Document N: Course and Program Development:
IMPACT AND APPROVAL SIGNATURES
See Course and Program Development Policy and Procedures (www.ubalt.edu/provost) for instructions.

SCHOOL:  ○ LAW   ○ MSB   ○ CAS   ○ CPA

CONTACT NAME: Laurie Harow  PHONE: x4457

DEPARTMENT/DIVISION: School of Law

PROPOSED SEMESTER OF IMPLEMENTATION:  ○ fall   ○ spring   YEAR: 2015

TYPE OF ACTION:  ○ add (new)   ○ deactivate   ○ modify   ○ other

LEVEL OF ACTION:  ○ noncredit   ○ undergraduate   ○ graduate   ○ other

ACTION BEING REQUESTED (select one category, either Course Actions or Program Actions):

○ COURSE ACTIONS

Original Subject Code/Course Number: LAW 841

Original Course Title:
Federal Lawyering Workshop

Select one or multiple actions from one of the lists below (review the list of necessary documents and signatures):

<table>
<thead>
<tr>
<th>COURSE ACTIONS</th>
<th>PROGRAM ACTIONS</th>
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<tr>
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<td>4. Course Number</td>
<td>11c. Doctoral Specialization (36 credits or fewer)</td>
</tr>
<tr>
<td>5. Course Level</td>
<td>12. Minor (add or delete)</td>
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<tr>
<td>6. Pre- and Co-require</td>
<td>13. Closed Site Program</td>
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<tr>
<td>7. Course Description</td>
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</table>

ADDITIONAL DOCUMENTATION (check all appropriate boxes of documents included; review the list of necessary documents):

☑ summary proposal (O)   ☑ course definition document (P)   ☐ full five-page MHEC proposal (Q)

☐ financial tables (MHEC) (R)   ☐ other documents as may be required by MHEC/USM (S)   ☐ other (T)

Summer 2010
**IMPACT REVIEW** (review the list of necessary signatures):

<table>
<thead>
<tr>
<th>Impacted Entity</th>
<th>Signature</th>
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<tbody>
<tr>
<td>a. Library</td>
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<td>b. OTS</td>
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<td>c. University Relations</td>
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<td>d. Admissions</td>
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<td>e. Records</td>
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**APPROVAL SEQUENCE** (review the list of necessary signatures):

<table>
<thead>
<tr>
<th>Approval Level</th>
<th>Signature</th>
<th>Date</th>
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<tbody>
<tr>
<td>A. Department/Division (Chair)</td>
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<tr>
<td>B. General Education (for No. 7, 8)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>C. Final Faculty Review Body Within Each School (Chair)</td>
<td>Michele Y. Cohen</td>
<td>10-20-14</td>
</tr>
<tr>
<td>D. Dean</td>
<td></td>
<td>10-20-14</td>
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<tr>
<td>E. University Faculty Senate (Chair)</td>
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<td>F. University Council (Chair)(^1)</td>
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<tr>
<td>G. Provost and Senior Vice President for Academic Affairs</td>
<td></td>
<td>11-15-14</td>
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<tr>
<td>H. President</td>
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<tr>
<td>I. Board of Regents (notification only)</td>
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<td>J. Board of Regents (approval)</td>
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<td>K. MHEC (notification only)</td>
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<td>L. MHEC (approval)</td>
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<tr>
<td>M. Middle States Association notification</td>
<td>Required only if the University's mission is changed by the action</td>
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\(^1\) University Council review (for recommendation to the president or back to the provost) shall be limited to curricular or academic policy issues that may potentially affect the University’s mission and strategic planning, or have a significant impact on the generation or allocation of its financial resources.
Document O: Course and Program Development: SUMMARY PROPOSAL

See Course and Program Development Policy and Procedures (www.ubalt.edu/provost) for instructions.

SCHOOL: LAW
MSB
CAS
CPA

CONTACT NAME: Laurie Harow
PHONE: x4457

DEPARTMENT/DIVISION: School of Law

PROPOSED SEMESTER OF IMPLEMENTATION: fall
spring

DATE PREPARED: 10/20/14
YEAR: 2015

ACTION BEING REQUESTED [select one category, either Course Actions or Program Actions]:

☐ COURSE ACTIONS

Original Subject Code/Course Number:

LAW 841

Original Course Title:
Federal Lawyering Workshop

PROGRAM ACTIONS

Original Program Title:

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For changes to existing courses:

OLD TITLE
CLASS ACTN/COMPLX LITIG

NEW TITLE
Federal Lawyering Workshop

SUBJECT CODE/COURSE NO. LAW 841 CREDITS 3

SUBJECT CODE/COURSE NO. LAW 841 CREDITS 3

Summer 2010
DESCRIBE THE REQUESTED COURSE/PROGRAM ACTION (additional pages may be attached if necessary):

School of Law would like to offer a limited enrollment course, Federal Lawyer Workshop, to be taught by Judge Motz and Ralph Tyler, as an experimental course. If successful for both the students and instructors, the School of Law will submit for full approval.

SET FORTH THE RATIONALE FOR THIS PROPOSAL:

The law school would like to offer this as an experimental course to allow the judge to determine the best methodology for this course. It is a great opportunity for our students to engage with Judge Motz and build our federal law course offerings.
1. DATE PREPARED
10/20/2014

2. PREPARED BY
Laurie Beth Harow

3. DEPARTMENT/DIVISION
School of Law

4. COURSE NUMBER(S) with SUBJECT CODE(S)
LAW 841

5. COURSE TITLE
Federal Lawyering Workshop

6. CREDIT HOURS
3

7. CATALOG DESCRIPTION
Federal Lawyering Workshop develops students’ lawyering skills in the context of litigation practice in federal court. Skills addressed include: critical strategic thinking, effective persuasive writing, and clear oral presentation. Students will review, observe, and critique the strategic judgments and written and oral advocacy work associated with a current federal case, and complete weekly assignments based on the case. Weekly assignments will include written work, oral presentations, and self-assessments.

8. PREREQUISITES
LAW 601 Civil Procedure II

9. COURSE PURPOSE (how the course is to be used in the curriculum; e.g., required for the major, elective, etc.)
Workshop Writing Requirement; May be used towards Litigation and Advocacy Concentration

10. GENERAL EDUCATION AREA (if applicable; e.g., social sciences, humanities, mathematics, etc.)
N/A

11. COURSE TYPE/COMPONENT (clinical, continuance, discussion, field studies, independent study, laboratory, lecture, practicum, research, seminar, supervision, thesis research, tutorial or workshop; this must match PeopleSoft 9.0 coding, so check with your dean’s office if you are unsure of the correct entry)
Workshop

Summer 2010
12. FACULTY QUALIFIED TO TEACH COURSE

Judge Diana Gribbon Motz (U.S. Court of Appeals for the Fourth Circuit) and Ralph Tyler (partner in Venable's Litigation and Government Divisions)

13. CONTENT OUTLINE

- Legislative history and statutory analysis
- Complaints in federal court
- Dispositive motions
- District Court Opinions
- Appellate Briefs
- Oral Arguments
- Appellate Opinions
- Post-appeal Strategy

14. LEARNING GOALS

Federal Lawyering Workshop will examine litigation strategy, argumentation, trial and appellate process, and oral and appellate advocacy in the context of an actual case presently pending before the federal courts. The case used as the basis of the course will change each semester and will not be tied to any particular substantive area of the law.

Specifically, the case will provide a vehicle for in-depth analysis of litigation strategy, federal civil procedure, document drafting, and argument strategy in federal district and appellate courts. Students will evaluate documents that were filed in the case, draft their own documents, present oral arguments, and to the extent feasible, observe court proceedings as the case proceeds through the court system. The course will offer the perspectives of a sitting federal circuit court judge and an experienced practicing litigator.

15. ASSESSMENT STRATEGIES

Weekly written assignments and oral presentations

16. SUGGESTED TEXT(S) and MATERIALS (e.g. textbooks, equipment, software, etc., that students must purchase)

No text. Students will work with original source material from the case used each semester, as well as additional readings provided by the instructors.

17. SPECIAL GRADING OPTIONS (if applicable)

N/A

18. SUGGESTED CLASS SIZE

8

19. LAB FEES (if applicable)

None

Summer 2010
New Course Proposal for the University of Baltimore School of Law
Prepared by: Diana Motz and Ralph Tyler

Course title: Federal Lawyering Workshop

Credit Hours: 3

Course Prerequisites: Civil Procedure II highly recommended as a prerequisite

Catalogue description: Federal Lawyering Workshop develops students’ lawyering skills in the context of litigation practice in federal court. Skills addressed include: critical strategic thinking, effective persuasive writing, and clear oral presentation. Students will review, observe, and critique the strategic judgments and written and oral advocacy work associated with a current federal case, and complete weekly assignments based on the case. Weekly assignments will include written work, oral presentations, and self-assessments.

Type of Course: Federal Lawyering Workshop is a simulation course that fulfills one upper-level writing requirement.

Enrollment: Limited enrollment is suggested.

Suggested approximate class size: 6-8 students

Content Outline:

- Legislative history and statutory analysis
- Complaints in federal court
- Dispositive motions
- District Court Opinions
- Appellate Briefs
- Oral Arguments
- Appellate Opinions
- Post-appeal Strategy

Learning Goals: Federal Lawyering Workshop will examine litigation strategy, argumentation, trial and appellate process, and oral and appellate advocacy in the context of an actual case presently pending before the federal courts. The case used as the basis of the course will change each semester and will not be tied to any particular substantive area of the law.

Specifically, the case will provide a vehicle for in-depth analysis of litigation strategy, federal civil procedure, document drafting, and argument strategy in federal district
and appellate courts. Students will evaluate documents that were filed in the case, draft their own documents, present oral arguments, and to the extent feasible, observe court proceedings as the case proceeds through the court system. The course will offer the perspectives of a sitting federal circuit court judge and an experienced practicing litigator.

Assessment Strategies: Students will be assessed based on weekly written assignments and oral presentations.

Texts: No text will be assigned for the course. Students will work with original source material from the case used each semester, as well as additional readings provided by the instructors.

Suggested Concentration: Litigation and Advocacy

Course Rationale: This course is designed to make legal education relevant to the practice of law. This course attempts to bridge what many widely perceive to be the gap between the academy and the practice of law. This would be done by having two experienced lawyers work closely with a small group (6 to 8) students for one semester. The students would be required to research, write, observe, and critique events and activities associated with one substantial legal issue. For example, the recent “Obama care” cases (involving the availability of federal tax subsidies for persons who purchase health insurance on the federal, rather than a state, exchange) if they continue to present an open question, would provide the organizing vehicle for the course. But the goal would not be to become an expert on any subject matter. Rather, the goal of the class is to develop several essential lawyering skills: critical strategic thinking, effective persuasive writing, and clear oral presentation. We believe that these skills are developed best and, perhaps, only by exercising them and seeing how they are exercised in the context of a particular issue. Among other things, the students would be expected to review, observe, and critique the strategic judgments and written and oral advocacy work of those actually responsible for the matter. And then they would be asked to become the advocates themselves and critique their own efforts. Again, the overall goal would be to understand the kinds of judgment which must be made during the course of the case and how those judgments influence, if not determine, future choices and, often, the ultimate outcome.

Instructors: Diana Gribbon Motz was appointed to the United States Court of Appeals for the Fourth Circuit in 1994 by President Clinton. Prior to that time, she served for three years as an Associate Judge of the Maryland Court of Special Appeals. From 1985 to 1991, Judge Motz was a litigation partner in a large Baltimore law firm. Before that, she worked in the public and private sector, serving as Chief of Litigation in the Maryland Attorney General’s Office from 1981 to 1985. In her twenty-three years as a state and then federal judge, Judge Motz has reviewed many briefs, heard many oral
arguments, and issued countless opinions. While practicing law, like Mr. Tyler, she handled numerous cases in the state and federal courts, including the Supreme Court and has taught a number of continuing legal education courses; she also co-taught a seminar on public lawyering at the University of Maryland two years ago.

Ralph S. Tyler, a partner in Venable’s Litigation and Government Divisions, is a widely-respected attorney with a varied career spanning more than 40 years in private practice and government service. Immediately prior to joining Venable, Mr. Tyler served as Chief Counsel of the United States Food and Drug Administration (FDA). In that capacity, Mr. Tyler had overall supervisory responsibility for the counsel’s office of approximately 90 attorneys and was responsible for the office’s advice and representation of the agency in counseling, litigation and enforcement matters across the product areas within the FDA’s jurisdiction. Prior to his federal service, Mr. Tyler held senior positions in Maryland state government. He served as state Insurance Commissioner, as Chief Legal Counsel to Maryland Governor Martin O’Malley, as Deputy Attorney General and as Chief of Litigation. Mr. Tyler also served as Baltimore City Solicitor. From 1996 to 2004, Mr. Tyler was a partner in the litigation department of Hogan & Hartson, L.L.P. (now Hogan Lovells) where he handled commercial and public law case, arbitrations and devoted a substantial amount of time to pro bono cases. Mr. Tyler has handled numerous cases in the state and federal courts, including the Supreme Court. He has also taught a variety of continuing legal education courses and law school courses. He started his legal career as a legal services lawyer.

**Syllabus:** A representative syllabus is attached.

**What topics in course overlap with other courses in curriculum?** Federal Lawyering Workshop would touch on topics addressed in Trial Advocacy, Litigation Process, and Appellate Advocacy Workshop, but it would be significantly different from those courses. Students would present arguments as they would in Trial Advocacy but would not complete weekly simulations on questioning witnesses or introducing evidence. Students would draft litigation documents but would not explore discovery or other aspects of pre-trial litigation in depth as they would in Litigation Process. The course would not focus exclusively on appellate litigation, which differentiates it from Appellate Advocacy Workshop. The course’s focus on federal litigation further differentiates it from these other courses, which often center on litigation in state court.

**Statement of marketability of the course:** Federal Lawyering Workshop would appeal to students interested in a capstone experience that brings together aspects of federal civil procedure, appellate advocacy, and litigation drafting. Further, it is structured so that it will satisfy the law school’s experiential requirement when that requirement goes into effect.
Sample Syllabus

The following syllabus outlines the anticipated sequence of assignments over the course of the semester, subject to change depending on the case used as the launching point for the course. For example in Spring 2015, the course work might be based on the most recent Affordable Care Act cases (availability (or not) of federal tax subsidies for persons who purchase health insurance on the federal, rather than a state, health insurance exchange). But the goal of the course is not to become an expert in a specific substantive area but rather to gain expertise in analyzing and presenting the most successful legal arguments. This syllabus assumes that the health care cases will provide the vehicle for the course, but if they no longer present live or interesting issues, we would use cases in another area as our vehicle.

Week 1 - Introduction

Overview of the course and its objectives; expectations; distribution of case materials. Course assignments will be explained in detail.

Week 2 - Legislative History

Each class member will have examined the legislative history and written a short statement, based on that history, taking a position for or against the availability of subsidies to those who purchase healthcare on the federal exchange. Class discussion will focus on these assignments with an opportunity for self assessment.

Week 3 - The Complaint

Prior to class, each class member will have been provided with copies of the complaints filed in the respective cases that reached the Fourth and DC Circuits. The subject of the class would be to determine the purpose of the complaint, formulate claims, select plaintiffs, consider forum selection, anticipate defenses, etc. The two complaints would be compared to see how they each resolved these and other issues.

Weeks 4 and 5 - Dispositive Motions

The class would be divided between plaintiffs and defendants. Plaintiffs would have prepared an outline of the issues to be raised in a motion for summary judgment and each student would write a complete argument for one of the issues. Defendants would prepare an outline of the issues to be raised in a motion to dismiss or, alternatively, for summary judgment and each student would write a complete argument for one of the issues. The class session would include oral arguments of motions and critique of the written motions, including self assessment.
Week 6 - District Court Decisions

Students will have prepared, and we will then discuss, a written analysis of the respective district court decisions. What arguments prevailed and why? How do the opinions compare to or rely on the parties' briefs?

Weeks 7 and 8 - The Brief on Appeal

The class would be divided between appellants and appellees. Each class member will have been assigned the responsibility of writing a section of the argument on appeal. Class discussion will include an analysis of the actual appellate briefs and the briefs written by the students, including self assessment.

Weeks 9 and 10 - The Oral Arguments

In advance of the class session, class members would read the transcripts of the actual oral arguments and prepare a paper discussing the respective court's key concerns, how effectively they were addressed by counsel, etc. The class session would include moot court arguments and critique of those arguments, including self assessment.

Week 11 - The Appellate Court Decisions

The class will compare the decisions of the Fourth and DC Circuits from the perspective of structure, persuasiveness, use of authority, reliance (or not) on the parties' briefs.

Week 12 - Aftermath Assuming The Case Is Lost

Premise: The result reached by the DC Circuit becomes "the law of the land." What options are open to the government to continue providing the subsidies? How might this be done? What are the legal and practical obstacles?

Additional classes

In addition to these classes, we would expect to have one or more classes in which we observe relevant legal proceedings, e.g., oral arguments or agency or legislative hearings, related to the issues and then to discuss those proceedings in class, likely accompanied by a writing assignment. If the timing works out, we would try to attend the en banc D.C. Circuit argument.