

**CIVIL PROCEDURE I &
INTRODUCTION TO LAWYERING SKILLS
INITIAL SYLLABUS— FALL 2020
LAW 612 AND 612A—SECTION 329A**

COURSE INFORMATION

Instructor: Professor Rob Knowles, rknowles@ubalt.edu

ILS Teaching Assistants: Felicia Rugh, Felicia.Rugh@ubalt.edu
Amy Scott, Amy.Scott@ubalt.edu

Civil Procedure Law Scholar: Emily Leffler, Emily.Leffler@ubalt.edu

Class Times: Civil Procedure, Monday & Wednesday, 1:30-2:45 p.m.
Introduction to Lawyering Skills (ILS), Monday & Wednesday, 3-4:15 p.m.
We will also use the Tuesday, 10:30 - 11:45 a.m. slot periodically for meetings.

Zoom Link: <https://ubalt.zoom.us/j/96663878298>

This course will be conducted entirely online. We will meet regularly via Zoom, but the amount of the above time we use for live (synchronous) instruction will vary from week to week. You will do much of the work for this course asynchronously—by taking quizzes, participating in the discussion board on TWEN, completing and submitting assignments, watching videos, listening to audio lectures, and attending small group meetings. The initial assignments are below. I will provide you with a complete and more detailed schedule of meetings and assignments for the rest of the semester. **In the meantime, do not schedule other activities for these slots.**

Attendance and Etiquette:

Regular and complete attendance is required by the Law School, by the ABA, and for the course. Attendance means (1) entering the Zoom meeting on time and remaining in the meeting until dismissal; (2) appearing on video and remaining visible throughout the meeting; (3) dressing to appear on video as you would if you were attending class in person; (4) regularly volunteering to answer questions and responding to questions when called on.

I recommend that, if possible, you set up your computer and camera in a quiet space with no distractions and use a second screen—such as a tablet or external monitor—so you can view the other participants and the materials I’m sharing (such as PowerPoint slides) while also taking notes or referencing the text.

COURSE MATERIALS

Required Materials You Must Purchase or Rent:

- STEPHEN C. YEAZELL AND JOANNA C. SCHWARTZ, *CIVIL PROCEDURE* (10TH ED., 2019) (“YEAZELL”) (ISBN: 1454897880)
- STEPHEN C. YEAZELL AND JOANNA C. SCHWARTZ, *FEDERAL RULES OF CIVIL PROCEDURE WITH SELECTED RULES AND STATUTES* (2019) (ISBN: 1543806023)

- CHRISTINE COUGHLIN, JOAN MALMUD ROCKLIN, AND SANDY PATRICK, *A LAWYER WRITES: A PRACTICAL GUIDE TO LEGAL ANALYSIS* (3rd ed.) (ISBN: 1531008763)
- THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION (21st ed.)¹
(<https://www.legalbluebook.com/pricing>)

Required Materials Provided for You at No Cost:

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

- AMY E. SLOAN, *RESEARCHING THE LAW: FINDING WHAT YOU NEED WHEN YOU NEED IT* (3D ED.)
- DIONNE E. ANTHON, *THE BLUEBOOK UNCOVERED: A PRACTICAL GUIDE TO MASTERING LEGAL CITATION* (2d ed.) (Download now for free at: <http://dionneanthon.com/bbu/bbu21.html>)

Required Online Services:

- We will frequently use our course TWEN Site. You will use it to turn in assignments, sign up for conferences, etc., and I will email you through the TWEN site. Please be sure to sign up.
- You must also sign up for the Library's Research and Citation TWEN site.
- You will receive an email from the Library with a code for registering for Core Grammar for Lawyers, at coregrammarforlawyers.com.

Helpful Study Aids (not required):

- I STRONGLY encourage you to purchase the abridged version of BLACK'S LAW DICTIONARY, available at <https://tmsnrt.rs/2vfgSIN>. This book will help you to understand all of your classes.
- JOSEPH W. GLANNON, *CIVIL PROCEDURE: EXAMPLES AND EXPLANATIONS* (7TH ED.)
- SHREVE AND RAVEN-HANSEN, *UNDERSTANDING CIVIL PROCEDURE* (6TH ED.)
- TERRILL POLLMAN, JUDITH STINSON, ELIZABETH STINSON, *LEGAL WRITING: EXAMPLES AND EXPLANATIONS*
- TERRI LECLERQ, *GUIDE TO LEGAL WRITING STYLE*
- Please note that the library also has free access to several West Academic Study aids, including podcasts, at law.ubalt.edu/library. **Use them! They are free! And good!**

Getting Help with Legal Writing

- (1) The Writing Center can help you. UB Law has a writing center that you can consult if you're having trouble with the basics, though I'm not sure how the coronavirus lockdown will affect the Writing Center. The website is: http://law.ubalt.edu/academics/academic-support/legal_writing_center/.
- (2) You **cannot** get help from your parents, friends, paralegals, or anyone else. No collaboration is allowed on your assignments for this course unless Professor Knowles says so explicitly. When in doubt, ask Professor Knowles.
- (3) You **can** talk to me during office hours or by appointment.

¹ Students from previous classes recommend buying the Bluebook rather than renting it.

- (4) You can talk to your teaching assistants, Felicia and Amy. They are here to help you. That said, they will not edit your memos for you.

FIRST ASSIGNMENTS

Before Classes Begin:

Yes, you have assignments before classes begin. Welcome to law school!

Introduction to Lawyering Skills (ILS)
Complete the “Civics Module” on the Library’s TWEN page. This should take you about 70 minutes.
Register for Core Grammar for Lawyers (“CGL”) and complete the Pretest by Sunday, August 23 at 11:00 p.m. Make sure to set aside about 90 minutes to do this. You will not be graded on this Pretest. The Pretest gives you the chance to test out of some parts of CGL; it tailors the software to each of your skill levels. I do not expect you to do well on this Pretest, as it includes material you may not have learned. If you rush through the pretest you will have more work to do, so take your time.

Week 1 Assignments (August 24-30):

Class 1 - Monday, August 24:

Civil Procedure I
<ul style="list-style-type: none"> Introduction to Civil Procedure
<i>Yeazell</i> , pp. 1-7 (up to <i>Hawkins</i>), 293-300, 332-34 (read text box at the top of the page)
As you do the reading, imagine you are a lawyer faced with a potential client. When a potential client walks in the door, (1) what kinds of information do you want to obtain and (2) what kinds of decisions do you need to make?

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

Class 2 - Wednesday, August 22:

Civ Pro I
<ul style="list-style-type: none"> Introduction to Civil Procedure: Stating the Case, The Lawyer’s Responsibility, and how am I supposed to read in law school?!
You are about to read your first judicial opinion and rules. To give you insights into how to read statutes, rules and judicial opinions, start by carefully reading <i>A Lawyer Writes</i> , pp. 33-59. Many of the same techniques for statutes apply to the Rules of Civil Procedure. Take your time with this reading. It is probably the most important reading you will do during your first semester of law school.

Now use the approaches laid out in <i>A Lawyer Writes</i> to do the reading in the Civil Procedure book.
<i>Yeazell</i> , pp. 13-21. Brief <i>Bridges v. Diesel</i> (p. 14) and <i>Bell v. Novick Transfer Co.</i> (p. 19). What court are we in? What are the underlying facts that gave rise to this lawsuit? What's the procedural history? What's the question presented that the court must decide? What's the holding? What rule is being applied? What reasoning does the court use to reach the holding? What questions do you have about the case or the relevant rules?
Look closely at Rule 11(a), (b) and (c). Diagram Rule 11(b) and 11(b)(1). What obligations do they impose? On whom? Bring a hard copy of your diagram of Rule 11(b) to class. What "red flag" words did you find?

ILS
• Identifying Rules
<i>A Lawyer Writes</i> , 61-71 (Chapter 4)
How do you read and break apart a rule?

<p>By Sunday, August 30, at 11 pm:</p> <p>(1) Complete CGL, Exercises A (Sentence Structure) 1-2</p> <p>(2) Enroll in the TWEN site and complete the "Student Information Sheet" assignment. Turn in via TWEN.</p>

GRADES

You will receive one grade for Civil Procedure and one grade for ILS.

The Civil Procedure grade will be based on a midterm exam (20%), a final exam (80%), and professionalism. The midterm and final examinations will test your knowledge of the subjects covered in this course, as well as your critical thinking, legal analysis, and argument skills.

Your professionalism—or lack thereof—may help or hurt your grade by up to one step (e.g., B+ to A-, or B- to C+). Professionalism means being on time and prepared to participate. "On time" means you are logged into the Zoom. "Prepared" means you have read the work assigned, briefed the relevant cases, carefully analyzed the rules mentioned in the readings, and looked up any words or terms in the readings that you did not understand. This is not like your undergraduate political science class, where you just skimmed the reading and got a general idea of what was going on. You need to read and think about every word, because that's what lawyers have to do to be successful.

Law Scholar: Emily Leffler is the Law Scholar for Civil Procedure. She will provide you with a schedule for her sessions and is available to help you with Civil Procedure questions. Law Scholar sessions are not graded or required, but you are encouraged to attend them because you will practice the skills you use in class.

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

Memorandum Assignments (65%)

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

- Initial version of the Closed Memorandum (10%): **Sunday, October 4, at 11 pm, submit via TWEN.**
- Revised Closed Memorandum (20%): **Sunday, October 25, at 11 pm, submit via TWEN.**
- Final Open Memorandum (35%): **Wednesday, December 2, at 11 pm, submit via TWEN.**
- You will also be asked to turn in other assignments periodically. These will count as part of your professionalism grade. They are essential to your success, so do them carefully.

Research and Citation Modules (30%)

- Civics Module – To be completed **before** our first class on Monday, August 24, 2020
- Module 1 – To be completed the week of August 31, 2020
- Module 2 – To be completed the week of October 5, 2020
- Module 3 – To be completed the week of October 26, 2020
- Module 4 – To be completed the week of November 2, 2020

Core Grammar for Lawyers Exercises (5%)

You will not be graded on these exercises, but you must **either test out of every lesson or pass** each lesson by the deadlines specified below. You are welcome to complete them earlier than the due dates.

- Core Grammar for Lawyers (“CGL”) Pretest: **Sunday, August 23 at 11:00 pm**
- CGL, Exercises A (Sentence Structure) 1-2: **Sunday, August 30, at 11 pm**
- CGL, Exercises A (Sentence Structure) 3-4: **Sunday, September 6 at 11 pm**
- CGL, Exercises B (Quotations) 1-2: **Sunday, September 13, at 11 pm**
- CGL, Exercises B (Quotations) 3-4: **Sunday, September 20, at 11 pm**
- CGL, Exercises D (Verbs and Agreement) 1-2: **Sunday, September 27, at 11 pm**
- CGL, Exercises D (Verbs and Agreement) 3-4: **Sunday, October 11, at 11 pm**
- CGL, Exercises C (Organizing Complex Ideas) 1-2: **Sunday, October 18, at 11 pm**
- CGL, Exercises C (Organizing Complex Ideas) 3-4): **Sunday, November 1, at 11 pm**

Professionalism. Your professionalism grade may help or hurt your grade by up to one step (e.g., B+ to A-, or B- to C+). See the Civ Pro syllabus for what this means (i.e., on time and prepared for class). It applies equally to sessions run by any of the instructors: Professor Knowles, Amy Scott, and Felicia Rugh.

ABOUT THESE COURSES

Course Description:

This course integrates rigorous instruction in legal analysis, research, and writing with the substantive law of civil procedure to give beginning law students an opportunity to combine

skills and doctrine as practicing lawyers do. It focuses on the process and procedures of a civil lawsuit, from filing a complaint through final appeal. It introduces the structure and operation of the state and federal court systems in the United States, concentrating on federal courts. Topics include pleadings, pre-trial motions, the discovery process, jury trial, judgments and relief, post-judgment motions, and appeals. Students will learn civil procedure through statutory interpretation, case analysis and rule synthesis, and legal research and writing projects. Legal analysis, research, and writing skills will be developed through course-work that includes critical case reading, analysis and briefing; common law principles and processes; factual analogy and distinction; rule synthesis and application; objective/predictive writing (office memo); case law and statutory research; citation; and professional norms.

Course Objectives and Learning Outcomes:

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

OTHER LAW SCHOOL POLICIES

Attendance: Attend all class meetings! It's required, and it helps you learn. A student who exceeds five absences in this course may be compelled to withdraw, or may be barred from sitting for the final exam. Students who are forced to withdraw for exceeding the allowed absences may receive a grade of FA (failure due to excessive absence). This is an American Bar Association (ABA) Standard for Law Schools.

Class Cancellation: If a class meeting is cancelled, you will receive an email letting you know.

Academic Integrity: Once you lose your reputation for honesty, it's hard to get it back, especially in the legal profession. Know the Honor Code and stick to it. Here's the link:
https://law.ubalt.edu/academics/policiesandprocedures/honor_code/index.cfm.

Amount of Work per Credit Hour: ABA Standards establish guidelines for the amount of work students should expect to complete for each credit earned. Students should expect approximately one hour of classroom instruction and two hours of out-of-class work per week for each credit earned in a class. ILS and Civ Pro are three credits each, for a total of six credits. That's at least twelve hours of work per week for this course beyond the time allocated for class meetings.

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.

Title IX Sexual Harassment and Sexual Misconduct Policy: The University of Baltimore's Sexual Misconduct and Nondiscrimination policy is compliant with Federal laws prohibiting discrimination. Title IX requires that faculty, student employees and staff members report to the university any known, learned or rumored incidents of sex discrimination, including sexual harassment, sexual misconduct, stalking on the basis of sex, dating/intimate partner violence or sexual exploitation and/or related experiences or incidents. Policies and procedures related to Title IX and UB's nondiscrimination policies can be found at: <http://www.ubalt.edu/titleix>.

Disability 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 or (410) 837-4468.

