

Introduction to Lawyering Skills/Torts
Law 610-329B
Professor Nancy Modesitt
nmodesitt@ubalt.edu
Room 507
Administrative Assistant: Deborah Pinkham

Texts you must purchase

Please make sure that you purchase the correct edition of each text. If you do not have the correct version, you will struggle to match the readings to the syllabus, some cases will not be the ones we are using, and it will add unnecessary stress to your first year. ***Check the edition, version (concise for Dobbs), and ISBN number before purchasing.***

1. Dan B. Dobbs, Paul T. Hayden, and Ellen M. Bublick, Torts and Compensation: Personal Accountability and Social Responsibility for Injury, Concise Edition (Eighth Edition, Thompson/West) ISBN: 9781634608183
2. Christine Coughlin, Joan Malmud Rocklin, and Sandy Patrick, A Lawyer Writes: A Practical Guide to Legal Analysis (Third Edition, Carolina Academic Press) ISBN: 9781531008765

Texts you will receive (do NOT purchase)

1. Core Grammar for Lawyers
2. Amy Sloan, Researching the Law: Finding What You Need When You Need It.
3. Dionne Anthon, The Bluebook Uncovered: A Practical Guide to Mastering Legal Citation
4. The Bluebook: A Uniform System of Citation (online edition)

If you wish to have a hard copy of The Bluebook, you are welcome to purchase one.

Office Hours for Professor Modesitt

Wednesdays, noon - 1 or by appointment.

Class meeting times & location

Mondays (TAs/Research):	3 – 4:15
Wednesdays & Fridays:	9 – 11:45

Room assignments will be posted on myUB. Please check the classroom assignment the week class begins because room assignments may change before the semester begins.

Student Assistants

Teaching Assistants for ILS: Kamryn Washington & Diana Peterson

Law Scholar for Torts: Tori Garner

What are “Torts” and “Introduction to Lawyering Skills” and what will you learn in these courses?

You probably already know a lot about tort law from the media. The popular perceptions of personal injury law are generally negative. Phrases like “ambulance chaser” and “runaway jury verdicts” are illustrative of some common perceptions of personal injury attorneys and the cases they bring. In this class, we will challenge these popular perceptions as we work together to master how the legal system operates in torts cases. By the end of the semester, if you complete all the assignments and study effectively, you will understand the three main types of personal injury tort claims (intentional torts, negligence, and strict liability). You will be able to identify the common issues that arise in various types of personal injury cases. I also expect that when you are provided with a factual scenario, you will be able to identify specific claims could be brought, analyze those claims, and then assess any plausible defenses to the claims. I look forward to reading your answers to your midterm and final exams, where you will demonstrate these skills and your understanding of tort law.

In terms of Introduction to Lawyering Skills (or ILS), we will be developing the fundamental skills that all lawyers need to succeed. These include understanding cases, paraphrasing legal rules, drafting legal analysis, developing citation skills, and learning the basics of legal research. These are a lot of new skills, and it takes a whole team for this to work. You’ll be discovering legal research skills through online citation modules as well as through sessions with the law librarians. Your Teaching Assistants will also help with those skills. The citation work you do will be practicing using *The Bluebook* with an online resource and then applying what you’ve learned by providing proper citations in your Closed Research and Open Research Office Memoranda.

By the end of the semester, if you complete all the assignments for ILS, you will understand how to dissect a court decision, paraphrase legal rules, organize and structure written legal analysis, develop effective analysis using facts and law, locate relevant primary and secondary authority, select relevant authority to use in your work, and cite to that authority accurately. I look forward to reading your Closed Research and Open Research Office Memoranda where you will demonstrate these skills!

How do you succeed in this class?

My goal is for you to do well in this class. I believe that we are partners in this endeavor. For Torts, your job is to prepare effectively for class by doing the following: (1) reading the assigned material; (2) briefing all the main cases; and (3) understanding how the materials that follow the main cases modify and/or explain the legal rules in the main cases. After class, you must integrate what you learned in class with your case briefs/reading notes into an outline. On my part, I will produce in-class materials that will aid in your understanding of the readings and then test your ability to apply that understanding in new factual scenarios. I will also teach you how to develop a master outline for this course.

The students who have had the most success in Torts have devoted significant time and effort to understanding the material in the course in detail. Some students create flashcards to assist them. Students create flashcards with elements of tort claims on them, and then more specific flash cards with explanations of the elements/considerations courts use in analyzing whether an element is present. Others develop mind maps. There is no one system that will work for everyone. I encourage you to consider a couple of different approaches to see what works best for you.

For ILS, my approach to teaching is to have you read about a skill and practice it in a low-stakes setting before turning in work on that skill that comprises a significant part of your grade. Thus, if you read carefully, work assiduously on the written assignments, and use the feedback provided, you will succeed in this class.

How much time will all this take?

You have probably heard that law school is a lot of work. It is. But it is also very manageable, if you focus on classes and work efficiently. For this seven-credit class, I expect you to work 14 hours a week outside of class. At the beginning of the semester, most of that time will be spent preparing for class. Reading a case book is different from reading other materials and it will be a slow process at the outset. However, you will soon develop greater facility with the materials. At that point, the time you save on reading and preparing will be needed for after-class integration of your notes and the class materials. You will also be spending time memorizing legal rules and practicing your analysis skills.

For ILS, you will have a variety of assignments that develop your skills throughout the semester. The readings for ILS are more straightforward than for Torts and you will spend less time on that than on the assignments.

Are there other resources to help me?

Yes! Your class has an assigned law scholar who will be working with you every week during the semester on developing your understanding of Torts. The law scholar will run a one-hour session in which s/he will work on specific skills to assist in your understanding of torts. The work done in the law scholar sessions is designed to help you prepare for the midterm and final. The session will include practice questions to which you will write out responses. You will discover that it's harder to write out legal rules than to say them in class, and the law scholar sessions will improve this skill.

In addition, there are two teaching assistants (TAs) for the ILS portion of the course. They will assist you in your initial work on case briefing, as well as completing the required research exercises/citation work. They will also review your first efforts at drafting your Closed Research Office Memorandum, in order to make sure that you are heading in the right direction.

What are your expectations on attendance?

You may have heard the phrase, “half of success is showing up.” I conduct class in an interactive format - getting notes from a classmate isn’t a good substitute for being there. I look forward to seeing you in class at every session. Of course, sometimes things happen that prevent you from attending class - but do your best to be there. And just as it is my job to be prepared to teach, it is your job to be prepared to learn. If you are not prepared for a class, please let me know by sending an email before class that day. It’s excruciating for everyone when someone who isn’t prepared tries to bluff their way through the material. I can tell the difference between a student who has prepared but is nervous or anxious and struggling (which is very understandable!) and a student who has only skimmed or hasn’t read the material.

Timeliness is also critically important in the legal profession. Do not be late for class. Traffic will be bad and events will conspire to make you late. Plan for contingencies.

Also, I’m required to tell you that if you miss more than 4 classes, you will receive a failing grade in the course. In my experience, the more classes you miss, the more your final grade suffers. I have never had a student who missed 3 or more classes earn a grade higher than a C on the final exam in Torts, or receive a grade higher than a C on the final written paper in ILS (the Open Research Office Memorandum).

The full attendance policy of the law school is posted on Canvas. Please read it carefully as it contains important information on how to sign in electronically on Canvas to record your attendance in class.

How will I know I am learning?

For Torts, you will be able to gauge your progress at three points during the semester. First, you will hand in a case brief in the first week of the semester. This will be worth 5% of your final grade and will be used to assess your ability to read Torts cases accurately and distill the information into a usable format. Next, you will prepare an outline of one Torts claim (also worth 5% of your final grade) to check on your ability to combine information from multiple classes and your textbook. Third, you will take a midterm assessment worth 25% of your grade. The culmination of the semester is the final exam, where you will demonstrate your understanding of the law and apply it in new factual settings. I have also provided questions about the Torts readings in the syllabus. If you can answer the questions accurately (which you should be able to gauge based on what is said in class), then you are understanding the materials. Depending on student progress, I may also assign questions to answer before class to ensure that you are understanding the readings.

For ILS, you will have so many assignments for which you will receive feedback that it's not possible to list them all here. In essence, my approach to ensure that you are learning lawyering skills is to have you produce written work product for each new writing skill we cover. Some of these initial, foundational assignments will be individual; others will be done in groups. I will provide feedback for these assignments. You will then have a chance to revise your work before receiving a significant grade. The two significant assignments are your Closed Research Office Memorandum and the Open Research Office Memorandum, worth 25% and 50% respectively of your final grade. The intermediate assignments, including research, citation, and Core Grammar, add up to the remaining 25% of your grade.

This course follows the Law School's academic standards requiring 15-25% of the class to receive a grade of A- or higher; 7-14% a C- or lower, and an average grade between 2.67 and 3.0. Thus, how your performance compares to that of your peers will be far more determinative of your grade than any fixed grading scale could reflect. Accordingly, there is no fixed grading scale, but I will provide you with information so that you will get a sense of where you stand relative to your colleagues.

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). Class participation takes into account both the quality and quantity of your participation. It also includes your preparation for meetings with me and your TAs.

All assignments must be submitted on time to receive full credit. If you submit an Office Memorandum assignment late, but within 24 hours of the time it was due, it will be penalized 10%. **Please do not wait until the last minute to submit assignments.** Assignments not submitted within 24 hours of the time due will receive a zero. All assignments must be submitted before the last day of class in order to pass the class.

Academic Integrity

You must refrain from acts that you 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/. For this class, you may not receive *any assistance* on any assignment unless I authorize it. The only exceptions to this are that you may of course obtain assistance from a TA. In addition, you may receive assistance from the Law School's writing center. Any other input, including having a friend or family member proofread your work or using ChatGPT, is an honor code violation.

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>.

General student issues/Mental Health

For general student issues, you should contact Dean Paul Manrique (pmanrique@ubalt.edu; 410-837-5283). For mental health concerns, students can contact Dean Manrique or Stephen Mogar, the University's Clinical Case Manager (smogar@ubalt.edu ; 410-837-6388). Dean Manrique's office is located in the AL 7th floor Dean's Suite and he welcomes students to walk in. Both Dean Manrique and Mr. Mogar are also able to schedule phone and zoom appointments.

Academic Support

If you are concerned about your academic performance (or just have questions about it!), including preparing for and participating in your classes, reviewing and outlining for exams, and studying for and taking exams, you should contact Prof. Marta Baffy (mbaffy@ubalt.edu; 410-837-6370.). Prof. Baffy's office is located on the 5th floor in Room AL 513.

Course Evaluations

I want to get your input! Please make sure that you fill out the course evaluation (it's required). I will not have access to the feedback provided on course evaluations until after all grades are submitted.

Zoom and Panopto

Under ABA Guidelines, up to 1/3 of your course may be conducted via distance learning (e.g., through recorded lectures located on Panopto, over Zoom, etc.). There may be classes conducted over Zoom and some classes may be recorded using Panopto. If a class is to be conducted via Zoom, you will be notified in advance. All class 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 microphone or turn off their camera if they do not consent to be recorded, but this may mean they need to find additional ways to participate in the class discussion. Students may be required to turn on their cameras and participate in graded class activities. In addition, students who turn off their camera and do not remain present for the class session may be subject to the Honor Code for misrepresenting attendance.

Disability Policy

We believe in providing an accessible law school environment. For detailed information on reasonable accommodations, please [see the student handbook](#).

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 Erin Brady, the Law School's Director of Student Support, at ebrady@ubalt.edu or the University's Office of Disability and Access Services at das@ubalt.edu. *Note that classroom accommodation requests should be submitted 2 weeks before the start of the semester (by August 7, 2023). Exam accommodation requests should be submitted no later than 2 weeks after the start of the semester (by September 5, 2023).*

Readings, other assignments, and Canvas

And now the details: readings and other assignments will follow the order listed below. However, assignments may be added or changed. This listing does not include all assignments; some will be announced in class and/or posted on Canvas. Changes to the syllabus will also be announced in class and/or posted on Canvas. You must use Canvas for this class.

Please bring to class all texts from which you were assigned reading for that day.

Week 1, August 21

Topics: Introduction to Torts and Lawyering Skills, Introduction to Intentional Torts, Battery, Introduction to the Legal System, Introduction to Legal Research, Understanding the Components of a Case, Case Briefing, Identifying and Articulating Legal Rules.

Monday: Coughlin, Ch. 3 pp. 45-59 only; complete Pre-Class One Module in the Research Modules on Canvas; do the readings in Research Module 1; **specifically, Sloan, Chs. 1-4, Anthon, Ch.1 & 16** – check this. You must also read *Harris v. Jones*, 281 Md. 560, 380 A.2d 611 (this case located in Canvas under Course Documents) and be prepared to discuss the components of the case as described in the materials in Coughlin. If you have a laptop or tablet, please bring it to class. **Bluebooking quiz in Anthon assigned with Research Module 1 must be completed by 9:00 am on August 24.**

Wednesday:

Dobbs, Chs. 1 & 2; Bring to class a hard copy of your brief of *Van Camp v. McAfoos*. Complete the diagnostic Pre-test in Core Grammar. Based on your performance on the Pre-test, you will be required to complete additional work in Core Grammar. These assignments will be identified after the Pre-test, and information on them is located in Canvas under Course Documents.

Questions to help you understand Dobbs, Chapter 1: How does the court define "fault" in Van Camp v. McAfoos? Should "fault" be required in order to recover damages for personal injury? What recovery should injured persons receive (i.e. what kind of damages should courts award)?

Friday: Dobbs, Ch. 3, pp. 27-44; Coughlin, Chs. 1, Ch. 18, pp. 307-319 (stop before Part IV). **Bring to class a hard copy of your brief of *Snyder v. Turk* to hand in to be graded.**

*Questions to help you understand battery: Which case more clearly articulates the elements of a battery? In *Snyder v. Turk*, which element does Dr. Turk believe is missing? In *Cohen v. Smith*, what would be the outcome if Patricia Cohen had not informed the hospital of her religious beliefs? What if the hospital had said it could not accommodate her beliefs?*

*Questions to help you understand intent: In *Garrett v. Dailey*, what was the contact that would be the basis for a battery claim? Do all courts follow the approach of *Garrett v. Dailey*? Which approach do you think is better: *White v. Munoz* or *Wagner v. State*?*

Week 2, August 28

Topics: Assault, False Imprisonment, Torts to Property, The Structure of Office Memoranda, Introduction to Client Interviewing, Drafting an Effective Fact Section and Question Presented, Organizing Legal Authority

Monday: Coughlin, Ch. 5. Read and brief the four additional cases posted on Canvas. Bring the briefs in hard copy to class; if you do not have all four cases briefed, you cannot attend class.

Wednesday: Coughlin, Chs. 4, 6, 13 (pp. 229-240 only) & Ch. 14.

Friday: Dobbs, Ch. 3, pp. 44-60. Bring to class a hard copy of your articulation of the torts rule that is central to the court's decision in *Cullison v. Medley*. Make sure that you put this into your own words – don't quote the court.

In class today, we will work out outlining the claim of battery, so please make sure that you have your class notes and class preparation materials from the two classes on battery.

*Questions to help you understand the readings: In *Cullison v. Medley*, which actions/statements by Ernest were most critical to analyzing the assault claim? In *McCann v. Wal-Mart Stores, Inc.*, what does the First Circuit Court of Appeals think that the District Court misunderstood about Maine's law on false imprisonment? Can you write out the legal rule that would apply in question 10(a) on page 53 and apply it to the facts of the hypo? Similarly, can you write out the applicable legal rule and apply it in question 2(c) on page 57?*

Your draft Question Presented and Facts sections, done in a small group, of the Closed Research Office Memorandum must be emailed to Professor Modesitt by 5 p.m. on Sunday, September 3. Before drafting, please read the Question Presented and Facts portions of the Memoranda located in Appendices B & C of your writing text to see an example of good work and an example of less effective work.

Week 3, September 4

Topics: Working with Legal Rules; The Structure of Legal Analysis; Drafting the Discussion Section of an Office Memorandum; Legal Citations

Monday: **No classes due to Labor Day holiday.**

Email Professor Modesitt your individual outline for the topic of battery by 9 am on Tuesday, September 5. The outline must be annotated to reference material in Dobbs and be organized by idea, not case, as discussed in class.

Wednesday: Coughlin, Chs. 7, 8, and Ch. 12, pp. 211-220 only. **The material in Chapters 7 & 8 of Coughlin are some of the most important readings all semester.** I recommend that after you read them, you look at the sample good Memorandum in Appendix B to see how the skills explained in the chapters work in a concrete context. You can contrast that Memorandum with the one in Appendix C to see what works and what doesn't. **Case chart due in hard copy.**

Afternoon session:

Draft section of legal analysis must be emailed to Professor Modesitt by 9 am on Friday, September 9.

Week 4, September 11

Topics: Defenses to Intentional Torts, The Duty Element of a Negligence Claim, Drafting the Brief Answer of an Office Memorandum, Using Signals and Cases in Legal Documents, Drafting the Conclusion Section of an Office Memorandum

Monday: Make sure that you have all cases for the Closed Research Office Memorandum available for this class. Read Anthon, Chs. 2, 3, & 9 and do the quizzes associated with them. The quizzes must be completed by 9:00 am today. (This is a part of Research Module 2 – we aren't working on the rest of the module yet, just the citation part.)

Wednesday: Dobbs, Ch. 4, pp. 61-75 (stop at §2); Coughlin, Ch. 13, review pp. 229-230 and read pp. 241-244.

*Questions to help you understand the readings: What differences are there between self-defense and defense of others? How do courts determine what is reasonable force? What could the property owners in *Katko v. Briney* and *Brown v. Martinez* have done to protect their property without incurring tort liability? What is the difference between the common law approach to the shopkeeper's privilege and the Arizona statute in *Gortarez v. Smitty's Super Valu, Inc.*? Why did the common law approach fall out of favor (hint: think about how purchasing goods changed since the late 1800s)?*

Friday: Dobbs, remainder of Ch. 4; Coughlin, Ch. 15. **Brief Answer, done in small groups, due in hard copy.**

Questions to help you understand the readings: Should the common law approach to consent be reconsidered given the prevalence of sexual assaults and harassment that have come to light in the “me too” era? Questions to help you understand the readings: What tort claim was the basis for the plaintiff’s lawsuit in Surocco v. Geary (note: the case doesn’t use the name of the claim; you’ll need to identify it based on the facts provided)? What’s the alternative to the approach taken in Surocco v. Geary? Taking into account both Ploof v. Putnam and Vincent v. Lake Erie Transportation Co, what rights does a landowner have to remove people from her property, what are the limits on those rights, and when is compensation owed to the landowner?

Week 5, September 18

Topics: Revising Written Documents, The Breach Element of a Negligence Claim

Monday: Come to class prepared to complete the remainder of Research Module 2 (you have already done the Anthon work in the module). This means you must complete the assigned readings and watch the assigned videos before class. During class time, you will complete the knowledge check and the end of module quiz. If you do not complete these during class, you must finish them by noon on September 16. **You will work on these in class, so bring a laptop/tablet.**

You will be meeting with one of the TAs sometime this week to discuss the structure of legal analysis in your draft of the Closed Memo. Your TAs will let you know when/where these meetings will be.

Wednesday: Dobbs, Ch. 5 pp. 91-108 (stop before section 3); Coughlin, Chs. 9-10, 16.
Conclusion section due in hard copy

Friday session: This class will be asynchronous, on Canvas, to be completed by midnight today. Before doing the module, read Dobbs, Ch. 5, pp. 108-120.

Week 6, September 25

Revising Written Work, Revisiting the CREAC Paradigm, Researching Cases and Statutes

This week you will meet individually with me to continue your work on your Closed Research Office Memorandum. You must have a complete draft prepared for this meeting as well as a list of questions for us to discuss. You must email me your draft no later than 24 hours before your meeting. There are no classes on Wednesday or Friday because of these meetings.

During this week, you must also work on completing your outline for Torts. The midterm is in Week 8.

Monday: Come to class having completed the required readings for Research Module 4 and having done all the remaining work in Research Module 4 **other than** the Knowledge

Check, End of Module Quiz, and Citation Quizzes. You will work on these in class, so bring a laptop/tablet. Research Module 4 must be completed by September 28 at 9 a.m.

Closed Research Office Memorandum must be submitted by Sunday, October 1, at 5:00 p.m.

Week 7, October 2

Topics: Breach of Duty, Client Interviewing Revisited, Developing Research Skills

Monday: Bring to class one good secondary source that helped you understand the law that will be involved in the Open Research Office Memorandum along with a short explanation (two to three sentences) explaining why you selected that source. If you do not have the explanation in hard copy, you will not be admitted to class. Bring your laptop to class and make sure that you have access to Westlaw and Lexis.

Wednesday: Dobbs, Ch. 6, pp. 121-145.

Friday: Dobbs, Ch. 6, pp. 149-176. Client interview. Review Coughlin, Ch. 4.

Week 8, October 9

Topics: Factual Cause, Legally Cognizable Harm, Proximate Cause, Researching Cases, Selecting Appropriate Authority

Monday: **Midterm.**

Wednesday: Bring your laptop to class and be ready to do research for the Open Research Office Memorandum; Dobbs, Ch. 7.

Friday: Dobbs, Ch. 8, pp. 205- 236.

Week 9, October 16

Topics: Organizing the Discussion Portion of an Office Memorandum, Contributory and Comparative Fault, Assumed Risk, Conducting Effective Research

Monday: Today you will work on Research Module 3. Before class you must complete the readings, the Sloan Readings Knowledge Check, and watch the lectures. In class, you will work on the citation quizzes and the End of Module Assignment. If you do not complete the work in class, it must be submitted by October 29 at 9 pm.

Wednesday:

By 9 am today, email Professor Modesitt a list of the five best sources that you anticipate using in your Open Research Office Memorandum. For each source, write out one to two sentences explaining why you picked it/how you intend to use it. As you do this, you

should consider what you learned in Coughlin, Ch. 4. Before you create this list, review Coughlin, Ch. 5 and organize your primary source materials according to one of the methods listed in Section I of the chapter (Step 1: Organize your research).

Also, read Coughlin, Ch. 12, pp. 220-27 (it may help to review the first part of Ch. 12 as well). Bring your laptop with you to class and make sure you have (1) easy access to your sources for the Open Research Office Memorandum (i.e. in print or saved offline in a folder that is readily accessible); and (2) access to whatever document you created to organize your research. I strongly encourage you to print the most critical cases and have the relevant portions highlighted.

Friday: Section headings and annotated outline for Open Research Office Memorandum due in hard copy; Dobbs, p. 241, Ch. 9, Coughlin, Ch. 3, pp. 35-43. I recommend that you read the Coughlin materials before you read Dobbs, Ch. 9, to better understand the statutory provisions contained in Chapter 9.

Week 10, October 23

Topics: Statutes of Limitations, Assumed Risk, Revisiting the Duty Element, Landowner Liability

Monday: Today you will work on Research Module 5. Before class, watch the video on Federal Legal Research and take the Federal Legal Research Knowledge Check, and read Anthon, Ch. 15. In class you will work on the Bluebooking quiz and the Final ILS Research Assignment, so bring your laptop/tablet to class. If you do not complete this work in class, it must be submitted by October 26 at 9 pm.

Wednesday:

Dobbs, Ch. 10; Dobbs, Ch. 11, pp. 293-304.

Friday: **Roadmap section for Open Research Office Memorandum due in hard copy.** Before drafting this, you may want to review Coughlin, Ch. 12. Dobbs, Ch. 12. Bring *A Lawyer Writes* to class with you and have all your Open Research Office Memorandum materials with you.

Week 11, October 30

Topics: Medical Malpractice and Informed Consent, Gov't Immunity, Nonfeasance, Duty to Protect

Monday: In lieu of the TA session this week, you will meet in small groups with your TA. You must complete a draft of one section of your Discussion section for your Open Research Office Memorandum before this meeting. Your draft must contain one complete CEAC/CREAC, using at least three cases. This draft must be emailed to your TA at least 24 hours before your meeting. The TAs will provide you with information about when these

meetings will be. Come to this meeting with questions that you have about the Open Research Office Memorandum.

Wednesday: Dobbs, Ch. 13; Ch. 15, pp. 375-390 (stop at §3).

Friday: Dobbs, Chs. 16, 18.

Week 12, November 6

Topics: Revisiting the CREAC Paradigm, Emotional Distress Claims

Monday: No mandatory TA session this week. The 225 minutes you would normally spend preparing and attending this class must be used in working on the Open Research Office Memorandum. If you have questions or need assistance, the TAs will be available to answer questions and assist you during the class time (they will let you know where they will be).

Wednesday: Draft of a second section of the Discussion section for the Open Research Office Memorandum due in hard copy. Your working draft must now contain two complete CEACs/CREACs, using at least three cases for each one, in order to attend this class. **In addition to the hard copy that you will bring to class, email Professor Modesitt a copy of your draft, no later than 9 a.m.**

Friday: Dobbs, Ch. 19.

Week 13, November 13

Topics: Evaluating Written Legal Analysis (editing, reorganizing, and assessing whether additional authority is needed)

Monday: Bring your draft Open Research Office Memorandum with you to class, along with your Bluebook and any questions you have about citations for the Memorandum. You must have a hard copy of your entire Open Research Office Memorandum with you to attend class.

Wednesday & Friday:

No regular class. Instead, you will also have a required meeting with Professor Modesitt to discuss your Open Research Office Memorandum at some point during the week. **Your complete draft of the entire Open Research Office Memorandum must be emailed to Professor Modesitt at least 24 hours in advance** of the meeting, along with a list of questions you'd like to discuss.

Open Research Office Memorandum must be submitted by Sunday, November 19, at 5:00 p.m.

Week 14, November 20

Topic: Strict Liability, Products Liability

Monday: Dobbs, Ch. 23.

Wednesday: No class.

Friday: No class due to Thanksgiving holiday.

Week 15, November 28

Monday: Dobbs, Ch. 24.

Wednesday: No new material