

## Torts / Introduction to Lawyering Skills

(Law 610—329)

Professor Lindsay / Fall 2020

### 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 of legal cases and statutes; understanding common law principles and processes; developing factual analogies and distinctions; applying legal rules; objective (or “predictive”) legal writing, in the form of office memoranda and other written professional communication; researching case law, statutes, and secondary sources in both print and electronic form; legal citation; and professional norms and ethics.

### Class Meetings

- Scheduled Meeting Times: Monday & Wednesday, 9:00–11:45; Friday, 10:30–11:45.
- ILS/Torts will be held remotely this semester and will consist of a combination of synchronous instruction (i.e. live class held on Zoom) and asynchronous instruction (prerecorded lectures and assigned written exercises). For the first day of class, Monday, August 24, we will meet for our full scheduled window, from 9:00 to 11:45. Thereafter, unless I indicate otherwise our live sessions will be **Monday, 10:30–11:30** (Torts); **Wednesday, 9:30–10:30** (Torts) & **10:45–11:45** (ILS); and **Friday, 10:30–11:30** (required ILS Section meeting with the TAs). The reduction in live class time will be offset by recorded lectures and reading questions completed in advance of each live class meeting.
- Torts Law Scholar (*highly recommended*): Time TBA

### 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* and *The Bluebook Uncovered*, as well as Core Grammar for Lawyers, CALI, Lexis, and Bloomberg Law.

## Instructors

### Professor Matthew Lindsay

Office: 513

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

(617) 595-6605 (m) (the best number this semester); (410) 837-4688 (o)

Office Hours: Monday, 12:00–2:00, and by appointment

**ILS Teaching Assistants:** Aiden Galloway (aiden.galloway@ubalt.edu); Lisa Hutton

(lisa.hutton@ubalt.edu)

**Torts Law Scholars:** Joel Jordan (joel.jordan@ubalt.edu)

**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 **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. The specific format the Final Exam is TBD, as the School of Law explores software options for remote exam administration
- (2) A timed **Midterm Examination** administered on TWEN on Friday, October 16, 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, and to offset some of the in-class discussion time that we will miss as a result of the remote format. Your answers to the Reading Questions are due 30 minutes before the beginning of class and will be scored on a Credit/No Credit (C/NC) basis. 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 two 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+).

## Initial Syllabus

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 Sun., October 4.
- (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 Tues., Dec. 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 assignments will be scored on a C/NC basis. Here is the schedule for completion of the Research and Citation Modules:

Primer on Civics: No assignment. Complete videos, readings, and CALI Lessons by **Wed., Aug. 26**. *Total time required: Approximately 70 minutes.*

Module 1 (Information Literacy, The Legal Research Process; Secondary Sources): Specific sections are assigned throughout the semester. Submit Module 1 Assignment by **Friday, October 9, at 10:00 p.m.** *Total time required: Approximately 10 hours.*

Module 2 (Researching Cases): Specific sections are assigned throughout the semester. Submit Module 2 Assignment by **Friday, October 23, at 10:00 p.m.** *Total time required: Approximately 9 hours.*

Module 3 (State Statutes): Module 3 is assigned formally on week 10, but it can be completed at any time prior to that. Submit Module 3 Assignment by **Friday, November 6, at 10:00 p.m.** *Total time required: Approximately 3 hours*

Module 4 (Federal Statutes): Module 4 is assigned formally on weeks 12 and 13, but it's rather long and can be completed at any time prior to that. Submit Module 4 Assignment by **Friday, November 20, at 10:00 p.m.** *Total time required: Approximately 9 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: Thurs., Aug. 27 at 10:00 p.m.
- CGL, Ex. A (Sentence Structure) 1–4: Tues., 9/1, at 10:00 p.m.
- CGL, Ex. B (Quotations) 1–4: Sun., Sept. 6 at 10:00 p.m.
- CGL, Ex. D (Verbs and Agreement) 1–4: Sun., Sept. 13, at 10:00 p.m.
- CGL, Ex. C (Organizing Complex Ideas) 1–4: Sun., Sept. 20, 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 upon 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.

Attendance will be recorded in two ways. For asynchronous instruction, you must listen to the recorded lectures and complete the reading questions. For synchronous instruction, you must attend the *entire* live Zoom session to be counted present. So that I have a record of attendance, please set up your Zoom profile with your real name. (See section below on Zoom and Panopto.) At my discretion, persistent late arrival to class may be counted as an absence and may factor into your participation grade. This attendance policy also applies to your ILS Section Meeting.

**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:** There are two TWEN (The West Education Network) pages for this course. You need a Westlaw password to access the TWEN sites. You will receive instructions for activating your Westlaw account in an email from [lawschool@thomspnreuters.com](mailto:lawschool@thomspnreuters.com). If you have questions about setting up your Westlaw password, please contact [lawlibref@ubalt.edu](mailto:lawlibref@ubalt.edu) on or after Thursday, August 20.

*ILS/Torts (Lindsay)* is the TWEN page that I have created for our class. It will serve as the online portal for the vast majority of the relevant course material, including links to our live video classes, updated versions of the course syllabus, and assignments. This is also where you will submit your completed course assignments. I will also use the TWEN email function to communicate important course information. You are responsible for enrolling in the class TWEN site.

*ILS Research* is a separate TWEN page that contains the ILS Research and Citation Modules that you will complete this semester. (See page 3 of this Syllabus.) The UB Law Library administers the ILS Research TWEN page and will automatically enroll you.

**Zoom and Panopto:** Instruction will consist of a combination of live zoom meetings and prerecorded lectures posted on Panopto. For most of our classes, you will view a recorded lecture that discusses that day's readings, complete one or more Reading Questions based on that day's readings, and then participate in the live Zoom meeting. You will access Zoom using your UB credentials. The following policies apply to our Zoom meetings:

- When you register your Zoom account at [ubalt.zoom.us](http://ubalt.zoom.us), please set up your Zoom profile using your real name. This enables me to have an accurate record of class attendance.
- Please turn on your webcam. The ability to see each other enhances engagement and promotes participation. You may use a virtual background, as long as it does not contain words or images that could be distracting to others in the class. I understand that there may be rare occasions that require you to deactivate your webcam and participate by audio only, but your default should be to use video. If your personal circumstances make it difficult to comply with this expectation, please discuss it with me directly.
- Please use your first and last name as your screen name. Your first name should be the one that you prefer your classmates and me to use. For example, if your name is Rupert Tricklebrook IV but you go by Mad Dog, your screen name is Mad Dog Tricklebrook.
- Dress and present yourself as you would if you were attending class in person. Casual is fine; pajamas are not.
- Situate yourself in a physical space where you can focus without distraction.
- Silence your phone and avoid looking at it during class.
- Mute your microphone unless you are speaking.
- Use the Zoom "chat" feature in a professional manner for class-related comments only. Private chats are not permitted. Remember that the chats are recorded along with the rest of the session.
- Although the use of a headset is not required, using one will probably improve your sound quality.
- Please do not eat during class. Drinking is fine.

Remote learning presents different challenges than in-person education; and there are sure to be disruptions or technological snags from time to time. We will deal with these as they arise; and the course Zoom policies may need to evolve as the semester progresses. At the same time, you are expected to participate in our video meetings with the same degree of engagement and focus that you would show in an in-person class—i.e. without responding to emails or text messages, feeding your dog, answering your door, or refilling your coffee.

Please note the following University of Baltimore policy on the recording of Zoom classes:

Faculty are required to record Zoom classes for the purposes of accommodating a disability, for students who cannot attend, or so that students who wish to review may have access to the full class content. All recordings are for the sole use of the class and may not be reproduced by students for any other purpose. Faculty cannot 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. Students may mute their microphones or turn off their cameras if they do not consent to be recorded, but this may mean they need to find additional ways to participate in the class discussion. **In addition, students who turn off their cameras and do not remain present for the class session may be subject to the Honor Code for misrepresenting attendance.**

Needless to say, the coronavirus pandemic has required all of us to grapple with new challenges, and I'm well aware that the remote instruction format doesn't correspond to anyone's idea of the first semester of law school. The Paper Chase this is not! (Look it up.) But I want to reassure you that I've worked conscientiously to adapt ILS/Torts—a course I've taught many times before—to meet these unique circumstances. After researching online legal pedagogy, consulting with many colleagues, and experimenting with various distance teaching techniques and technologies, I believe that the remote version of this course can be as effective as the live, in-person version; and that the online format even presents new learning opportunities. There will, inevitably, be kinks and glitches, and I want to reassure you that I am extremely committed to providing a high-quality experience. So if you encounter some difficulty with the remote learning format, or if something that I've designed isn't as effective in practice that it may have seemed to me in theory, please let me know so that I can address the issue.

**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 our live meetings on time and prepared to participate; not leaving the session before the end of class; and avoiding computer use that is unrelated to class. 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. Because we are in a remote instruction mode this semester, the classroom instruction time will be somewhat reduced. That reduction will be offset with recorded lectures and the addition of mandatory Reading Questions.

**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/](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 [ublawacadaff@ubalt.edu](mailto:ublawacadaff@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>.

**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 TWEN 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 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?

This Syllabus indicates the order of the readings and designates specific readings for specific dates. Because the pace at which we cover various topics will be influenced by the particular needs of and dynamics within each section, 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., 8/24

*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)

### Wed., 8/26

*Torts: Intentional Torts—Battery*

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

*ILS: Introduction to Legal Cases*

- Kerr, “How to Read a Legal Opinion” [posted on TWEN]
- *A Lawyer Writes*, Ch. 3 (Reading for Comprehension)
- ILS Research Module on Civics
- Assign **ILS Exercise #1**: Email to Law Partner—Submit on TWEN by Friday, 8/28 at 10:00 p.m.

**Fri., 8/28** (ILS Section): *Introduction to Legal Research and the Sources of American Law*

- Sloan, Chs. 1 & 2

## Week 2

### Mon., 8/31

*Torts: Intentional Torts—Battery*

- F & G, 17t–21b (Consent); 26t–29t (begin Trespass)

### Wed. 9/2

*Torts: Intentional Torts—Trespass*

- F & G, pp. 29t–34t (Trespass)

*ILS: Legal Rules; Structuring Legal Analysis*

- *A Lawyer Writes*, Ch. 4 (Finding Your Argument), Ch. 6 (One Legal Argument), Ch. 9 (Conclusions)
- Assign **ILS Exercise #2**: Case Brief of *Katko v. Briney*—Submit on TWEN by Tuesday, 9/8 at 10:00 p.m.

**Fri., 9/4** (ILS Section): *Case Briefing*

- Review Kerr, “How to Read a Legal Opinion” and *A Lawyer Writes*, Ch. 3

→ **Students must attend (via zoom) one of the three Lexis and Westlaw training sessions:**

Tues., 9/1, 1:30 p.m.–2:45 p.m.; Tues., 9/1, 7:45 p.m.–9:00 p.m.; Thurs., 9/3, 1:30 p.m.–2:45 p.m.

## Week 3

**Mon., 9/7:** LABOR DAY—CLASS WILL NOT MEET

**Wed., 9/9**

*Torts: Intentional Torts—Conversion and Assault*

- F & G, pp. 37t–39m, 42b–44b (Conversion); 59b–64t (Assault); 79–81b (begin Defense of Person & Property)

*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 TWEN by Mon., 9/14, at 10:00 p.m.
- Assign **Closed Memo**—Submit on TWEN by Sunday, October 4, at 5:00 p.m.

**Fri., 9/11** (ILS Section): *Introduction to Legal Citation; Citing Cases*

- Anthon, Ch. 1
- ILS Research Module 2(d)(i) & 2(d)(ii)1 (Full case citations)

## Week 4

**Mon., 9/14**

*Torts: Privileges to Commit Intentional Torts*

- F & G, pp. 82t–86m (Defense of Person and Property); 89m–90b (begin Private Necessity)

**Wed., 9/16:**

*Torts: Privileges to Commit Intentional Torts*

- F & G, pp. 91t–96b (Private Necessity); 97b–99m, 100t–101m (Public Necessity); 111–115t (begin Negligence)

*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 TWEN by Friday, 9/18, at 10:00 p.m.
- Assign **ILS Exercise #5:** Closed Memo Outline—Submit on TWEN by Friday, 9/25, at 10:00 p.m.

**Fri., 9/18** (ILS Section): *Citing Cases (continued)*

- ILS Research Module 2(d)(ii)2 & 3 (Short Citations; Parallel Citations)

## Week 5

**Mon., 9/21**

*Torts: The Negligence Standard*

- F & G, pp. 115–128b (The Reasonable Person); 128b–130m (begin Risks & Precautions)

**Wed., 9/23**

*Torts: The Negligence Standard*

- F & G, 130m–135b; 138b–40m, 142b–45t (Risks and Precautions; the Hand Formula); 146t–147m (begin Custom)

*ILS: The Writing Process & Using Public Policy*

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

**Fri., 9/25** (ILS Section): *Citing and Quoting Authority*

- *A Lawyer Writes*, pp. 133–39

## Week 6

**Mon., 9/28:**

*Torts: The Negligence Standard*

- F & G, pp. 147m–151m (Custom); 151m–56t (Medical Malpractice); 156b–158b (begin Negligence per se)

**Wed., 9/30**

*Torts: Negligence Per Se*

- F & G, pp.156b–63b, 168b–73b; 174–75m (begin Res Ipsa Loquitur)

*ILS: Effective Prose; Editing and Polishing*

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

**Fri., 10/2** (ILS Section): *Researching and Citing Secondary Sources*

- ILS Research Modules 1(c) & (d): Secondary Sources

**\*\*\* Closed Memo Due Sunday, Oct. 4 at 5:00 p.m. \*\*\***

## Week 7

### Mon., 10/5

*Torts: Res Ipsa Loquitur*

- F & G, pp. 175m–79b, 184b–86t, 188t–90b (*Res Ipsa Loquitur*); 195–98m (begin Duties)

### Wed., 10/7

*Torts: Duties*

- F & G, pp. 198m–202b (Affirmative Acts); 205b–209b (Undertakings); 211m–16b (Special Relationships); 216b–21t (Third Parties)

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

- Carefully read the Open Memo Assignment—Draft of Open Memo due Thursday, Nov. 12, at 10:00 p.m.
- ILS Research Module 1(b): The Legal Research Process
- Assign **ILS Exercise #6**: Open Memo Case Briefs—Submit on TWEN by Wednesday, 10/21, at 10:00 p.m.

**Fri., 10/9** (ILS Section): *Researching Cases*

- INS Research Modules 2(a) and (b)
- Submit ILS Research Module 1(e) (Assignment) by Fri., 10/9, at 10:00 p.m.

## Week 8

### Mon., 10/12

*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)

### Wed., 10/14

*Torts: Cause in Fact*

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

*ILS: Research Presentation by Lexis Representative Elizabeth Ferrick*

- Assign **ILS Exercise #7**: Email to Client—Submit on TWEN by Mon., 10/26, at 10:00 p.m.
- Assign **ILS Exercise #8**: Outline of Open Memo—Submit on TWEN by Sun., 11/1, at 10:00 p.m.

**Fri., 10/16: TORTS MIDTERM EXAM** (ILS Section will not meet this week)

## Week 9

### Mon., 10/19:

*Torts: Tort Liability and the Coronavirus Pandemic; Cause in Fact (continued)*

- Coronavirus readings TBA
- F & G, pp. 290m–91m

### Wed., 10/21:

*Torts: Cause in Fact*

- F & G, pp., 290m–94t (Alternative Liability); pp. 300m–304 (Apportionment); 305–311b (begin Proximate Cause)

*ILS: Research Presentation by Westlaw Representative Adam Wall*

### Fri., 10/23 (ILS Section): *Citators*

- ILS Research Module 2(c)
- Submit ILS Research Module 2(e) (Assignment) by Fri., 10/23, at 10:00 p.m.

## Week 10

### Mon., 10/26

*Torts: Proximate Causation*

- F & G, pp. 311b–18m (Remoteness and Foreseeability); 318m–22b (Intervening Causes); 344 – 47m (begin Strict Liability for Animals)

### Wed., 10/28

*Torts: Strict Liability*

- F & G, pp. 347m–50t (Animals); 353m–56m, 361m–63b, 368m–70t (Abnormally Dangerous Activities); Toms v. Calvary Assembly of God (Md. 2016) (posted on TWEN); F & G, pp. 372m–374 (begin Respondeat Superior)

*ILS: Organizing a Multi-Issue Memorandum*

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

**Prior to class on Monday, 11/2, complete the reading below and listen to the recorded lecture.** Although we will not discuss this material in class (though I'm always glad to answer any questions) you are responsible for it on the Final Exam.

*Torts: The Intersection of Duty and Proximate Cause*

- F & G, pp. 328–36t, 340m–41b (*Palsgraf* and Limitation of Duty)
- Warr v. JMGM Group (Md. 2013) (posted on TWEN)
- Kiriakos v. Phillips (Md. 2015) (posted on TWEN)

**Fri., 10/30** (ILS Section): *State Statutes*

- ILS Research Module 3(a)–(g)
- Submit ILS Module 3(h) (Assignment) by Friday, November 6, at 10:00 p.m.

## Week 11

**Mon., 11/2**

*Torts: Strict Liability*

- F & G, pp. 372m–76t, 377t–80b (Respondeat Superior); 391–94b, 397m–405t, 410m–12m (Products Liability—Manufacturing Defects); 412m–18m (begin Design Defects)

**Wed., 11/4**

*Torts: Products Liability*

- F & G, pp. 418m–21b (Design Defects); 424b – 428b (begin Defective Instructions and Warnings)

*ILS: Working with Cases (part 2)*

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

**Fri., 11/6** (ILS Section): *String Citations; Explanatory Parentheticals*

- *A Lawyer Writes*, pp. 133–39
- Submit ILS Module 3(h) (Assignment) by Friday, November 6, at 10:00 p.m.

## Week 12

**Mon., 11/9**

*Torts: Products Liability*

- F & G, pp. 428b–31m, 435t–42b (Defective Instructions and Warnings)

**Wed., 11/11**

*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 TWEN by Sun., 11/15, at 8:00 p.m.

**\*\*\* Draft of Open Memo Due Thursday, Nov. 12, at 10:00 p.m. \*\*\***

- Fri., 11/13** (ILS Section): *Citing Electronic Sources; Pinpoint Information*
- ILS Research Module 4(f)

## 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 zoom conference with Professor Lindsay to discuss your draft Open Memo. Please submit your critique of your partner's draft on TWEN and email it to your partner by Sunday, November 15, 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 throughout the week, beginning on Monday, Nov. 16. A sign-up sheet will be posted on TWEN.

You will use the time you would have spent preparing for and attending class to complete ILS Research Module 4 (Researching and Citing Federal Legislative Sources), which is pretty hefty.

- Fri., 11/20: *Citing Federal Statutes*
- ILS Research Module 4(f)
  - Submit ILS Research Module 4(g) by Friday, 11/20, at 10:00 p.m.

## Week 14

### Mon., 11/23

*Torts: Damages*

- F & G, pp. 475–485m, 487t–89t (Punitive Damages); 493–504t, 506m–507m (Contributory and Comparative Negligence); Coleman v. Soccer Assoc. of Columbia (Md. 2013) (posted on TWEN)

### Wed., 11/24

*Torts: Defenses*

- F & G, pp. 508–513m, 514b–15m (Express Assumption of Risk); 515m–19m, 520b–23m (Primary Assumption of Risk)

**Fri., 11/27:** THANKSGIVING BREAK—ILS SECTION WILL NOT MEET

## Week 15

### Mon., 11/30: *Torts Exam Review & Closing Thoughts*

- No new reading