provide additional support.

Professionalism: Because unprofessional and uncivil behavior inhibits learning, I expect your conduct in class to conform to basic norms of professionalism. This includes arriving to class on time and prepared to participate; not leaving class early; and avoiding computer use that is unrelated to the course. While I encourage you to voice reasoned disagreement with each other and/or with me, it is essential that you do so with courtesy and respect.

Time Expectations: American Bar Association Standards for Law Schools establish guidelines for the amount of time that students should expect to devote to law classes. Students should expect approximately one hour of classroom instruction and two hours of out-of-class work per week 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.

Academic Integrity: Students are obligated to refrain from conduct that they know or 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/.

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 ublawaacadaff@ubalt.edu or (410) 837-4468.

Title IX Sexual Misconduct and Nondiscrimination Policy: 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>.

Student Assistance Program: The Student Assistance Program (SAP) provides students with access to confidential, accessible support to manage life's challenges. The SAP offers personal counseling and consultation on variety of topics including family concerns, academic skills, finances, substance abuse, legal consultations, child care, and elder care. The SAP is available to all current UB students. If you have any questions, contact Clinical Case Manager Tony DuLaney at rdulaney@ubalt.edu or 410.837.4755. To Contact the SAP directly, call 1.800.327.2251. For more information visit www.ubalt.edu/StudentAssistance.

Course Evaluations: It is a requirement of this course that students complete a course evaluation. 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.

Syllabus

The syllabus and other course materials will be posted on the course Sakai website. Please consult the posted syllabus regularly, as I expect to update reading and other assignments throughout the term.

Reading Assignments: I will generally assign ten to twenty pages of Torts reading per class. Sometimes it will be less, and sometimes more. Because the material is often dense and challenging, please allow yourself sufficient time to read it carefully. (As a rough guideline, if I were reading this material for the first time in preparation for class, I would expect to spend, on average, between five and eight minutes per page.)

Reading case excerpts “carefully” includes the following:

- Note the key *facts* of the case. I will often begin our discussion of a case by asking one of you to summarize the facts. This includes both the “background” facts that gave rise to the lawsuit, as well as the legally important facts—often called “material” or “determinative” facts—that bear on the court’s analysis of the legal issue(s) under consideration.
- Identify the legal *issue* that the case addresses. Sometimes the court will announce the issue explicitly, but sometimes it will not. If the case excerpt describes the dispositions of the lower (i.e., trial and intermediate appellate) courts that have heard this case, make a note of those. If the case excerpt describes the parties’ legal arguments on appeal, make a note of those, too.
- Identify the *rule of law* that the court applies in the case. This includes the court’s explanation of what the rule means and how it applies to different factual situations.
- Identify the *holding* of the case. What is the court’s legal conclusion, based on how the rule of law applies to the specific facts of this case?
- Understand the court’s *reasoning*. How does the applicable rule of law apply to the facts? Are there other values or considerations—e.g., fairness, justice, judicial administrability, economic efficiency, public policy, etc.—that inform the court’s analysis?
- Identify the *disposition* of the case: What did the court do? Affirm the lower court, reverse it, vacate its decision and remand the case for further proceedings?

Because the pace at which we cover various topics will be influenced by the particular needs of and dynamics of the class, there may be times when we fall behind the schedule indicated on the Syllabus. When this happens, I will adjust the reading schedule accordingly and inform the class.

The Syllabus uses the following abbreviations:

- F & G = Farnsworth and Grady, *Torts: Cases and Questions*
- *A Lawyer Writes* = Christine Coughlin, et al., *A Lawyer Writes*
- Sloan = Amy Sloan, *Researching the Law*
- Anthon = Dionne Anthon, *The Bluebook Uncovered*
- t, m, & b = top, middle, and bottom (of the page)

Week 1

Mon., 8/23

Torts: Introduction to Tort Law

- F & G, Introduction (pp. xxvii–xxxix)

ILS: Introduction to Legal Research & Writing

- *A Lawyer Writes*, Introduction; Ch. 1 (How Attorneys Communicate); Ch. 2 (Sources and Systems of Law)

Tues., 8/24

Torts: Intentional Torts—Battery

- Kerr, “How to Read a Legal Opinion” [posted on Sakai]
- F & G, pp. 1–11b (Intent and Voluntariness)

Wed., 8/25

Torts: Intentional Torts—Battery

- F & G, pp. 17t–22m (Consent)

ILS: Introduction to Legal Cases

- *A Lawyer Writes*, Ch. 3 (Reading for Comprehension)
- Complete ILS Research Module 1: *Civics and the Legal Research Process* (Access the Research Modules on Sakai.) Note that Module 1 includes reading Sloan, Chs. 1–4.
- Assign **ILS Exercise #1**: Email to Law Partner—Submit on Sakai by Sunday, 8/29 at 10:00 p.m.
- Assign **ILS Exercise #2**: Case Brief of *Katko v. Briney*—Submit on Sakai by Wednesday, 9/1 at 1:00 p.m.

Week 2

Mon., 8/30

ILS Section: Introduction to Legal Research and the Sources of American Law; Case Briefing

- Review Sloan, Chs. 1 & 2 and *A Lawyer Writes*, Ch. 3.

Torts: Intentional Torts—Trespass & Conversion

- F & G, pp. 26t–34t (Trespass); 37t–39m, 42b–44b (Conversion)

Tues., 8/31

Torts: Intentional Torts—Assault

- F & G, pp. 59b–64t (Assault)

Wed. 9/1

Torts: Privileges to Commit Intentional Torts

- F & G, pp. 79–86m, 87m–89m (Defense of Person and Property)

ILS: Legal Rules; Structuring Legal Analysis

- *A Lawyer Writes*, Ch. 4 (Finding Your Argument), Ch. 6 (One Legal Argument), Ch. 9 (Legal Conclusions)

→ **Students must attend one of four Lexis and Westlaw training sessions:** Tues., 8/31, 1:30–2:45 p.m. and 7:45–9:00 p.m.; Thurs., 9/2, 1:30 p.m.–2:45 p.m. and 7:45–9:00 p.m.

Week 3

Mon., 9/6: LABOR DAY—CLASS WILL NOT MEET

Tues., 9/7

Torts: Privileges to Commit Intentional Torts

- F & G, pp. 89m–96b (Private Necessity); 97b–99m, 100t–101m (Public Necessity)

Wed., 9/8

Torts: Catch-up and Review Intentional Torts

- No new reading

ILS: Introduction to the Office Memorandum

- *A Lawyer Writes*, Chs. 12 (The Discussion Section), 13 (Question Presented and Brief Answer), 14 (Statement of Facts), Appendix A (Sample Memo on Adverse Possession)
- Assign **ILS Exercise #3:** Issue Statement/Brief Answer/Facts—Submit on Sakai by Sun., 9/12, at 10:00 p.m.
- Assign **Closed Memo**—Submit on Sakai by Sunday, October 3 at 10:00 p.m.

Week 4

Mon., 9/13

ILS Section: Introduction to Legal Citation; Full Case Citations

- Anthon, Chs. 1 & 2
- ILS Research Module 3a–c; under 3.d, complete exercise 1, on Full Citations

Torts: The Negligence Standard

- F & G, pp. 111–122m (The Reasonable Person)

Tues., 9/14

Torts: The Negligence Standard

- F & G, pp. 122m–128b (The Reasonable Person, continued)

Wed., 9/15

Torts: The Negligence Standard

- F & G, 128b–135b; 138b–40m, 142b–45t (Risks and Precautions)

ILS: Working with Cases

- *A Lawyer Writes*, pp. 99–132 (most of Ch. 7, Explaining the Law), Ch. 8 (Applying the Law)
- Assign **ILS Exercise #4**: Email to Law Partner—Submit on Sakai by Friday, 9/17, at 10:00 p.m.
- Assign **ILS Exercise #5**: Closed Memo Outline—Submit on Sakai by Friday, 9/24, at 10:00 p.m.

Week 5

Mon., 9/20

ILS Section: Short Case Citations; Parallel Citations

- Complete the rest of ILS Research Module 3: read Anthon, Ch. 3 (Short Cites) and Ch. 9 (Parallel Citations) and complete Exercises 2 & 3 (on Short Cites and Parallel Citations). Submit the Module 3 Assignment by **Wednesday, 9/22 at 10:00 p.m.**

Torts: The Negligence Standard and the Role of Industry Custom

- F & G, pp. 146t–151m (Custom); 151m–56m (Medical Malpractice)

Tues., 9/21

Torts: Negligence per se

- F & G, pp.156b–63b, 168b–73b

Wed., 9/22

Torts: Res Ipsa Loquitur

- F & G, pp. 174–79b, 184b–86t, 188t–90b (*Res Ipsa Loquitur*)

ILS: The Writing Process & Using Public Policy

- *A Lawyer Writes*, Ch. 5 (Organizing Your Legal Authority), Ch. 10 (Policy)

Week 6

Mon., 9/27

ILS Section: Citing and Quoting Authority

- *A Lawyer Writes*, pp. 133–39

Torts: Duties

- F & G, pp. 195–202b (Affirmative Acts); 205b–209b (Undertakings)

Tues., 9/28

Torts: Duties

- F & G, pp. 211m–16b (Special Relationships); 216b–21t (Third Parties)

Wed., 9/29

Torts: Duties

- F & G, pp. 225t–28t (Public Duty Doctrine); 228t–29b, 230m–37t, 238t–40b (Owners and Occupiers of Land—Trespassers, Licensees, and Invitees)

ILS: Effective Prose; Editing and Polishing

- *A Lawyer Writes*, Ch. 15 (Conclusions), Ch. 16 (Editing and Polishing)

***** Closed Memo Due Sunday, Oct. 3 at 10:00 p.m. *****

Week 7

Mon., 10/4

ILS Section: Researching and Citing Secondary Sources

- ILS Research Module 2 (Secondary Sources). Submit Module 2 Assignment by **Wed., 10/6 at 10:00 p.m.**

Torts: Catch up and Review

- No new reading

Tues., 10/5: TORTS MIDTERM EXAM

Wed., 10/6

ILS: Researching the Open Memo: Developing a Research Plan; Search Terms and Techniques

- Carefully read the Open Memo Assignment
- Assign **ILS Exercise #6**: Case Briefs—Submit on Sakai by Sun., 10/17, at 10:00 p.m.
- Sloan, Ch. 5
- Presentation by Lexis Rep. Elizabeth Ferrick. **Bring your laptop to class.** [or 10/13]

Week 8

Mon., 10/11

ILS Section: Researching Cases

- Sloan, Ch. 9

Torts: Cause-in-Fact

- F & G, pp. 271–76t (But-for Causation)

Tues., 10/12

Torts: Cause-in-Fact

- F & G, pp., 290m–94t (Alternative Liability); pp. 300m–304 (Apportionment)

Wed., 10/13

Torts: Proximate Cause

- F & G, pp. 305–18m (Remoteness and Foreseeability)

ILS: Researching the Open Memo (continued)

- Assign **ILS Exercise #7**: Email to Client—Submit on Sakai by Fri., 10/22, at 10:00 p.m.
- Assign **ILS Exercise #8**: Open Memo Outline—Submit on Sakai by Fri., 10/29, at 10:00 p.m.
- Presentation by Lexis Rep. Elizabeth Ferrick. **Bring your laptop to class.** [or 10/6]

Week 9

Mon., 10/18:

ILS Section: Citators; String Citations; Explanatory Parentheticals

- Sloan, Ch. 10; review *A Lawyer Writes*, pp. 133–39

Torts: Proximate Cause

- F & G, pp. 318m–22b (Intervening Causes)

Tues., 10/19: Class will not meet. Instead, please complete the readings below and listen to the recorded lecture, which is available on Sakai. We will not discuss this material in class (though I'm always glad to answer any questions) but you are responsible for it on the Final Exam.

Torts: The Intersection of Duty and Proximate Cause

- F & G, pp. 328–35b, 340m–41b (*Palsgraf* and the Limitation of Duty)
- Warr v. JMGM Group (Md. 2013) (posted on Sakai)
- Kiriakos v. Phillips (Md. 2015) (posted on Sakai)

Wed., 10/20:

Torts: Strict Liability

- F & G, pp. 343–50t (Injuries Caused by Animals)

ILS: Organizing a Multi-Issue Memorandum

- Review *A Lawyer Writes*, Ch. 12 (The Discussion Section)

Week 10

Mon., 10/25

ILS Section: Nonprint Sources

- Anthon, Ch. 11

Torts: Strict Liability

- F & G, pp. 353m–56m, 361m–63b, 368m–71t (Abnormally Dangerous Activities)
- Toms v. Calvary Assembly of God (Md. 2016) (posted on Sakai)

Tues., 10/26

Torts: Respondeat Superior

- F & G, pp. 372m–76t, 377t–80b

Wed., 10/27

Torts: Strict Liability for Defective Products

- F & G, pp. 391–94b, 397m–405t, 410m–12m (Manufacturing Defects)

ILS: Working with Cases (take 2)

- Review *A Lawyer Writes*, pp. 113–32, 147–59.

Week 11

Mon., 11/1

ILS Section: Open Memo Workshop

- No new reading

Torts: Strict Liability for Defective Products

- F & G, pp. 412m–21b (Design Defects)

Tues., 11/2

Torts: Strict Liability for Defective Products

- F & G, pp. 424b–31m, 435t–42b (Defective Instructions and Warnings)

Wed., 11/3

Torts: Damages

- F & G, pp. 443–46m, 451m–56t (Lost Earnings); 462t–65t, 469m–71t, 473t–75t (Pain and Suffering)

ILS: Writing Effective Prose (part 2)

- Review *A Lawyer Writes*, Ch. 16
- Assign **ILS Exercise #9**: Critique of Partner’s Draft Open Memo—Submit on Sakai by Sun., 11/14, at 10:00 p.m.

Week 12

Mon., 11/8

ILS Section: Writing Effective Prose

- No new reading

Torts: Damages

- F & G, pp. 475–485m, 487t–89t (Punitive Damages)

Tues., 11/9

Torts: Defenses

- F & G, pp. 493–504t, 506m–507m (Contributory and Comparative Negligence)
- Coleman v. Soccer Assoc. of Columbia (Md. 2013) (posted on Sakai)

Wed., 11/10

Torts: Defenses

- F & G, pp. 508–514t, 514b–15m (Express Assumption of Risk)

ILS: We will not meet for ILS. **Draft of Open Memo Due Thurs., Nov. 11, at 10:00 p.m.**

Week 13: We will not meet for regular class this week. (Note, however, that your ILS Section will meet.) Each of you, with your partner, will attend a conference with Professor Lindsay to discuss your draft Open Memo. Please submit your critique of your partner’s draft (a.k.a. ILS Exercise #9) on Sakai and email it to your partner by Sunday, November 14, at 8:00 p.m. Come to the conference with an agenda of topics—specific questions, sections or issues that are giving you trouble, etc.—that you would like to discuss. I will schedule conferences on Monday, Nov. 15, Tuesday, Nov. 16, and Wednesday, November 17. A sign-up sheet will be posted on Sakai.

You will use the time you would have spent preparing for and attending class to complete ILS Research Modules 4 (Statutes) and 5 (Federal Research).

Mon., 11/15

ILS Section: Statutes

- Complete ILS Research Module 4. The Module 4 Assignment is due **Friday, Nov. 19 at 10:00 p.m.**

Week 14

Mon., 11/22

ILS Section: ILS Section will not meet this week. Complete ILS Research Module 5 and Submit the Module 5 Assignment by **Wednesday, 11/24 at 10:00 p.m.**

Torts: Defenses

- F & G, pp. 515m–19m, 520b–23m (Primary Assumption of Risk)

Tues., 11/23

Torts: Exam Review

- No new reading

Wed., 11/24: THANKSGIVIN BREAK—CLASS WILL NOT MEET

***** Open Memo Due Wednesday, December 1 at 10:00 p.m. *****