

# **INTRODUCTION TO LAWYERING SKILLS (LAW 612)**

**Fall 2015**

**Professors K. Brown & P. Cucuzzella**

**Welcome!** This course is Introduction to Lawyering Skills (“**ILS**”), the first semester of the first year legal research and writing class. It integrates the fundamental lawyering skills of researching, writing and speaking about the law with the substantive doctrinal class of Civil Procedure I. All of the writing assignments will be based on the substantive law of Civil Procedure. This course thus uses principles of Civil Procedure to teach legal analysis, reasoning and writing. The process of learning legal writing, in turn, will deepen your understanding of Civil Procedure.

Further information about the Civil Procedure portion of the course is contained in a separate syllabus. The assignments for the ILS portion of this course are contained in this syllabus.

## **A. FACULTY**

Associate Professor Kimberly Brown  
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AL 509

Adjunct Professor Paul Cucuzzella  
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AL 814

## **B. TEACHING ASSISTANTS**

Alex Hughes  
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## **C. COURSE MEETING TIMES**

This course is comprised of two elements: (1) legal writing and (2) legal research and citation. The legal writing portion of this course will meet in Angelos Law Center Room 402 on **Tuesdays from 6:00pm-7:15pm**. You will meet with your TAs for legal research on **Wednesdays from 7:30pm-8:30pm** in rooms that will be assigned on the first day of class. On the first Wednesday,

you will meet in Room 402 for a combined TA session. At that time, class will be divided and assigned to one of these rooms. See “Outline of Assignments” below, for more details.

#### **D. ASSIGNED READING**

Please be sure to get the correct edition of each of the following. Old editions will not suffice. The assigned texts are:

1. The Bluebook: A Uniform System of Citation (19<sup>th</sup> ed. 2010) (“**BB**”) (also available as online subscription: hard copy recommended)
2. Tracy L. McGaugh and Christine Hurt, Interactive Citation Workbook for the Bluebook: A Uniform System of Citation (2015 Edition) (“**ICW**”)
3. Richard K. Neumann, Jr., J. Lyn Entrikin, Sheila Simon, Legal Writing (Wolters Kluwer; Third Edition) (“**Neumann**”)
4. A one-year subscription to Core Grammar for Lawyers, which can be obtained at [www.CoreGrammarforLawyers.com](http://www.CoreGrammarforLawyers.com) (“**CGL.com**”). There are instructions on registering on the website. Your registration should be completed prior to our first class.
5. There will be occasional handouts, which will be posted on Westlaw’s TWEN site. You must **enroll in TWEN** for this course.

There are additional textbooks for the Civil Procedure portion of the class, which are listed on the Civil Procedure syllabus.

#### **E. ATTENDANCE**

Class attendance is a primary obligation for students. According to law school policy, a student who exceeds the maximum allowable absences (**5 for this course**) may be compelled to withdraw from the course and may receive an “F” in the course. **The TA sessions are NOT optional.** You are obligated to attend these and any absences count toward the 5 total that you are allowed to miss for ILS.

Attendance is established by signing the attendance sheet. Students are responsible for making sure that they sign the attendance sheet. Each day you forget to sign in, you will be counted as absent for that day.

**Please be on time for class and do not leave the classroom during class unless there is some sort of emergency.**

## **F. CLASS PREPARATION AND PARTICIPATION**

You will need to prepare carefully in order to participate in class discussion, which is required in this course. Preparation and participation are emphasized in law school because they comprise the most basic elements of professional competence. A lawyer who does not show up or is unprepared for hearings or client meetings may not only lose the case, but may also be fined, disciplined, or sued.

**Failure to come prepared with completed assignments in both Professor Cucuzzella's and the TAs' sessions may result in a reduction of your final grade up to a full letter grade (e.g., A- to a B-) for inadequate class preparedness and participation, or withdrawal from the course. Your grade may also be enhanced based on the quality of your class preparation and participation.** For information about late assignments, see "Assignment Submission & Acceptance Policies" below.

In the case of a true emergency that made it virtually impossible to prepare for class, you may contact Professor Cucuzzella or your TA in advance of class (preferably by email) and, if appropriate, you will not be called on that day. This policy should be used only in the most serious of circumstances.

## **G. LAPTOPS**

Laptops are permitted and will be needed to complete electronic research exercises. If we have a guest speaker, no laptop use will be permitted during that event. If excessive "surfing," gaming, instant messaging, or the like are detected, laptop use will be prohibited.

## H. CELLULAR PHONES

Cellular phones, PDAs, and other electronic devices are not to be used during class.

## I. GRADING

Although Law 612 is a 6-credit course, the Civil Procedure and ILS components of the course are graded completely separately. You will get a grade in this course (3 credits) and a grade in Civil Procedure (3 credits).

**NOTE: Assignments will be due on TWEN by 10:00 p.m. on the due date unless an alternative time is provided in class or below.**

For this course, the final grade will be based on the following:

### 1. Memo Assignments (10% total):

- Closed Memo Rule/Hierarchy Case Chart due 9/9 (1%)
- Citations to Closed Memo Cases (w/short cites) due 9/9 (1%)
- Draft Closed Memo Issue Statement due 9/13 (1%)
- Draft Closed Memo Statement of Facts due 9/13 (1%)
- Three Questions for Closed Memo Conference due 9/29 (1%)
- Email to Client due 10/11 (1%)
- Open Memo Sources with Explanations due 10/21 (1%)
- Draft Open Memo Issue Statement due 11/1 (1%)
- Draft Open Memo Statement of Facts due 11/1 (1%)
- Three Questions for Open Memo Conference due 11/10 (1%)

### 2. Closed Memo Draft due 9/20 (5%)

### 3. Final Closed Memo due 10/4 (20%)

### 4. Open Memo Draft due 11/6 (15%)

### 5. Final Open Memo due 11/16 (30%)

### 6. Performance in the TA Section (20% total), to include:

CoreGrammarforLawyers.com (5%)  
ICW Problem Sets (5%)  
ICW In-Class Participation (5%)  
Bluebook Exam (5%)

Grading rubric sheets for the closed and open memo assignments will be posted on TWEN in advance of the due dates.

**Unless the Professors or TAs indicate otherwise, you must work on your assignments independently.** Collaboration with other students, lawyers, parents, friends or anyone else is a violation of the School of Law Honor Code, which applies to this class.

## **J. ASSIGNMENT SUBMISSION & ACCEPTANCE POLICIES**

**Honor Code: The most recent version of the Law School's Honor Code applies to all assignments.** The Code contains many important provisions, including dispute resolution procedures. It is available on the law school's website and in the library; read it carefully.

**Memo Assignments: All written assignments must be submitted through TWEN.** Where indicated above and below, you also must bring a hard copy to class. Weather closings will NOT affect assignment deadlines. Assignments submitted to TWEN on or before the deadlines listed in the "Outline of Assignments" above and below will be given full credit. Assignments are generally due at 10:00 pm unless otherwise stated. Assignments submitted late may be accepted up to 12 hours after the time due (in most cases 10:00 am on the day following the deadline) but will be penalized 25% of the final grade. **Submissions will not be accepted 12 hours after the deadline and will receive a zero.** Additionally, failure to submit a timely draft of either memorandum assignment will preclude participation in student-teacher conferences for that assignment and receiving feedback on that assignment.

These penalties will be waived only if, in the judgment of the Professors, a late submission is caused by unforeseeable circumstances beyond the student's control. Just as if you were an associate in a firm with a deadline for submission to a partner or a lawyer with a court deadline, it is your professional

obligation to advise the Professors and your TA of any unforeseeable circumstances that prevent you from timely filing your written assignments.

**Please note that several assignments are due on either a Friday or a Sunday, days on which there is no class.** This is to give you the maximum amount of time to complete the assignment and enable the instructor to review your work in advance of the next class and give meaningful feedback during class.

**ICW Assignments:** For the ICW assignments, you are to complete the assigned problems online and bring a hard copy of the results to your TA class. You are to complete the assigned problems online prior to the beginning of class on the due date. You must print out and provide your TA with a paper copy of the assignments before class ends on the day they are due. **Otherwise, you will receive a grade of zero.** Please see “The Interactive Citation Workbook (ICW) and Workstation” handout (posted on TWEN and attached hereto) for directions. Make sure you are completing the ICW problems using the Bluebook and NOT some other citation manual.)

ICW Problem Sets will be graded based upon the correctness of each problem. ICW material reviewed in class will be graded on the basis of participation.

NOTE: Should there be any discrepancies between the correct answer as identified in the Bluebook and the answer in the ICW program, please notify your TA at the time of your ICW submission.

**Core Grammar for Lawyers (“CGL.com”):** This course incorporates online lessons from CGL.com. Six CGL sets will be due throughout the semester. They must be completed before the due date. If you obtain a perfect score on any section of the CGL.com Pre-Test (due prior to our first class), you are excused from completing that assignment during the regular course of the semester. **Thus, the more time you spend on the Pre-Test, the less time you will have to spend on the sets during the semester.** To obtain access to CGL, you must go to [www.coregrammarforlawyers.com](http://www.coregrammarforlawyers.com) and sign up. You will then need to access our class page. An access code will be distributed prior to the first class.

## K. OFFICE HOURS AND SUPPORT

Professor Brown's office is in AL 509. Office hours are by appointment. Professor Brown's assistant is Deborah Pinkham ([deborah.pinkham@ubalt.edu](mailto:deborah.pinkham@ubalt.edu)). She is down the hall from Professor Brown's office.

The office for Professor Cucuzzella is the adjunct center in AL 814. Office hours are also by appointment.

Prof. Cucuzzella and your TA are available to answer questions regarding written assignments in advance of their due date (i.e., the final Closed Memorandum, the draft Open Memorandum and Final Open Memorandum). Please send questions by email. Depending on the question and its timing and the availability of Prof. Cucuzzella and the TA, it may take up to 24 hours to respond. If it is a general question that is applicable to the entire class, Prof. Cucuzzella or your TA may choose to post an announcement on TWEN to guide the class. Please monitor TWEN for these announcements.

**PLEASE NOTE: Questions posed within 24 hours of the deadline will not be answered.**

## L. OUTLINE OF ASSIGNMENTS

The following outline contains the order of classes and assignments. Given the numerous variables that can affect the speed at which we move through the material, the syllabus may be modified as the semester progresses. We will notify you of any changes via email through TWEN and in class.

\* \* \*

Class 1 (8/18):     **Introduction to the Legal Systems, Authority & Hierarchy; Closed Memorandum Overview (ILS)**

Reading Due:

- ILS Syllabus
- Neumann, pp. 1-24

Assignment Due:

- **CGL.com** Pre-Test
- **CGL.com**, A:1-4

Class 2 (8/19):    **Reading and Briefing Cases; IRAC (Issue-Rule-Analysis/Application-Conclusion) (ILS)**

Reading Due:

- **Neumann**, pp. 33-42
- *Everett v. Cherry*, 671 F. Supp. 2d 819 (E.D.Va. 2009).

Assignment Due:

- **CGL.com** B:1-4

Class 3 (8/25):    **Identifying Rules in Cases; Legal Analysis (ILS)**

Reading Due:

- **Neumann**, pp. 25-32
- FRCP 15
- Closed Memo Cases and Closed Memo

Assignment Due: None

Class 4 (8/26):    **Introduction to Citations (Cases/Statutes) (TA)**

Reading Due:

- ICW Handout (posted on TWEN)
- **Neumann**, pp. 53-61, 199-206

Assignment Due:

- Confirm that you can access both Westlaw and Lexis



- Come to class with **ICW** and **BB** texts
- **CGL.com**, C:1-4

Class 5 (9/1):      **Predictive Writing; Organizing Your Legal Analysis;  
Basic Memorandum Structure, Outlining and Formatting  
(ILS)**

Reading Due:

- **Neumann**, pp. 123-28, 133-40, Appx. pp. 363-72

Assignment Due:

- **CGL.com**, D:1-4

Class 6 (9/2):      **Cases and Rules (TA)**

Reading Due:

- **ICW** Exercises 1-3; 5
- **BB** Rules, R10.1-10.5; R10.9
- Cross-Reference Tables 1, 6, 10 & 12

Assignment Due:

- **ICW** Exercises 1-3; 5, problems 1-5

**NOTE: Closed Memo Rule/Hierarchy Case Chart  
Due 9/9 on TWEN; Citations to Closed Memo Cases  
(w/short cites) due 9/9 on TWEN.**

Class 7 (9/8):      **Writing the Memorandum, Pt. 1—Question Presented &  
Facts (ILS)**

Reading Due:

- **CGL.com** Pre-Test
- **Review Neumann**, pp. 123-28.

Assignment Due:

- Bring copy of closed memo rule/hierarchy case chart to class.
- **CGL.com**, E:1-4

Class 8 (9/9):      **Signals and Parentheticals (TA)**

Reading Due:

- **ICW** Exercises 12-13
- **BB** Rules R1.1-1.6; R10.6.2; R10.6.3

Assignment Due:

- ICW Exercises 12-13, problems 1-5

**NOTE: Draft Issue Statement and Draft Statement of Facts due 9/13**

Class 9 (9/15):      **Writing the Legal Memorandum, Pt. 2—Discussion Section; Analogizing & Distinguishing Cases (ILS)**

Reading Due:

- **Neumann**, pp. 89-96, 123-28

Assignment Due: None

Class 10 (9/16):      **Statutes and Parallel Citations (TA)**

Reading Due:

- **ICW** Exercises 4, 6-8
- **BB** R10.3.1-10.3.2; R12.1-12.3
- Cross-Reference Table 1

Assignment Due:

- **ICW SET 1:** ICW Exercises 3, 5, 13; Problems 6-10. Print confirmation page and bring to class.
- ICW Exercises 4, 6-8. Problems 1-5.

**NOTE: Closed Memorandum Draft due on TWEN 9/20 by 10:00pm.**

Class 11 (9/22): **Purposeful Paragraphs** (ILS; Prof. Brown)

Reading Due: None

Assignment Due:

- Closed Memo Draft due by 6:00 pm. Bring a hard copy to class.

Class 12 (9/23): **Quotations** (TA)

Reading Due:

- **Neumann**, pp. 199-216
- **ICW Exercise 16**
- **BB R5**

Assignment Due:

- ICW Exercise 16, complete problems 1-5

Class 13 (9/29): **Closed Memo Conferences** (ILS)

\*\*No class because of Closed Memo conferences-Mandatory Conferences Tuesday 9/29; sign up through TWEN

Reading Due: None

Assignment Due: Bring a copy of your Closed Memorandum Draft and three questions regarding your Closed Memorandum, to your conference.

Class 14 (9/30): **Closed Memo Discussion** (combined TA)

Reading Due: None

Assignment Due: None

**NOTE: Final Closed Memo Due 10/4 by 10:00pm on TWEN.**

Class 15 (10/6): **Open Memo Overview; Introduction to Research—Primary v. Secondary Sources** (ILS; Prof. Brown)

Reading Due:

- Neumann, pp. 227-42, Review 53-60
- FRCP Rules 8, 12 and 56
- Open Memo Posted on TWEN

Assignment Due: None; Open Memo assigned in class.

Class 16 (10/7): **Mini Research Projects, Pt. 1--Secondary Sources; Citing Secondary Sources** (TA)

Reading Due:

- ICW Exercise 11
- BB R15, R16

Assignment Due:

- ICW Exercise 11; Problems 1-5

**NOTE: Email to Client due 10/11 by 10:00pm on TWEN.**

Class 17 (10/13): **Researching Primary Sources—Statutes, Rules and Cases; Finding Cases through Prior & Subsequent History (ILS)**

Reading Due:

- **Review Neumann**, pp. 33-46, 89-96.

Assignment Due:

- **CGL.com**, F:1-4

Class 18 (10/14): **Mini Research Projects, Pt. 2—Rules/Cases (finding Controlling Cases); Citing Prior History (TA)**

Reading Due:

- **BB R4**; 10.7
- **ICW Exercise 10**

Assignment Due:

- ICW Exercise 10, problems 1-5;
- **ICW SET 2**: ICW Exercises 6-8, 11 problems 6-10. Print confirmation page & bring to class.

Class 19 (10/20): **Open Memo Sources Review; Open Memorandum Discussion of Facts; Issue Statement (ILS)**

Reading Due: None

Assignment Due: None.

Class 20 (10/21): **Mini Research Projects, Pt. 3 (using cases to find more Recent cases---updating research (TA)**

Reading Due:

- **ICW Exercise 15**
- **BB R18**

Assignment Due:

- ICW Exercise 15, problems 1-5

**NOTE: Open Memo Citations (w/ short cites) and Explanations due 10/21 by 10:00pm on TWEN.**

Class 21 (10/27): **Focusing Your Legal Research; Analogizing & Distinguishing Authority (ILS)**

Reading Due:

- **Review Neumann**, pp. 25-32, 89-96
- Review FRCP Rules 8, 12 and 56

Assignment Due: None

Class 22 (10/28): **Updating Research; Citation Manual Eccentricities; Parentheticals (TA)**

Reading Due: None

Assignment Due:

- **ICW SET 3:** Exercise 9; Problems 1-10.

**NOTE: Draft Open Memorandum Issue Statement & Draft Open Memorandum Statement of Facts due 11/1**

Class 23 (11/3): **Open Memorandum Discussion; (ILS)**

Reading Due: None

Assignment Due: None

Class 24 (11/4): **Cite Checking Exercises; Bluebook Checklist (TA)**

Reading Due:

- **Review Neumann**, pp. 199-216

Assignment Due: Bring hard copy of Open Memo Draft to class for discussion and peer review. One Page of Open Memo Draft with Full Citations for TA Review due by 9:00am; bring hard copy to class.

**NOTE: Open Memorandum Draft due 11/6 by 10:00 pm.**

Class 25 (11/10): **Open Memorandum Conferences Week of 11/10 (ILS)**

\*\*No class because of Open Memo Conferences—Mandatory Conferences Tuesday 11/10—Sign up through TWEN

Reading Due: None

Assignment Due: Bring a copy of your draft Open Memorandum and three questions regarding your Open Memorandum to your conference.

Class 26 (11/11): **Open Memorandum Discussion; Blue Book Exam (combined TA)**

Reading Due: None

Assignment Due: None

**NOTE: Final Open Memorandum due 11/16 by 6:00 pm.**

Class 27 (11/17): **What to Expect in Practice (ILS; Guest Speaker)**

Reading Due: None.

Assignment Due: Final Open Memorandum due by **6:00 pm.**

## The Interactive Citation Workbook (ICW) and Workstation Handout

### What are ICWs?

- The ICWs are online problem sets that test your knowledge of legal citations.
- You will use The Bluebook as a reference for completing these problems. The Bluebook is a reference guide that explains the rules of legal citation. It can be confusing to use, but the ICW online problems will guide you through how to use The Bluebook.
- You will use the Interactive Citation Workbook for the Bluebook: A Uniform System of Citation. The workbook problems are the same as the online problems, but the workbook includes explanations of the rules and allows you to write out the citation before submitting it online.

### Steps for Logging On:

1. Go to the website: <http://lexisnexus.com/icw/>
2. Click the red “Bluebook” tab that is at the top of the webpage.
3. Click “Online Intro Quiz.” (Note: you will be prompted to “sign in” and you will need to use your LexisNexis login that was provided to you at Orientation.)
4. Complete the ICW Registration. **IMPORTANT:** use your TA’s e-mail as the “Primary Professor’s E-mail” and you **don’t** need to provide a “Secondary Professor’s E-mail.”
5. After registering, complete the “Online Intro Quiz.” (Note: this is NOT for a grade, but the answers will be very helpful for you as you complete the ICW assignment.)
6. Complete the assigned problems!
7. Click “Done” to submit your answers to your TA when you are finished with each exercise.
8. A copy of the finished problem set will be sent to your e-mail and to your TA. Please print a copy of the completed ICW assignment and bring it to the next TA session!

### Tips for Success:

- After a full citation a “period” needs to be included, but after a partial citation a “period” does **NOT** need to be included.
- Be aware of spelling errors, extra spaces, missing spaces, and proper italics when submitting problems because the ICW program only accepts exact answers as correct.
- It is common that a word needs to be abbreviated when completing a citation, look up every word in T.6 of The Bluebook to make sure you don’t miss any!
- Grading: You will get a point for each correct ICW problem.



- Note: there have been issues in the past with some problems being marked as wrong despite the right answer being submitted. Just let your TA know if there are any issues!
- Try to complete the ICWs early because they can be challenging!

**ICW Due Dates (subject to change):**

- ICW Set 1: September 16
- ICW Set 2: October 14
- ICW Set 3: October 28

If you have any questions, please don't hesitate to ask your TA, Alex Hughes or Jared Lerner, or Professor Cucuzzella