

Syllabus
Rules & Reasoning: Employment Law (Law 615/512)

Text – *Employment Law: Private Ordering and its Limitations*, Glynn, Arnow-Richman & Sullivan (3d ed. 2015).

Class times – Mondays & Wednesdays, 10:30-11:45. For room information, please check the law school website as room assignments change up to the first day of class.

Office - Room 507

Email – nmodesitt@ubalt.edu. Email is the fastest way to reach me.

Phone – 410-837-1902

Office hours – Mondays & Wednesdays, noon - 1, or by appointment

Grading:

30% - Assignments

15% - Midterm

55% - Final Exam

Class participation may result in a 1/3 grade increase or decrease to be determined in my discretion (i.e. excellent class participation can raise your grade from a B+ to an A- while poor class participation can lower your grade from a B+ to a B).

Course Description:

This upper-level course is to assist students in developing the skills necessary for success in law school, on the bar exam, and in practice. Students will work on (1) learning how to read and analyze legal concepts, (2) synthesizing complicated materials, (3) communicating effectively both orally and in writing, (4) developing the essential skills for the mastery of their law school courses, and (5) improving their writing skills. Professors teaching this course will use a doctrinal subject of their choosing (e.g., agency, remedies, employment law) and teach students the mastery of skills involved in identifying legal issues, understanding and using rules of law, and using and analyzing facts. Students will have multiple opportunities for practice and feedback and will engage in exercises designed to help students master the skill of legal analysis using a doctrinal subject as a framework for doing so.

Learning outcomes:

At the end of this class, students will be proficient in their ability to:

1. Critically read cases and statutes;

2. Brief cases, take notes, and synthesize course material;
3. Identify and articulate employment law doctrine the policy underlying it;
4. Apply employment law doctrine in novel factual settings;
5. Communicate legal analysis orally and in writing.

Professionalism and Course Expectations

I expect you to display professionalism in this class. This includes arriving on time, attending all classes, being prepared for class, and behaving respectfully. If you are not prepared for a class, please let me know by sending an email before class that day.

The American Bar Association Standards for Law Schools 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 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.

Attendance

Class attendance is a primary obligation of each student whose right to continued enrollment in the course and to take the 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) as illustrated below 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 absences may receive a grade of FA (failure due to excessive absence). This policy is consistent with American Bar Association Standards for Law Schools.

Regular Semester Hours		
Credit Hours	Meetings Per Week	
	1	2
2	2 absences	5 absences
3	2 absences	5 absences
4	--	5 absences

Academic Integrity

Students are obligated to refrain from acts that they know or, under the circumstances, have reason to know will impair the academic integrity of the University and/or 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/.

Title IX Sexual Misconduct and Nondiscrimination 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>.

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.

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 Office of Academic Affairs, at ublawaacadaff@ubalt.edu or (410) 837-4468.

Reading, other assignments, and TWEN

Reading and other assignments will follow the order listed below. However, assignments may be added or changed. Changes to the syllabus and assignments will also be announced in class and/or posted on TWEN. You must use TWEN for this class.

Readings and Assignments:

Monday, January 13: Initial Assessment

Come to class with a laptop so that you can take an initial assessment. Materials for the assessment will be posted on TWEN; please read them carefully and make sure that you have a hard copy of these materials in class because you will need to use them.

Wednesday: Who is an employee; case briefing

Read Chapter 1 from the beginning through *Fitzgerald v. Mobil Oil*. **Bring to class your briefs for *McCary v. Wade* and *Fitzgerald v Mobil Oil* in hard copy to hand in.**

Monday, Jan. 20: No class, Martin Luther King Day

Wednesday: Who is an employee, con't; careful reading and understanding cases.

Read Chapter 1 Section B1. Come to class prepared to explain the difference between the cases you read in the last class and *Ansoumana* as well as the similarities and differences in the tests used by the courts in all three of these cases.

Monday, Jan. 27: At-will employment

Rewrite of initial assessment due. Chapter 2, through Section A.

Wednesday: At-will employment; outlining

Create an outline of the last class. Organize it by idea/topic/concept not by case, and make sure your outline includes all information from your notes in class, the PowerPoint, and the text. To check your work, review the assigned reading and identify all the legal rules in the cases and notes that address employment at-will. Create a list of these rules and organize the list from most general to most specific. Bring your outline and your list with you to class as well as your laptop.

Monday, February 3: Handbooks

Readings on TWEN; **email me your case briefs by Sunday, Feb. 2 at noon.**

Wednesday: Outlining Essay Answers and Identifying Relevant Facts

Bring to class an outline of the law from the last class's readings in hard copy to hand in and make sure that you have a separate copy to use in class. Bring your laptop to class today.

Monday, Feb. 10: Job Security and Contract Ambiguity

Text, Chapter 3 through Section A 1.

Wednesday: Outlining

Come to class with an outline of the materials we covered in the last class. Bring your laptop to class.

Monday, Feb. 17: Reading and interpreting statutes.

Read the statutes posted on TWEN. Bring to class a document (flow chart, list, diagram, or paragraph) that you created that helped you understand these materials. Bring your laptop to class.

Wednesday: No class.

Your take home midterm will be available on TWEN on Friday, Feb. 21 at 9:00 am and must be submitted on TWEN by 9:00 am on Saturday, Feb. 22.

Monday, Feb. 24: Just Cause to Terminate

Text, Chapter 3, Section A 2.

Wednesday: Essay Drafting

Come to class with an outline of the materials from Chapter 3, Section A 2. Bring your laptop and come prepared to work on effectively drafting the rules section of a piece of legal analysis.

Monday, March 2: Wage Payment on Termination

Readings on TWEN; bring to class an outline of the statutory provisions and case briefs.

Wednesday: Drafting legal rules effectively

Bring to class your draft of 2-3 paragraphs that explain the legal rules from the previous class and provides examples from the cases. Bring your laptop to class.

Monday, March 9: Public Policy Exception to Employment At-Will

Text, Ch. 4, Section A

Wednesday: Drafting legal rules effectively; working with facts

Bring to class **in hard copy to hand in** a draft of 2-3 paragraphs that fully state and explain the legal rules from the previous class and provide examples from the cases. Bring your laptop to class.

SPRING BREAK WEEK MARCH 16

Monday, March 23: Defamation Claims in the Workplace

Readings on TWEN

Wednesday: Working effectively with facts

Read the hypo and come to class with your 2-3 paragraphs that fully state and explain the legal rules as well as providing examples from the cases. Bring your laptop to class.

Monday, March 30: Workplace speech protections

Text, Chapter 7 pp. 409-434

Wednesday:

Bring to class your 2-3 paragraph articulation of the legal rules as well as examples from the cases. Bring your laptop.

Monday, April 6: No class this week. Instead, you will be meeting with Professor Modesitt individually. Some of these meetings may be during the week of March 30. To prepare for this meeting, revise your written analysis of one of the last three writing problems (details to be provided in class).

Monday, April 13: Employment Discrimination

Text, Chapter 9, pp. 565-566 (just the Introduction); 573-597

Wednesday: Employment Discrimination

Text, Chapter 9, pp. 597-620 (stop at *Staub v. Proctor Hospital*)

Monday, April 20: Effective legal analysis under time pressure

Draft a detailed outline of the last two classes, organized by rule, not by case. This outline must be at least one and a half pages, single spaced. This outline must be emailed to Professor Modesitt by Sunday, April 19 at 5 pm. Bring a laptop to class.

Wednesday: Employee Competition

Readings on TWEN

Monday, April 27 (make up for Martin Luther King Day): Effective legal analysis under time pressure

Bring to class an outline of the readings from the last class and your laptop.