

Initial Syllabus (subject to revision)
Torts / Introduction to Lawyering Skills

Fall 2017

Course Number 610; Section Number 339

Mondays 9:00 am to 10:15 am (TA Section); Mondays 1:30 pm to 4:15 pm;

Wednesdays 1:30 pm to 4:15 pm

Room number is available on MyUB

Professor Joshua D. Sarnoff¹

jsarnoff@ubalt.edu

(phone and room numbers to be supplied)

Office hours: Wednesdays 10:30 am–11:30 am; Tuesdays/Thursdays 10:30 am–11:30 am

(will vary depending on the week); also by appointment

Course Contents and Mechanics

In regard to legal doctrine and the structure of the classes we will hold, you will be learning legal principles – particularly in regard to “torts” – in the most comfortable and familiar setting, where most of the substantive concepts will be familiar to you. (In contrast, you will likely be much less familiar with the procedural and substantive concepts in Civil Procedure, given that relatively few law students have much exposure to the processes of court litigation.) “Torts” refers to the body of laws governing responsibility and compensation for various legally actionable harms that people can inflict on one another. Examples of torts include both intentional and unintentional harms, such as battery (unconsented-to harmful or offensive physical contact, or a “trespass” to a person), automobile accidents, professional malpractice, products liability and defamation. Among other topics, the course will cover intentional torts; negligence liability (which applies to most unintentional and “accidental” harms); strict liability (liability for harms caused without regard to intention, and which applies to some types of defective products, some animal attacks, and certain “abnormally dangerous” activities); theories of causation; the calculation of “damages” (i.e. compensation as a remedy for actionable harm); and affirmative defenses of the “tortfeasor,” such as assumption of risk, contributory negligence, comparative negligence, and qualified governmental immunity.

Many of these concepts were developed (over the course of *centuries*) by judges through common law-making. Some of the judicially developed laws have been superseded by legislation. To fully understand torts, you will need to understand (to some extent) what the status of the legislative and common law is in regard to each doctrine in the particular legal jurisdiction supplying the law that governs any particular set of facts (or case). We will focus on the law of Maryland. However, I am not admitted to practice law in Maryland, and I have not made a detailed study of Maryland law. Nevertheless, I will do my best to teach you what I think you should know about Maryland tort law, including how Maryland tort law may differ from that

¹ Many thanks to Professor Matthew Lindsay for much of the syllabus and other assistance in preparing this course for you all.

in other American jurisdictions (where you may end up later in your legal careers). Further, I hope to teach you a little bit about how to decide what jurisdiction's (or jurisdictions') laws will apply to supply the rule of decision (which in legal terminology is "choice of law" doctrine).

In Introduction to Lawyering Skills, I hope that you will develop analytical – deductive and analogical – reasoning, writing, and legal research skills that will provide an essential foundation for future coursework and for legal practice. Topics and skills include reading, analyzing and briefing of legal cases; common law principles and processes; developing factual analogies and distinctions; synthesizing and applying legal rules; objective (or "predictive") legal writing, in the form of office memoranda and other written professional communication; researching case law, statutes, regulations, and secondary sources in both print and electronic form; legal citation; and professional norms and ethics. We will spend more time on developing these skills in regard to cases than to statutes (much less than in regard to administrative regulations). But please don't be fooled by the amount of time we spend and its sequence into thinking that the statutory (and regulatory) lawyering skills are less important than case law and litigation skills, or that the legal rules or these legal research, writing and citation skills are more important than your client's needs and your skills in becoming advocates – particularly as the law can be changed when a good argument can be made for it! The first semester's principal focus on private law, on cases, and on certain legal analysis and writing skills are pedagogical choices that do not reflect the broader world of lawyering.

Class Meetings

Mondays 9:00 am to 10:15 am in AL ____ (generally TA Section)

Mondays 1:30 pm to 4:15 pm in AL ____

Wednesdays 1:30 pm to 4:15 pm in AL ____

TA Section (*required*): 9:00 am to 10:15 am, in AL ____

Law Scholar Section (*highly recommended*): _____, in AL ____

The readings and topics for classes are provided below in a separate section. However, I may adjust the syllabus depending on how quickly (or slowly) we progress through the material. It is more important that we cover certain topics thoroughly than that we get through all of them. Accordingly, we may have to adjust the dates and reading assignments as we go along, and there is room in the schedule to provide additional time. **In particular, this means that I may adjust the dates when assignments are due and when the mid-term exam will be held.**

Required Materials

- Ward Farnsworth & Mark Grady, Torts: Cases and Questions (2d ed. 2009)
- Richard K. Neumann, Jr., J. Lyn Entrikin & Sheila Simon, Legal Writing (3d ed. 2015)
- Amy E. Sloan, Researching the Law: Finding What You Need When You Need It (2d ed. 2017)
- The Bluebook: A Uniform System of Citation (20th ed. 2015)

Instructors

Professor Joshua Sarnoff

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(410) 837-____

Office Hours: Wednesdays 10:30–11:30 am; Tuesdays or Thursdays 10:30-11:30 am (will depend on the week); and by appointment

ILS Teaching Assistants: Manaia Jespersen (manaia.jespersen@ubalt.edu); Angela Kershner (angela.kershner@ubalt.edu)

Torts Law Scholars: Adam Chandlee (adam.chandlee@ubalt.edu); Megan Micco (megan.micco@ubalt.edu)

Course Website

This course has a TWEN page, where I will post updated versions of the course syllabus, assignments, and other course materials; and where you will submit many of your completed course assignments. I will also use the TWEN email function to communicate important course information.

Grades, Class Participation, Safe Space, and Non-Disability-Related Accommodations

You will receive two grades—a four-unit grade for Torts and a three-unit grade for Introduction to Lawyering Skills. The distribution of grades will reflect 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. Class participation is critical to your ability to develop your legal analytic and legal articulation skills. The class is and should be a safe space for discussion, and you should feel wholly free to (politely) offer your insights and experiences, as well as to test your knowledge and understanding. We all come from different backgrounds and have different religious, political, and cultural beliefs. That diversity is a strength of our society. But legal issues often trigger deeply held convictions about the rightness or wrongness of various actions. Thus, we need to learn how to express disagreements without disrespecting others who may have equally deeply held convictions but with whom we may disagree. Similarly, although there are in fact wrong answers to questions, and although you may make mistakes or may not articulate your thoughts as precisely as you might wish, we should encourage all efforts to engage and to share thoughts and experiences in regard to the legal doctrines, legal conventions, and skills that we will discuss and develop.

That said, there is no excuse for inadequate preparation and or failure to do the required readings or assignments, unless an unforeseeable emergency or similar circumstance arises that prevents such preparation and efforts. If such an unforeseeable circumstance occurs, you should feel free to contact me as soon as you know of that fact, and to ask for an accommodation of any deadline (which may include submitting any partially completed work as well as completing the work at a later date). No credit will be provided for any work that is turned in after a deadline has passed, without having obtained a prior adjustment of the deadline. Failure to meet deadlines is one of the principle causes of legal malpractice. You are entering a profession where the lives or livelihoods of other people could literally be in your hands. Thus, if you don’t already have a professional work ethic that assures that you are adequately prepared, you will need to develop it

quickly (or to consider entering a different profession). Further, you are paying a lot in time and money to go to law school; you should make the most of the opportunity. Finally, law practice is increasingly difficult (and you have no doubt heard about the number of hours that any form of law practice may now routinely require, particularly for new lawyers). Thus, you will need to develop good habits of adequate preparation (as well as learning how to be efficient in preparing) so as to succeed when you leave law school.

Torts (4 units): The grade will be based principally on two in-class examinations: (1) a 75-minute in-class Midterm Exam (25%); and (2) a three-hour in-class Final Exam (75%). Excellent class participation—regular attendance plus contributions to class discussions that reflect careful preparation—may result in a third-of-a-grade (e.g., B+ to A-) increase. Poor class participation—frequent absences and/or lack of informed participation—will result in a third-of-a-grade reduction (e.g., A- to B+).

Introduction to Lawyering Skills (3 units): The grade will be based primarily on grades provided for written memos and exercises, but may also be affected by class participation, as described above (a third-of-a-grade adjustment based on the same criteria).

- Research and Writing Exercises (30%) You will complete a variety of research and writing exercises throughout the semester.
- Closed Research Office Memo (20%) You will complete a five-to-seven-page memorandum, which will be assigned during Week 3 and due during Week 7.
- 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 during Week 15.

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

- Understand and remember tort law concepts and identify and define a range of tort claims;
- Demonstrate substantive knowledge of tort law and evaluate and critique tort law doctrines, procedures, theories and institutions;
- Apply legal rules to varied factual situations;
- Articulate important policy rationales for legal rules and deploy those rationales in oral and written 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 material and immaterial facts, and the various component parts of those cases;
- Identify and explain legal rules;
- Locate relevant legal authority;
- Identify, analyze, and organize facts that are relevant to client goals and legal authorities;
- Generate opinions about how clients should proceed and construct persuasive legal arguments;
- Demonstrate understanding of formal conventions and etiquette for professional oral and written communication, argue orally and in writing for particular applications of tort doctrines, and argue orally and in writing for particular interpretations of or changes to tort doctrines;
- Demonstrate mastery of legal citation for cases, statutes, and secondary sources.

School of Law and Class Policies

Attendance and Class Discussion: Class attendance is a primary obligation of each student. A student's right to be enrolled in the course and to take the final 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) 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 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 also applies to your TA section (9:00 am – 10:15 am on Mondays), which is a required component of ILS. Arriving late to class can be disrupting and distracting for other students. At my discretion, persistent late arrival to class may be counted as an absence, as well as may factor into your participation grade.

Class Cancellation: If I need cancel a class, notice 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 assume that classes are running on the normal schedule.

Computers: Students are permitted to use laptops for note-taking, and encouraged to use them for exams. However, computer use must be respectful of others, professional, and should not impede your engagement in class. Using your computer in class for purposes other than note-taking and class-related research is highly distracting—to you and, more importantly, to your classmates—and is prohibited. I reserve the right to ban the use of the internet, or to ban laptops entirely, in the event that computer use becomes disruptive.

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, having not only done the reading but made an effort to understand what may not have been clear before class, and being prepared to participate during class discussions; not leaving the room in the middle of class (absent an unforeseen emergency); turning off your cell phone; and avoiding *ALL* computer use that is unrelated to class notetaking (or any request I might make to find something on-line). While I strongly encourage you to voice reasoned disagreement with each other and/or with me, it is essential that you do so (particularly in regard to your classmates) 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. Let me repeat that, for a seven credit

class, you should expect *at least fourteen (14) out-of-classroom hours* reading and performing other work. Budget your time through some form of calendaring system (and develop a habit of doing so); time management is perhaps the most important skill any lawyer can and must learn.

Academic Integrity and Collaboration: 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/.

You may (and I encourage you to) collaborate with other classmates (or anyone else) to help you read materials for class and to better understand them. No lawyer works alone, and collaboration skills are critically important to effective legal practice. However, as teachers we are obligated to assess your learning and to provide grades; accordingly, many aspects of law school require teachers to assess your *individual* performance of work that therefore should not include any collaboration with others. Obtaining any such unauthorized collaboration or assistance is, in fact, “cheating” and a violation of the honor code. If you are in doubt as to whether any form of collaboration or assistance is permitted that has not expressly been authorized in writing for any particular assignment, exam, or other work, you should and must ask first. Unlike the maxim “it is better to seek forgiveness than permission,” honor code violations should not be any part of your general approach to law school.

Disability and Gender Policies: 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. Similarly, please do not hesitate to disclose to me any concerns you may have regarding any authorized accommodations or other needs that you may have. I also will try (but old habits and grammar conventions are hard to break) to call on you by your preferred pronoun and otherwise to adopt gender preferred and gender neutral language. In that regard, and as it avoids making mistakes, I try to call on students by their first names and prefer for them to call on me by mine (Josh), but will answer to Professor, or even “hey you!” (if said politely). And if I make mistakes, please do call them to my attention – at the time I make them, or later if you feel more comfortable doing so in private.

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>.

Syllabus

This syllabus is a work in progress, and will likely change somewhat. In particular, we may not keep precisely to the specific dates indicated below, and some of the materials or pages or chapters may be modified. This means that the dates for assignments and for the mid-term examination may change. If and when there are adjustments, I will let you know. But you will not be asked to discuss in class any materials that you have not had at least the weekend before the class to read. This syllabus and any revisions, as well as any supplemental or substituted course materials, will be posted on the course TWEN website. Please consult the posted syllabus and check for any revisions regularly throughout the term.

The Syllabus uses the following abbreviations:

F & G = Farnsworth and Grady, *Torts: Cases and Questions*

N, E & S = Neumann, Entrikin & Simon, *Legal Writing*

Sloan = Sloan, *Researching the Law*

t, m, & b = top, middle, and bottom of the page (so the letter will follow a page number, e.g., “24t” means page 24, top of the page)

WEEK 1

Mon., 8/21, 9:00 am

Introduction to Tort Law

- F & G, Introduction (pp. xxxv-xlvi)

Mon., 8/21, 1:30 pm

Introduction to Legal Research and Writing

- N, E & S, ch. 1
- Sloan, chs. 1 & 2
- Orin Kerr, *How to Read a Legal Opinion* [posted on TWEN]

Intentional Torts—Battery

- F & G, pp. 1-11m (Intent and Voluntariness)

Wed., 8/23 1:30 pm

Intentional Torts—Battery (continued)

- F & G, 19-24t (Consent)

Introduction to Legal Cases; Professional Communication

- **ILS Exercise #1: Email to Law Partner**—Submit on TWEN by Fri., 8/25 at 5:00 pm

WEEK 2

Mon., 8/28 9:30 am

ILS Section: Introduction to Legal Citation

- *The Bluebook*, “Introduction” (§§ B1-B21)
- Watch video on Introduction to Citation and Case Names
- Complete any homework assignment

Mon., 8/28 1:30 pm

Legal Rules/Judicial Decisions and Case Briefing

- N, E & S, chs. 2, 3, 5 & 6
- **ILS Exercise #2: Brief**—Submit on TWEN by Fri., 9/1 at 5:00 pm

Intentional Torts—Trespass

- F & G, pp. 29-37t (Trespass)

Wed., 8/30 1:30 pm

Intentional Torts—Conversion and Assault

F & G, pp. 40-43m, 46b-48t (Conversion); 64b-68m (Assault)

Introduction to Legal Research—Presentation on Case Research by Librarian Adeen Postar

- Sloan, chs. 3 & 9

WEEK 3

Monday 9/4 9:00 am – no class due to Labor Day holiday

Monday 9/4 1:30 pm – no class due to Labor Day holiday

Wed., 9/6 1:30 pm

Privileges to Commit Intentional Torts

- F & G, pp. 85-94 (Defense of Person and Property); 97b-105m (Private Necessity); 106m-108b, 109b-110t (Public Necessity)

Introduction to the Office Memorandum

- N, E & S, chs. 14, 16; Appendix A
- Review sample office memorandum [posted on TWEN]
- **ILS Exercise #3: Issue Statement/Brief Answer/Facts**—Submit on TWEN by Fri., 9/8 at 5:00 pm
- **ILS Exercise #4: Email to Law Partner**—Submit on TWEN on Fri., 9/15, at 5:00 pm
- **ILS Exercise #5 & #6: Closed Memo Assignment**—Submit **outline (#5)** of memo on TWEN by Mon., 9/18 at 10:00 am; submit **final memo (#6)** by Friday., 9/29, at 5:00 pm

WEEK 4

Mon., 9/11 9:00 am

ILS Section: Case Citations—Federal Cases

- View and listen to PowerPoint on Citation to Federal Cases
- Complete any homework assignment

Mon., 9/11 1:30 pm

. The Negligence Standard

- F & G, pp. 121-138b (The Reasonable Person)

Wed., 9/13 1:30 pm

The Negligence Standard (continued)

- F & G, 140t-146t; 151t-152b, 155t-157b (Risks and Precautions; the Hand Formula and Law & Economics)

Structure of Legal Analysis: CREAC

- N, E & S chs. 17 & 18

WEEK 5

Mon., 9/18 9:00 am

ILS Section: Case Citations—State Cases

- View and listen to PowerPoint on Citation to State Cases
- Complete any homework assignment

Mon., 9/18 1:30 pm

The Negligence Standard (continued)

- F & G, pp. 158b-168m (Custom and Medical Malpractice)

Negligence Per Se

- F & G, pp.170b-178m, 184b-191m

Wed., 9/20 1:30 pm

Introduction to Legal Research—Presentation on Statutory Research by Librarian Adeen Postar

- Sloan, chs. 11 & 12

Res Ipsa Loquitur

- F & G, pp. 192-198t, 204b-206m, 208m-212m (*Res Ipsa Loquitur*)

WEEK 6

Mon., 9/25 9:00 am

ILS Section: Case Citations—Short Form Citations

- View and listen to PowerPoint on Short Form Citations
- Complete any homework assignment

Mon., 9/25 1:30 pm

Duties

- F & G, pp. 217-223m, 224m-225m (Affirmative Acts); 229b-233t (Undertakings)

The Writing Process

- N, E & S, chs. 11, 12, 13
- Document Design

Wed., 9/27 1:30 pm

Duties (continued)

- F & G, pp. 236-237, 239, 241b-246b (Special Relationships); pp. 251-255 (Public Duty Doctrine); pp. 255-257b, 258b-259t, 260b-269m (Owners and Occupiers of Land)

WEEK 7

Mon., 10/2 9:00 am

ILS Section: Introductory Signals and Explanatory Parentheticals

- Read *Bluebook*, Rule B-1.2 (pp. 4-6)
- Complete any homework assignment

Mon., 10/2 1:30 pm

Cause in Fact

- F & G, pp. 307-312b (But-for Causation)

Writing Effective Prose / Editing Your Own Writing / Policy Arguments

- N, E & S, chs. 7, 21, 22
- **ILS Open Memo Exercises distributed.** Please review the Open Memo assignment in order to be able to ask any questions about it by Wednesday 10/4.

Wed., 10/4 1:30 pm

Cause in Fact (continued)

- F & G, pp.; 332b-335b (Alternative Liability); pp. 345-350 (Joint and Several Liability)

Proximate Causation

- F & G, pp. 351-365m (Remoteness and Foreseeability); pp. 368-373t (Intervening Causes); pp. 378-87t, 392t-393 (*Palsgraf* and Limitation of Duty)

WEEK 8

Mon., 10/9 9:00 am

ILS Section: CREAC for Torts Exams: The Issue Spotter as Mini-Memo

- No new reading
- Complete any homework assignment

Mon., 10/9 1:30 pm

Proximate Causation (continued)

- Follow-up on Palsgraf and Causal Limitations
- Warr v. JMGM Group (Md. 2013) (posted on TWEN)
- Kiriakos v. Phillips (Md. 2015) (posted on TWEN)

Midterm Exam Review

Wed., 10/11 1:30 pm

MIDTERM EXAM

WEEK 9

Mon., 10/16 9:00 am

ILS: Researching the Open Memo / Selecting Authority

- Possible Research Presentation by On-line Database Provider Representative
- Sloan, chs. 4-7
- N, E & S, ch. 8
- Complete any homework assignment

Mon., 10/16 1:30 pm

Strict Liability

- F & G, pp. 395-402m (Animals)
- Tracey v. Solesky (Md. 2012) (posted on TWEN)

Creating a Research Plan / Search Terms and Techniques

- Briefly review Sloan, chs. 3-7
- Review ILS exercises #7, #8, #9, #10, #11 & #12 relating to Open Memo and note due dates: **Open Memo Case Briefs (#7)**—Submit on TWEN by Fri., 10/20 at 5:00 pm; **Email to Client on Open Memo Topic (#8)**—Submit on TWEN Fri., 10/27 at 5:00 pm; **Outline of Open Memo (#9)**—Submit on TWEN by Fri., 11/03 at 10:00 pm; **Open Memo Draft (#10)**—Submit on TWEN by Mon., 11/13 at 5:00 pm; **Critique of Partner's Draft Open Memo (#11)**—Email your critique to your partner and submit on TWEN by Fri., 11/17 at 5:00 pm; **Open Memo Final (#12)**—Submit on TWEN by Wed., 11/29 at 5:00 pm. **Write these dates in your calendar and plan to budget sufficient time to adequately complete each exercise. Writing is how you learn, and good writing is the skill that lawyers most need.**

Wed., 10/18 1:30 pm

Strict Liability (continued)

- F & G, pp. 406b-410b, 416-19t, 426t-428b (Abnormally Dangerous Activities)
- Toms v. Calvary Assembly of God (Md. 2016) (posted on TWEN)

Introduction to Legal Research—Presentation on Secondary Source Research by Librarian Adeen Postar

- Sloan, ch. 8

WEEK 10

Mon., 10/23 9:00 am

ILS Section: Citing Secondary Sources

- Read *Bluebook*, Rule B-15 (pp. 22-23)
- Complete any homework assignment

Mon., 10/23 1:30 pm

Strict Liability (continued)

- F & G, pp. 433-438t, 441b-445b (Respondeat Superior)

Organizing a Multi-Issue Legal Memorandum

- N, E & S, ch. 19

Wed., 10/25 1:30 pm

Products Liability

- F & G, pp. 456-459m, 462m-470m, 477-479b (Manufacturing Defects); pp. 479b-490m (Design Defects)

WEEK 11

Mon., 10/30 9:00 am

ILS Section: Citators

- Sloan, ch. 10
- Complete any homework assignment

Mon., 10/30 1:30 pm

Products Liability (continued)

- F & G, pp. 494b-502m, 506b-508t, 509b-515 (Defective Instructions and Warnings)

Adding Depth to CREAC

- N, E & S, ch. 20

Wed., 11/1 1:30 pm

Remedies (Damages)

- F & G, pp. 517-520m, 526b-531m, 533-536m (Introduction and Lost Earnings); 538t-541m, 545b-552t (Pain and Suffering)

Introduction to Legal Research—Review of Research Methods by Librarian Adeen Postar

- Briefly review Sloan, all chapters

WEEK 12

Mon., 11/6 9:00 am

ILS Section: Writing Effective Prose

- No new reading

Mon., 11/6 1:30 pm

Damages (continued)

- F & G, pp. 552-565b (Punitive/Exemplary Damages)

Quoting and Citing Authority

- N, E & S, chs. 23, 24

Wed., 11/8 1:30 pm

Defenses

- F & G, pp. 571-581b, 585m-586b (Contributory and Comparative Negligence)
- Coleman v. Soccer Assoc. of Columbia (Md. 2013) (posted on TWEN)
- F & G, pp. 587-590t, 591t-593b, 595b-596b (Express Assumption of Risk)

WEEK 13

Mon., 11/13 9:00 am

ILS Section: Open Memo Workshop

- No new reading

Mon., 11/13 1:30 pm

Defenses

- F & G, pp. 596b-600b; 602m-603b (Primary Assumption of Risk)

Wed., 11/15 1:30 pm

Torts Catch-Up

- No new reading

Reminder critique of partner open draft due Friday 11/17 5:00 pm

WEEK 14

Note that we will not meet for regular classes on **Wednesday, Nov. 22** of this week, given that it is too close to the Thanksgiving holiday and many of you might not be present (in order to accommodate holiday travel). You should use that time (or its equivalent) for independent review of the materials. However, we have make-up classes (for missing Labor Day) that are scheduled for **Monday Nov. 27**. (Note that your TA Section will not meet at 9:00 am on Monday Nov. 27, but I will hold a drop-in session for anyone who wishes to ask questions about their final open memos that occur after individual meetings – see below -- or to review any individual concerns that you may have with the torts materials.) Each of you, with your partner (to whom you have sent your critique), will also need to attend a conference with me to discuss your draft open memo. I will provide a sign-up sheet for scheduling this conference in class during week 13). Please 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 throughout the day on Monday Nov. 20, Tuesday, Nov. 21, and Wednesday, Nov. 22 (for those still in town that day).

Mon., 11/20 9:00 am

ILS Section: Revising your Open Memo

- No new reading

Mon., 11/20 1:30 pm

Torts Catch-Up/Concluding Thoughts on Torts

- No new reading

Editing and Refining your Prose

- Review N, E & S, chs. 21, 22

Wed., 11/22 1:30 pm PRE-THANKSGIVING—CLASS WILL NOT MEET

You should use this time to finalize your open memos and to review your readings and develop outlines of your knowledge of Torts, and to prepare any questions you may have for the Q&A Session on Monday Nov. 27

Mon., 11/20 9:00 am (make up class for Labor Day holiday)

Drop-in session.

Mon., 11/27 1:30 pm (make up class for Labor Day holiday)

Exam Review / All-Purpose Q & A

- No new reading

Open memo due Wed. 11/29 at 5:00 pm

Final exam to be scheduled.