

# Civ Pro I / Intro to Lawyering Skills

Professor Keyes  
Fall 2023 Syllabus

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## Practicalities

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### Contact Information

- Professor Keyes: [ekeyes@ubalt.edu](mailto:ekeyes@ubalt.edu), Room 509 (near the metal elevators)
- Law Scholar: Marey Robinson ([marisol.robinson@ubalt.edu](mailto:marisol.robinson@ubalt.edu))
- ILS Teaching Assistants: Karrington Hatton ([karrington.hatton@ubalt.edu](mailto:karrington.hatton@ubalt.edu)) and Kayla Hoffmaster ([kayla.hoffmaster@ubalt.edu](mailto:kayla.hoffmaster@ubalt.edu))
- Administrative Assistant: Deborah Pinkham, office on 5<sup>th</sup> floor across from metal elevators ([deborah.pinkham@ubalt.edu](mailto:deborah.pinkham@ubalt.edu))
- Law Librarian: Charlie Amiot ([camiot@ubalt.edu](mailto:camiot@ubalt.edu))

### Location of the Course and Times

We meet Mondays and Wednesdays from 1:30 to 4:15 p.m., as well as most Thursday mornings from 8:30-9:30 a.m. The room will be assigned shortly before the first day of class.

### Office Hours

I will have in-person office hours Thursdays from 1:30 - 3pm in Room 509. I also have office hours available by zoom at many other times, which you can book [here](#).

## General Course Information

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### Course Description

This semester we will integrate rigorous instruction in legal analysis, research, and writing with the substantive law of civil procedure to give you an opportunity to combine skills and doctrine the way lawyers must in the practice of law.

You will learn the law of civil procedure through statutory interpretation, case analysis and rule synthesis, print and online legal research, and legal writing projects. Doctrinal topics will proceed through the life of a civil lawsuit, from pleadings through to trial.

Primary emphasis is on the Federal Rules of Civil Procedure and federal statutes; secondary emphasis is on the Maryland Rules of Procedure, Maryland statutes, and the common law.

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, print and electronic; citation form; and professional norms and ethics.

### Course Learning Outcomes

By the end of this course, you will be able to:

- Accurately identify, explain and apply civil procedure rules;
- Read and analyze cases by identifying the rule, holding, and determinative facts;
- Identify the elements of a rule and apply rules to facts;
- Research and properly cite legal authorities, such as cases, statutes and secondary sources;
- Answer questions in class that build on your readings of the assigned cases;
- Write predictive memoranda on legal issues, taking into account the weight and value of different authorities; and
- Build legal writing and grammar skills

The learning outcomes for the JD and LLM Tax Programs as a whole are [on our website](#). If you need reference materials on creating learning outcomes for your course, please see [the Excellence in Teaching TWEN site](#).

### Law Scholar and Teaching Assistants

Marey Robinson is the Law Scholar for Civil Procedure. She will provide you with a schedule and information on review sessions that she will hold throughout the semester. Note that the Law Scholar sessions are neither graded nor mandatory, but you are encouraged to attend—you will benefit from the opportunity to further practice what you have learned.

Karrington Hatton and Kayla Hoffmaster are the Teaching Assistants for ILS. They will provide you with a separate syllabus for the sessions they are in charge of during our mandatory Thursday class times.

I expect that you will treat Karrington, Kayla, and Marey with the utmost level of professionalism, respect, and kindness throughout the course.

### Required Materials

#### **Civ Pro Texts**

- Required: Yeazell, Stephen C. / Schwartz, Joanna C., FEDERAL RULES OF CIVIL PROCEDURE - 2019 SUPPLEMENT ISBN: 9781543806021
- Required: Yeazell, Stephen C. / Schwartz, Joanna C. CIVIL PROCEDURE (10<sup>th</sup> Ed.) ISBN:

9781454897880

## ILS Texts

- Required: Christine Nero Coughlin et al., *A Lawyer Writes: A Practical Guide to Legal Analysis* (3d ed.), ISBN: #9781531008765
- Required: *The Bluebook: A Uniform System of Citation* (21st ed.), ISBN: #9780578666150

## Recommended Study Resources

These are *not* required, and most are available on reserve, online (via the [UBalt Law Library](#)), or in the Academic Success library on the 5th floor:

- CIV PRO SUPPLEMENTS
  - Joseph W. Glannon, *Civil Procedure: Examples and Explanations*
  - The [library](#) has *free* access to several excellent West Academic Study aids, including podcasts.
  - Shreve & Raven-Hansen, *Understanding Civil Procedure*
  - You may find it useful to acquire an abridged version of *Black's Law Dictionary*. This will be a helpful reference in Civ Pro *and* other courses.
- ILS SUPPLEMENTS
  - Diana Hacker & Nancy Sommers, *A Pocket Style Manual* (6th ed.)
  - Terrill Pollman, Judith Stinson, Elizabeth Stinson, *Legal Writing: Examples and Explanations*
  - Terri LeClerq, *Guide to Legal Writing Style*

## Attendance Policy

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Class attendance is a critical component of the learning process and reflects professional responsibility. Research demonstrates that students who regularly attend class are more likely to succeed. Additionally, the American Bar Association accreditation standards mandate that a law school adopt, publish, and adhere to a policy for regular class attendance for all students. In alignment with this policy, regular and punctual class attendance is a condition of receiving credit in all courses at the University of Baltimore's School of Law.

## Modality

For a student to be considered present, their attendance must be consistent with the modality of the specific class meeting. For example, if a class meeting is in-person, a student must attend in-person to be considered present. If a class meeting is virtual, a student must attend virtually to be considered present. I will occasionally, with as much advance notice as possible,

schedule a class session on zoom, and will provide all the necessary links and notifications on the Canvas page. I will also record every class, but watching the recorded class does *not* count as attending that class (as described in the next section).

## Student Attendance Requirements

For our course, which meets twice weekly, the maximum number of absences a student may accrue is 4 classes.

A student whose accrued absences exceed this limit will be withdrawn from the course with a grade of FA (failure due to excessive absence) *unless* the Associate Dean for Academic Affairs extends the limit, up to the following maximums: (1) in the fall and spring semesters, up to 4 additional absences for a course scheduled to meet 2 or more times per week; (2) in the fall and spring semesters, up to 2 additional absences for a course scheduled to meet once per week; (3) in the summer semester, up to 1 additional absence. A student whose accrued absences exceed the extended limit will be withdrawn from the course with a grade of FA.

A student who anticipates accruing excessive absences may be eligible for a Leave of Absence and should contact the Dean of Students to discuss available options.

Bases for Extensions:

- The Associate Dean for Academic Affairs can extend the number of absences a student may accrue based on a student's religious observance or extraordinary individual circumstances.
- Extraordinary individual circumstances include, but are not limited to, the following: bereavement (as defined in the University of Baltimore Student Bereavement Policy), significant physical or mental health incidents, and attendance at activities required for academic credit, such as clinic court appearances and moot court competitions.
- Minor illnesses, doctor's appointments, traffic, practice rounds for student competitions, personal events, and professional events (including those sponsored by the law school) are examples of circumstances that do not qualify as extraordinary individual circumstances.
- A student must provide documentation for extraordinary individual circumstances upon request and must provide advance notice to the Faculty Member whenever possible.

## Attendance Tracking Procedures

To keep attendance, this class will use attendance software called Qwickly. Qwickly is hosted in Canvas, UB's official learning management system. With Qwickly the professor will have a choice to either take attendance manually OR to have you check-in using a pin number generated at the start of class.

To check-in for class using a pin number, you must log into our course [Canvas site](#). Click “Qwickly Attendance (Law)” on the left side of the navigation bar and enter the pin provided to you. Qwickly will automatically email you if you are marked absent for the day. If you believe this email was sent in error, please contact me and [Ms. Pinkham](#) (the course administrative assistant) immediately.

## Grading Procedure

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

For both Civil Procedure I and ILS, I reserve the right to adjust your grade by up to one step (e.g., B+ to A-, or B- to C+) depending upon the quality of your professionalism in the courses. Learning cannot effectively take place in an environment that is unprofessional or uncivil.

*To that end, I expect that you will observe basic professional courtesies such as arriving to class on time, respecting your classmates, TAs, and me, turning off your cell phone, staying off the internet in class, not routinely getting up in the middle of class to leave the room, coming to class prepared to participate, and otherwise observing norms of professional behavior. I urge you to contact me, the TAs, or Law Scholar, if something related to our class makes you feel uncomfortable or otherwise interferes with your ability to learn.*

### Civil Procedure I Grade

The Civil Procedure I grade will be composed of:

- An in-class midterm exam (25%)
- A final exam (75%); and
- Professionalism (adjustments as described above).

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.

The 60 minute midterm will held in-class at a date to be announced within the Law School’s midterm period.

### Introduction to Lawyer Skills Grade

The ILS grade is more complicated. It will be composed of:

- Memorandum assignments (70%);
- Research and citation modules (25%);
- Core grammar exercises (5%); and
- Professionalism (adjustments, as described above).

## Memorandum Assignments

Please note: all memoranda must be submitted via Sakai by their respective deadlines. Late papers **will not be accepted** unless you have a documented emergency.

- Draft of the closed memorandum (10% of semester grade) – October 1, 2023 by 10:00 pm
- Final closed memorandum (20% of semester grade) – October 22, 2023 by 10:00 pm
- Final open memorandum (40% of semester grade) – November 20, 2023 by 10:00 pm

## Research and Citation Modules (25%)

Please note: the modules are graded for good-faith completion.

- Module 1– August 20 by 10pm
- Module 2 - August 27 by 10pm
- Module 3 – September 5 by 10pm (due Monday this week, because of Labor Day)
- Module 4 – October 15 by 10pm
- Module 5 – October 29 by 10pm
- Module 6 – November 12 by 10pm

## Core Grammar Exercises (5%)

You will take a pre-test before classes start. The test will then determine which additional exercises you need to do (i.e. the actual exercises will vary across students, depending on your strengths and weaknesses).

If you score less than 85%--almost everyone will--you will proceed through lessons on specific rules (and quirks) of legal grammar. You will need to take the Post-Test and obtain a score of 85% or more by September 20, but you can retake the Post-Test as many times as necessary. I urge you not to leave until the last minute.

## Other Course Expectations & Law School Policies

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### Workload

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 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. See ABA Standard 310.

### UB Law Recording Statement

Any class recordings, audio or video, are for the sole use of that specific class instruction and study and may not be used or reproduced by students for any other purpose. Similarly, students may not capture video, audio, images or chat text from a class without permission from the instructor for use specific to that class instruction and study, and such images may not be used or reproduced by students for any other purpose. Violating these directions is an honor code violation.

### **UB University Recording Statement**

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.

### Class Cancellation

If the instructor must cancel a class, notices will be sent to students via UBalt email. (To comply with ABA 310, classes that are canceled must be made up.)

### 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 the School of Law. Violations of academic integrity include, but are not limited to: cheating; plagiarism; misuse of



library materials; use of another's book or study materials without consent; unapproved multiple submissions; material misrepresentation of one's academic history or standing; misrepresentation of any academic matter; intentionally giving another student false or inaccurate information about class requirements; inappropriate discussion of exams; and misrepresenting or falsifying class attendance reports.

**Artificial Intelligence (AI) Use Policy:** AI-generated submissions are not permitted and will be treated as plagiarism in this course. Students are not allowed to use advanced automated tools (artificial intelligence or machine learning tools such as ChatGPT or Dall-E 2) on assignments in this course. Faculty reserve the right to use Artificial Intelligence (AI) detection software to find instances of AI-generated writing in student submissions. Students who use AI software to compose assignments will face disciplinary action up to and including revocation of credit for the assignment, and other sanctions as described for plagiarism in the university's academic honesty policy.

The School of Law Honor Code and information about the process is available [here](#).

### [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.

## Getting All Kinds of Help

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### [Academic Support for Law Students](#)

For questions about academic challenges including preparing for and participating in your classes, reviewing and outlining for exams, and studying for and taking exams, students can contact Prof. Marta Baffy ([mbaffy@ubalt.edu](mailto:mbaffy@ubalt.edu); 410-837-6370). Prof. Baffy's office is located on the 5th floor in Room AL 513.

### [General Student Issues/Mental Health](#)

For general student issues, students should contact Dean Paul Manrique ([pmanrique@ubalt.edu](mailto:pmanrique@ubalt.edu); 410-837-5283). Dean Manrique's office is located in the AL 7th floor Dean's Suite and he welcomes students to walk in, or to schedule phone or zoom appointments.

For mental health concerns, students can contact Dean Manrique or Tony DuLaney, the University's Clinical Case Manager ([tdulaney@ubalt.edu](mailto:tdulaney@ubalt.edu); 410.837.5159). Both Dean Manrique and Mr. Dulaney are also able to schedule phone and zoom appointments.

### [Student Assistance Program](#)

24/7 SAP Hotline: 1.800.327.2251

The [Student Assistance Program](#) (SAP) provides students with access to confidential, accessible support to manage life's challenges. The SAP offers personal counseling and consultation on a variety of topics including family concerns, academic skills, finances, substance abuse, legal consultations, childcare, and elder care. The SAP is available to all current UB students. If you have any questions, contact Clinical Case Manager Tony DuLaney at [tdulaney@ubalt.edu](mailto:tdulaney@ubalt.edu) or 410.837.4755.

### [Compass Case Management](#)

Academic Center 111

410.837.4755

[Compass Case Management](#) works with University of Baltimore (UB) Students to help them identify supports and resources both on UB's campus and also within the community at large. Through this program, the Clinical Case Manager (CCM) works with students to learn about their aspirations, goals, and the barriers that are currently affecting their progress. From there, the CCM will assist the student in creating a unique Student Success Plan to help them achieve their goals. Students are also able to refer fellow classmates or themselves if they think that they could benefit from the program. To do so, they can simply complete a [Compass Referral Form](#).

### [Disability Policy & Access Services](#)

The law school works hard to ensure compliance with the Americans with Disabilities Act (ADA). 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](mailto:ebrady@ubalt.edu) or the University's Office of Disability and Access Services at 410.837.4755, or by email at [das@ubalt.edu](mailto:das@ubalt.edu), or in person at the Academic Center Room 111.

## Canvas Support

[Canvas](#) is the Learning Management System (LMS) where course content, grades, and communication will reside for this course.

For passwords, or any other computer-related technical support contact the [OTS Call Center](#) (website), or by email ([callcenter@ubalt.edu](mailto:callcenter@ubalt.edu)) or phone (410.837.6262).

[support@instructure.com](mailto:support@instructure.com)

+1 (855) 244-3363 (toll-free)

Call, email, or use [live chat Links to an external site.](#) for Canvas Support, available 24/7. Canvas Technicians will provide immediate assistance to help resolve your problem or connect you with another staff member who can provide additional support.

## Office of Technology Services

Business Center 002

[callcenter@ubalt.edu](mailto:callcenter@ubalt.edu)

410.837.6262

The [Office of Technology Services \(OTS\)](#) provides overall technical support to the UBalt community. There is a specific guide for [IT for Students](#). An equipment borrowing program exists, with technology such as laptops and webcams available for [free sign-out](#) by students for use with projects and course work by appointment only. Students can obtain free and reduced- rate software such as free Office 365 products and specially priced Adobe products. Options are listed on [Software for Students](#). UBalt computer labs will be open and will follow a [regular schedule](#) this fall. Computer lab hours are subject to change, given any changes to the status of the pandemic. All students have free access to Microsoft Office 365, Zoom, Panopto, and SPSS for their devices. Our Call Center staff will help you find available UB technology and support your access to those. If you have any question, you can reach the Call Center at the above email and phone number.

## UB Campus Pantry

Student Center Room 202 A

410.837.4076

[pantry@ubalt.edu](mailto:pantry@ubalt.edu)

The [University of Baltimore Campus Pantry](#) was founded on the idea that no member of the campus community should experience hunger. The pantry provides critical food assistance

and resources, as well as outreach and volunteer opportunities. It is supported through the generosity of campus and community members and benefits from strong partnerships.

## University Police

[contact@police.umaryland.edu](mailto:contact@police.umaryland.edu) 410.706.6882

EMERGENCY PHONE: 911 Relay users dial 7-1-1

From time to time, the weather, power outages, and other factors play a role in the daily life of the UBalt campus. Emergency announcements are communicated via the [UBalt home page](#), campus emails (to UBalt email addresses), local media outlets, and the emergency [Campus Text Alert System](#). Students, faculty, and staff are strongly encouraged to register for this emergency notification system. Once registered, you will be alerted to any emergency on campus regardless of where you are—on, off, or en route to campus. Sign up for the Campus Text Alert System through the tools in the MyUBalt portal.

## First Week of School

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After this, your readings and assignments will all be on Canvas *only*.

### Before Class Starts

Before classes start, there are a few things you need to do, and one takes time--so don't wait until the last minute!

1. [Introduction](#) (google form)
2. Read the syllabus (if you ask me a question later that has an answer in the syllabus, you will just be told "it's in the syllabus")
3. Complete [Module 1: Getting Started with Research in ILS](#)
4. Register for [Core Grammar for Lawyers](#) (CGL) using the course access code that has been mailed to your ubalt account. CGL is a self-paced online grammar program; it supplements our classroom-based course and will help you refresh and develop skills for legal writing.
5. After you have registered for Core Grammar for Lawyers ("CGL"), complete the **Pretest (about 90 minutes of time)**. You *may* take until August 27 to complete this, but I highly, highly encourage you to get this done before school starts, when you have more free time.

- Taking this is required, but your actual score does not impact your grade. The Pretest gives you the chance to test out of some parts of CGL; it tailors the rest of the software to your individual skill level. So don't rush through it, as you will have more work to do later on as a result. At the same time, do not feel pressure to ace the Pretest—it may include material you have not yet learned. Just do your personal best!
  - If you score less than 85%--almost everyone will--you will proceed through lessons on specific rules (and quirks) of legal grammar. You will need to take the Post-Test and obtain a score of 85% or more by **September 20**, but you can retake the Post-Test as many times as necessary. I urge you not to leave until the last minute.
6. Please take a moment to upload a photo to your Canvas profile as well, if you have not already done so. It can be the same photo that you used for your student ID.

### Week 1 Readings

This week, we define what Civil Procedure is, and complement our ILS work by considering how to brief cases in Civ Pro. Substantively, we study Federal Rule of Civil Procedure 11 which creates important ethical duties for lawyers engaged in civil litigation.

## Monday August 21

### **ILS: Introduction, How Attorneys Communicate, Sources and Systems of Law**

- Read *A Lawyer Writes*, xix-xx (Introduction)
- Read *A Layer Writes*, 3-31 (Chapters 1 & 2)

### **Civ Pro: Introduction to Civil Procedure / Overview**

- Read *Yeazell*, p. 1-7 (up to *Hawkins*)
- Read *Yeazell*, 293-300
- Read *Yeazell*, 332-34 (read text box at the top of the page)

## Wednesday August 23

### **ILS: Identifying Rules. How do you read and break apart a rule?**

- Read *A Lawyer Writes*, 61-72 (Chapter 4)

### **Civ Pro: Introduction to Civil Procedure: The Lawyer's Responsibility**

- Start by reading *A Lawyer Writes*, p. 33-59, which will give you insights into how to

- read statutes, rules, and judicial opinions in general.
- Carefully examine Federal Rule of Civil Procedure 11.
- Next, read [How to Brief a Civil Procedure Case](#). This describes a particular note-taking format for cases that many law students find useful.
- *Read Yeazell*, p. 13-18

## Thursday August 24

ILS TA session (attendance is required) from 8:30-9:30.

## By Sunday August 27 at 10pm, complete:

- Library Module 1: Civics & The Legal Research Process
- Finish your CGL pre-test if you have not already.

Everything Else for the Semester is on Canvas.