

INTRODUCTION TO LAWYERING SKILLS/CIVIL PROCEDURE I

FALL 2023

LAW 612A—429E

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Office Hours: After any Civil Procedure class, or anytime by appointment

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Course description: This course integrates instruction in legal analysis, research and writing with the substantive law of Civil Procedure in order to give beginning law students an opportunity to combine skills and doctrine the way lawyers must in the practice of law. Students will learn the law of civil procedure through case analysis and rule interpretation, print and online research and legal 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); citation form; and professional norms and ethics.

Course meeting times: Mondays at 6:15, Tuesdays (when required) at 7:45, Wednesdays at 6:15.

Course materials—First, materials that students will have to buy:

Richard K. Neumann, Jr., Ellie Margolis and Kathryn Stanchi, *Legal Reasoning and Legal Writing* (9th ed. 2017) (referred to on syllabus as Neumann)

Amy E. Sloan, *Basic Legal Research* (8th ed.) (referred to on syllabus as Sloan).

Blue Book, *A Uniform System of Citation*, (21st ed. 2020) (Bluebook).

Materials the Law School will furnish in electronic form

Dionne E. Anthon, *The Bluebook Uncovered* (2020 edition) available at:
<http://dionneanthon.com/bbu/bbu21.html>.

Student learning outcomes:

To serve as a rudimentary introduction to the crafts of legal analysis, research and writing—skills which a few students already possess, but which for most (especially the professor) require a lifetime of trial and error to master. We will begin with how to read a case and to memorialize such reading (i.e., briefing). You will do that to some degree in other courses as well, but we will address it from the perspective of the use we will expect you to make of the cases and other legal authorities you read: to use as support of the written legal analyses upon which your grades will largely be based. Throughout

the semester, classes will focus on what differentiates legal writing from other academic and professional writing. Classes will also focus on effective writing techniques including, but not limited to: direct language, short sentences, careful choice of words, and paragraphs that express a single thought. Grading of written work will reflect the degree to which students have or develop such skills. This class will also expose students to the variety of ways in which they may access the vast literature of the law. We expect students to complete on time written exercises that will test their familiarity with research tools as well as to complete reading assignments that will enable them to participate in class discussions about legal research problems.

Grades:

The final grade will be based on the following: Closed memo, 25%, research and citation exercises, 20%, pleading exercise, 5%, open memo, 50%.

Course expectations:

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.**

ABA standards call for 2 hours of work outside class for each hour per week in class. Owing to the distinctive nature of legal research and writing, students may find that they need to spend substantially more time than that on work outside of class. 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.

Attendance Policy:

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. (Note that attendance at clinics is governed by a separate policy listed in the J.D. Clinical Law Program—Practical Skills Experience section of the Student Handbook.)

Students who miss more than 4 class meetings may be required to withdraw from the class with a grade of FA unless the Associate Dean for Academic Affairs extends the number of absences up to 4 additional absences. A student who exceeds the maximum number of absences may be eligible for a leave of absence and should contact the Associate Dean to discuss available options. The Associate Dean can extend the number of absences a student may accrue based on a student's religious observances or extraordinary individual circumstances. Extraordinary individual circumstances include, but are not limited to, the following: bereavement (as defined in the University of Baltimore Bereavement Policy), significant physical or mental health incidents, and attendance at activities required for academic credit, such as clinic court appearances or 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 advance notice to faculty members whenever possible.

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.

Student Attendance Requirements

As detailed in the chart below, the number of absences a student may accrue is determined by the total number of times a course is scheduled to meet throughout the semester.

Number of scheduled meetings	Number of absences
Fall and spring semesters, 2 or more meetings per week	4
Fall and spring semesters, 1 meeting per week	2
Summer semester	2

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.

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 the Canvas site for the course via myUB. Click "Qwickly Attendance (Law)" on the left side of the navigation bar and enter the pin. Qwickly will automatically email you if you are marked absent for the day. If you believe this email was sent in error, please contact the professor and their administrative assistant immediately.

Recording policies:

You may record if you like. I will generally not do so. Any recordings you make may be used only for your individual study or review. Other use or reproduction of such recordings may be deemed as violations of the Honor Code. Faculty may not record students' voices or images from the class for any other purpose without student consent. All such recordings are protected by a student 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 that they need to find additional ways to participate in class discussions. Students may be required to turn on their cameras and participate in graded class activities. 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.

Course website:

This course uses a TWEN site for posting assignments and other course materials. You are responsible for enrolling on this site as instructed during orientation. You will also need Lexis, Westlaw and Bloomberg passwords.

Computers: Honestly, I think you are better off taking notes by hand, but do whatever you think is best.

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, inappropriate communication or collaboration on written work, misrepresentation about 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 UBs nondiscrimination policies can be found at <https://www.ubalt.edu/titleix>.

Disability policy:

If you are a student with a documented disability who requires an academic accommodation, please contact the Office of Academic Affairs at ublawacadaff@ubalt.edu or 410-837-4468.

Date	Topic	Reading
8/21	Introduction	Neumann, pp. 3-7
8/23	The legal system Brief advice memo	Sloan, Ch. 1
8/28	Legal writing	Neumann, pp. 39-55
8/30	What is a case and what do we do with it?	Neumann, pp. 23-30; Sloan, pp. 91-97; Brief advice memo due; Closed memo problem distributed
9/4	Labor Day	
9/6	Professionalism	TBA

9/11	Legal writing	Neumann, pp. 159-65.
9/13	Discussion of brief advice memo; bluebook blues	Anthon, Ch. 1, 2, 3.
9/18	Legal writing	Neumann, pp. 125-51.
9/20	Working with precedent	Neumann, pp. 93-111, 353-60.
9/25	Religious holiday	
9/27	Secondary sources	Sloan, Ch. 4; Closed memo due; Open memo problem Distributed
10/2	Legal writing	Neumann, pp. 115-51.
10/4	Pleading exercise distributed. Discussion of pleading exercise.	
10/10	Legal writing	
10/11	Discussion of closed memo	
10/12	Researching cases	Sloan, Ch 5
10/16	Legal writing	First library problem due.
10/18	Statutes	Sloan, Ch. 7. Second library problem due.
10/23	Legal writing	
10/25	Federal legislative History	Sloan, Ch. 8. Third library problem due.
10/30	Legal writing	
11/1	Federal administrative Research	Sloan, Ch. 9. Fourth library problem due.
11/6	Legal writing	
11/8	Professional use of email	Neumann, pp. 167-75

11/13 Legal writing

11/15 Maryland legal research

11/20 Bluebook review; open memo
Q & A

11/27 Open memo due at 11:59 pm.