New Course: Introduction to Lawyering Skills/Contracts I

PROPOSED SEMESTER OF IMPLEMENTATION: Fall ☑ Spring ☑ Year: 2008

Box 1: TYPE OF ACTION ADD(NEW) ☑ DEACTIVATE ☑ MODIFY ☑ OTHER ☑
Box 2: LEVEL OF ACTION Non-Credit ☐ Undergraduate ☑ Graduate ☑ OTHER ☑

Box 3: ACTION ITEM (check appropriate boxes) DOCUMENTS REQUIRED (see box 4 below) IMPACT REVIEWS (see box 5 on back) APPROVAL SEQUENCE (see box 6 on back)

1. Experimental Course ¹ NO (see box 4 below) a, c, e AC
2. Course Title NO a, c, d, e ABCDEF
3. Course Credits NO a, c, d, e ABCDEF
4. Course Number NO a, c, d, e ABCDEF
5. Course Level NO a, c, d, e ABCDEF
6. Pre & Co-Requisite NO a, c, d, e ABCDEF
7. Course Description NO a, c, d, e ABCDEF
8. New Course NO a, c, d, e ABCDEF
9. Deactivate a Course NO a, c, d, e ABCDEF
10. Program Requirements NO a, c, e ABCDEF
11a. UG Specialization (24 credits or less) NO a, b, c, d, e ABCDEF
11b. Masters Specialization (12 credits or less) NO a, b, c, d, e ABCDEF
11c. Doctoral Specialization (18 credits or less) NO a, b, c, d, e ABCDEF
12. Closed Site Program NOT a, b, c, d, e ABCDEF
13. Program Suspension ⁹ NO a, b, c, d, e ABCDEF
14a. Certificate Program (ug/g) exclusively within existing degree program NO a, c, e ABCDEF
14b. Certificate Program (ug/g) where degree programs do not exist or where courses are selected across degree programs (12 or more credits) NOQR, 6 a, c, e ABCDEFGHIK
15. Off-Campus Delivery of Existing Program NO, 4 a, b, c, e ABCDHL
16a. UG Concentration (exceeds 24 credit hours) NO, 5 a, c, d, e ABCDEFGHUL
16b. Masters Concentration (exceeds 12 credit hours) NO, 5 a, c, d, e ABCDEFGHUL
16c. Doctoral Concentration (exceeds 18 credit hours) NO, 5 a, c, d, e ABCDEFGHUL
17. Program Title Change NO, 5 a, c, d, e ABCDEFGHUL
18. Program Termination NO, 10 a, c, d, e ABCDEFGHUL
19. New Degree Program NOQR, 3, 8 a, c, d, e ABCDEFGHUL
20. Other Varies Varies Varies

Box 4: DOCUMENTATION (check boxes of documents included)

☑ N. This Cover Sheet Q. Full 5-page MHEC Proposal T. Other
☑ O. Summary Proposal R. Financial Tables (MHEC)
☑ P. Course Definition Document S. Contract

1. Approval of experimental course automatically lapses after two offerings unless permanently approved as a new course.
2. Codes: a) Library Services (Langsdale or Law) b) Office of Technology Services c) University Relations d) Admissions
3. Letter of Intent is required by USM at least 30 days before a full proposal can be submitted. Letter of Intent requires only the approval of the dean and the provost and is forwarded to USM by the Office of the Provost.
4. One-page letter to include: Program title & degree/certificate to be awarded; resources requirements; need and demand; similar programs; method of instruction; and oversight and student services (MHEC requirement)
5. One-page letter with description and rationale (MHEC requirement)
6. One or two-page document that describes: centrality to mission; market demand; curriculum design; adequacy of faculty resources; and assurance program will be supported with existing resources. (MHEC requirement)
7. Learning objectives, assessment strategies; fit with UB strategic plan
8. Joint Degree Program or Primary Degree Programs require submission of MOU w/ program proposal. (MHEC requirement)
9. Temporary suspension of program to examine future direction; time not to exceed two years. No new students admitted during suspension, but currently enrolled students must be given opportunity to satisfy degree requirements.
10. Provide:
   a. evidence that the action is consistent with UB mission and can be implemented within the existing program resources of the institution;
   b. proposed date after which no new students will be admitted into the program;
   c. accommodation of currently enrolled students in the realization of their degree objectives;
   d. treatment of all tenured and non-tenured faculty and other staff in the affected program;
   e. reallocation of funds from the budget of the affected program; and
   f. existence at other state public institutions of programs to which to redirect students who might have enrolled in the program proposed for abolition.

11. University Council review (for a 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.

<table>
<thead>
<tr>
<th>Box 5: IMPACT REVIEW</th>
<th>SIGNATURES (see procedures for authorized signers)</th>
<th>DATE</th>
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<tbody>
<tr>
<td>a. Library</td>
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<td>□ No impact</td>
<td>□ Impact statement attached</td>
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<td>b. OTS</td>
<td>CIO or designee:</td>
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<td>□ Impact statement attached</td>
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<td>c. University Relations</td>
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<td>d. Admissions</td>
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<td>□ Impact statement attached</td>
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<td>e. Records</td>
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<td>□ No impact</td>
<td>□ Impact statement attached</td>
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<tbody>
<tr>
<td>A. Department / Division</td>
<td>Chair:</td>
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<tr>
<td>B. Final faculty review body within each School</td>
<td>Chair:</td>
<td>3/5/08</td>
</tr>
<tr>
<td>C. College Dean</td>
<td>Dean:</td>
<td>3/5/08</td>
</tr>
<tr>
<td>D. Provost and Senior Vice President for Academic Affairs</td>
<td>Provost:</td>
<td>3/20/08</td>
</tr>
<tr>
<td>E. Curriculum Review Committee (UFS subcommittee)</td>
<td>Chair:</td>
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<td>F. University Faculty Senate (UFS option)</td>
<td>Chair:</td>
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<td>G. University Council (see #11 above)</td>
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<td>H. President</td>
<td>President:</td>
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<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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<td>M. Middle States Association notification</td>
<td>Required only if the mission of the University is changed by the action</td>
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**UNIVERSITY OF BALTIMORE**

**DOCUMENT 0: SUMMARY PROPOSAL**

See Course and Program Development Policy and Procedures for Instructions

<table>
<thead>
<tr>
<th>SCHOOL:</th>
<th>LAW ☑ MSB ☐ YGCLA ☐</th>
<th>Contact Name: Cheryl Cudzilo</th>
<th>Phone: x4457</th>
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**SHORT DESCRIPTION OF PROPOSAL**

(STATE ACTION ITEM 1-23 AND COURSE NAME & NUMBER OR PROGRAM AFFECTED):

New course addition: Introduction to Lawyering Skills/Contracts I

**PROPOSED SEMESTER OF IMPLEMENTATION:**

Fall ☑ Spring ☐ Year: 2008

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**O-1: Briefly describe what is being requested:**

Addition of new first year course Introduction to Lawyering Skills/Contracts I.

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**For new courses or changes in existing courses (needed by Registrar)**

<table>
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<th>Course # / HEGIS Code: n/a</th>
<th>Credits: n/a</th>
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<tr>
<td>NEW Title: Introduction to Lawyering Skills/Contracts I</td>
<td>Course # / HEGIS Code: LAW 611</td>
<td>Credits: 6</td>
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</tbody>
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**O-2: Set forth the rationale for the proposal:**

This proposal represents one of the best pedagogical models for educating prospective lawyers and fiscal realities. Faculty members teaching in the program will employ pedagogical approaches that give the students a substantial small-group experience. This proposal preserves several of the best aspects of the Introduction to Lawyering Skills (ILS) program:

1. **It integrates skills and doctrine.**

   The integration of skills and doctrine is widely supported by recent studies in legal education:

   a. CLEA Best Practices Report: “Principle: The program of instruction integrates the teaching of theory, doctrine, and practice.... One of the impediments to merging instruction in theory and practice has been the perception that context-based learning is useful for teaching ‘practical skills’ but not substantive law or theoretical reasoning associated with ‘thinking like a lawyer.’ In fact, the opposite is true.... Law schools cannot prepare students for practice unless they teach doctrine, theory, and practice as part of a unified, coordinated program of instruction...” p. 97-98.

   b. Carnegie Report: “[S]tudents suggested that writing should be ‘more integrated into courses on doctrine’ in order to speed up students’ learning of legal reasoning.” P. 104. “We believe legal education requires not simply more additions, but a truly integrative approach in order to provide students with broad-based yet coherent beginning for their legal careers.” p. 286.

   In an administration of an MPT problem to all second-semester students, the ILS/Torts students showed substantially better performance than first year students who were not part of the ILS program. Their GPA after the first semester was also higher than all others. We still have funds available from a Provostal grant to pursue assessment of the new program.

2. **It furthers important goals for the Law School:**

   a. providing a small classroom experience for every student;

   b. full-time faculty teaching all first-year courses; and
c. a liberal arts-like learning environment.

This course preserves all three of those ideals. Student evaluations indicate that the course achieves the kind of rapport between student and teacher that one associates with liberal arts education.

It should also be noted that the vision and mission statements approved by the faculty under the ancien régime call for and integrated writing program.

3. It has been successfully implemented at other schools.

The ILS concept is fully implemented at Pace University School of Law, using Criminal Law as the doctrinal component of all courses. Detroit Mercy has successfully integrated Legal Writing and Contracts, albeit with a somewhat different model. And we have been quite successful in integrating Legal Writing and Torts.

4. It achieves several other important purposes:

   a. It can be fully implemented beginning in Fall 2008.

   b. All students, including evening students and part-time limited students will receive an integrated experience.

   c. Flexible use of faculty, fellows, adjuncts, and teaching assistants allows for staffing stability and economy, while avoiding the status issues associated with contract legal writing teachers.
1. **Date Prepared:** February 15, 2008

2. **Prepared by:** Professors Eric Easton and Amy Sloan

3. **Department:** School of Law

4. **Course Number(s), including HEGIS code(s):** LAW 611

5. **Course Title:** Introduction to Lawyering Skills/Contracts I

6. **Credit Hours:** 6

7. **Catalog Description** (Paragraph should reflect general aims and nature of the course): Integrates rigorous instruction in legal analysis, research, and writing with the substantive law of contracts to give beginning law students an opportunity to combine skills and doctrine the way lawyers must in the practice of law. The course is taught by full-time, tenured and tenure-track professors in sections of approximately 45 students with one-on-one conferences. Students will learn the law of contracts through statutory interpretation, case analysis and rule synthesis, print and online legal research, and legal writing projects. Doctrinal topics may include creation of contracts; capacity to contract; mutual assent; offer and acceptance; consideration; compliance with formality; novation; third party beneficiaries; mutual mistake; parol evidence; specific performance; conditions; impossibility; frustration; assignment and discharge of contract obligations; contracts of agents; statutes of fraud; references to the Uniform Commercial Code and Restatement of Contracts. 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.

8. **Prerequisites:** none

9. **Faculty qualified to teach course:** Full time, tenured or tenure-track

10. **Course Type (check appropriate):** Required first year course

11. **Suggested approximate class size:** 45 or fewer

12. **Content Outline:**
   See attached syllabus

13. **Learning Goals:**
   Legal analysis, research and writing skills, combined with basic Contract law
14. Assessment Strategies:
Every section will include the administration of a final examination as well as office memoranda.

Suggested Text(s) and Materials (example: textbooks, equipment, software, etc.):
See attached syllabus.
Introduction to Lawyering Skills/Contracts
Fall 2008—Tentative Syllabus

Blum & Bushaw, Contracts, Cases, Discussion and Problems (2d ed., Aspen 2008)


Amy E. Sloan & Steven D. Schwinn, Basic Legal Research Workbook (3d ed., Aspen Publishers 2005) and updates to be provided by your teaching assistant.


Tracy L. McGaugh, Christine Hurt, Kay G. Holloway, Interactive Citation Workbook for ALWD Citation Manual (2007 ed., LexisNexis 2007).

Monday(M) 9-10:15 a.m., TA Meetings (Rooms TBA)
Wednesday (W) 9-10:15 a.m.
Thursday (R) 1:30-4:15 p.m.

8/18-Week 1
M Welcome to Introduction to Lawyering Skills/Contracts
   Introductions; CALR Passwords Distributed
   TA Meeting #1: Case Briefing and Citation I
   First analysis case brief due
W Legal Analysis (Neumann, Pt. I; Sloan, Chpt. 1(A)-(C), (D2), (E);
   Discuss first analysis case
R Legal Analysis: Discuss second analysis case
   Second analysis case brief due

8/25-Week 2
M TA Meeting #2 Case Briefing and Citation II
   Third analysis case brief due
W Legal Analysis: Discuss third analysis case
   Fourth analysis case brief due
R Legal Analysis (Neumann, Chpt. 23)
   Discuss fourth analysis case; review for exam

9/3-Week 3
M Labor Day-No Classes

W Legal Analysis: Analysis Exam
Memo 1 Assigned
R Intro to Writing; Memo 1 (Neumann, Chpt. 5-7; App. A-C)

9/10-Week 4
M TA Meeting #3 Introduction to Library Exercises (Sloan, Chpt. 2)
BLR Chpt. 1 Exercises Due
W Intro to Contracts (B&B, 1-15)
R Creation of Contracts; Enforcement of Contracts (B&B, 15-28)
In-class Drafting Exercise

9/15-Week 5
M TA Meeting #4 Secondary Sources (Sloan, Chpt. 3)
ICW Exercises 1-5 Due
W Memo 1 (Neumann, Chpt. 9-13)
R Sales of Goods; UCC Article 2 (B&B, 29-42)
Maryland Commercial Code Overview

9/22-Week 6
M TA Meeting #5 Case Law (Sloan, Chpt. 4)
Memo 1 Due; Rewrite Assigned; Personal Conference Signup
W Contractual Assent and the Objective Text (B&B, 43-60)
R What is an Offer? Is an advertisement an offer? (B&B, 61-83)

9/29-Week 7 (Personal Conferences)
M TA Meeting #6 Updating the Law (Sloan, Chpt. 5)
BLR Chpt. 3 Exercises Due
W Acceptance: Nature, Mode and Effect (B&B, 85-99)
R Acceptance: Date, Inadvertent, Silence (B&B, 99-107)
Midterm Review (Neumann, Chpt. 23 (review))

10/6-Week 8 (Personal Conferences)
M Torts Midterm
BLR Chpt. 4 Exercises Due
W Rewrite (Neumann, Chpts. 15-19)
R Lexis/Westlaw Training (Room TBA) (Read Sloan, Chpt. 10)

10/13-Week 9
M TA Meeting #7 Statutory Research (Sloan, Chpt. 6)
Memo 1 Rewrite Due; Memo 2 Assigned
W Research/Citation (Neumann, Chpt. 20; Sloan, Chpt. 11)
R Termination of Power of Acceptance
Acceptance by Performance (B&B, 107-129)
10/20-Week 10
M TA Meeting #8 Research Strategy (Sloan, Chpt. 11, review)
BLR Chpt. 5 Exercises Due; ICW Exercises 6-10 Due
W Memo 2, Issue 1
R Acceptance under UCC Art. 2 – Basic Principles (B&B, 131-138)
Battle of the Forms (Parts 1-3) (B&B, 138-149)

10/27-Week 11
M TA Meeting #9 Maryland Statutes, Administrative Rules
BLR Chpt. 6 Exercises Due
W Memo 2, Issue 2
R’ Battle of the Forms (Parts 4-6) (B&B, 149-157)
Preliminary and Incomplete Agreements (B&B, 159-173)

11/3-Week 12
M TA Meeting #10 Research Exam Preparation
Memo 2 Due; Personal Conference Signup
W Rewrite, Issue 1
In-class Exercises
R Statute of Frauds (B&B, 175-191)

11/10-Week 13 (Personal Conferences)
M Research Exam
ICW Exercises 12-17 Due
W Rewrite, Issue 2; Skills Exercises
R Consideration, Basic Doctrine, Sufficiency (B&B, 193-227)

11/17-Week 14 (Personal Conferences)
M Mutuality and Its Limits (B&B, 227-240)
W Promissory Estoppel (B&B, 241-258)
R Promissory Estoppel (Commercial Context) (B&B, 258-282)

11/24-Makeup Week
M Contracts Exam Review
Memo 2 Rewrite Due
T Makeup Day if Necessary

Torts Final Exam
MEMORANDUM

TO: Faculty
FROM: Curriculum Committee
SUBJECT: Legal Skills Program
DATE: February 21, 2008

We recommend the addition of Introduction to Lawyering Skills/Contracts and Introduction to Lawyering Skills/Civil Procedure to the catalog. These courses, like the existing Introduction to Lawyering Skills/Torts, will integrate doctrinal instruction with training in legal analysis, research, and writing skills. This proposal will enable the Law School to build on the success of the ILS/Torts course and roll out the program to the entire first-year class.

Background

For more than two decades, first-year skills instruction was delivered by full-time faculty (analysis), adjuncts (writing), and teaching assistants (research and citation form) in a two-, and more recently, three-semester program called Legal Analysis, Research & Writing. The program was always complex, with many moving parts, often overlapping each other, managed by directors (Professors Warnken, Samuels, Easton and Sloan) and coordinated day-to-day by an administrator (Leslie Metzger, Lynn Farnan, others). Never terribly "popular" with students, the program nevertheless delivered a solid grounding in the skills taught at a minimal cost.

In its most recent configuration, the first-semester program began with a four-week unit on legal analysis provided by the director, followed by two concurrent tracks in which adjunct writing professors supervised the students in writing two office memoranda and rewrites of each, while teaching assistants followed prescribed lesson plans geared toward research and citation exercises. During this second phase, the director occasionally lectured on research and citation principles. Student progress was assessed through graded exercises, exams, and especially the writing assignments.

The second semester had students preparing pre-litigation process documents – pleadings, motions, discovery, settlements, client letters, and ultimately a pre-trial brief on a motion for summary judgment – as they tracked a single case from complaint to oral argument on an MSJ. The third semester was the traditional introduction to appellate advocacy, known for many years as simply "Moot Court." While the directors structured and managed the courses, the instruction was delivered primarily by adjuncts. As many as 45 adjuncts were teaching in the program in any given semester.
In 2005, then-Dean Holmes asked the co-directors to develop a plan for converting the adjunct-based program to a program taught by full-time faculty. This coincided with an emphasis on skills training at the heart of the law school's then-new strategic plan. Assured that sufficient funds would be forthcoming, the co-directors proposed a plan to hire experienced writing professors on a full-time, tenure-track basis to deliver an integrated course combining skills and doctrine in a relatively small-class setting. Introduction to Lawyering Skills/Torts was to be phased in over several years as new professors were hired; other components of the Legal Skills Program were to remain unchanged until the transition was complete.

The first three sections of ILS/Torts were taught by Professors Easton, Koller and Dillard in the fall of 2006; this past fall, the course was expanded to five sections, with the addition of Professors Todd and Modesitt. By all accounts, including some objective assessment and overwhelmingly positive student evaluations, the course was very successful. In our view, a rollout of the ILS program— involving additional doctrinal subjects—will provide our students with the best legal skills program available anywhere from a purely pedagogical perspective.

Pedagogical success, however, was not the only consideration in deciding whether to further expand the ILS program. With the change in administration came a new set of strategic priorities for the law school, a new philosophy regarding hiring, and a new fiscal regime, all of which militated against rolling out the ILS program. For a variety of reasons, Dean Closius was also very dissatisfied with the management of the existing LARW course and directed the co-directors to come up with a new program that could be implemented in fall 2008 for all first-year students.

The co-directors spent the past several months trying to find a solution that preserved the best aspects of the ILS pedagogy (full-time instructors, integration of skills and doctrine) while accommodating new fiscal and other constraints. After many false starts, they sent such a plan to the committee and circulated it to faculty and students. At open hearings last week, however, several students expressed emotions ranging from disappointment to indignation over the proposal to replace the LARW program with a watered-down version of ILS. Following the hearing, Dean Closius asked the co-directors and associate dean to come up with an alternative plan for rolling out the ILS program without additional hiring.

The Proposal

Beginning in Fall 2008, all first-year students will be divided into sections of 45. Day division students will receive either ILS/Torts or ILS/Contracts. Three sections of each will be offered, with the part-time limited students distributed across all three ILS/Contracts sections. Evening
students will be placed in one of two sections of ILS/Civil Procedure. Each section will be headed by a full-time, tenured or tenure-track faculty member. Adjuncts and teaching assistants, later teaching fellows, will be available to assist as needed.

In the spring semester of the first year, all students would take a two-credit Introduction to Advocacy course, combining the best aspects of LARW II and III. One faculty member would direct the course, while the principal instruction would be given by adjuncts as it is now. There would be no change in the number of credits taken by students in either the day or evening divisions. The third required semester of LARW would be suspended, pending further discussion of a required or elective writing course offered closer to graduation.

Justification

Our proposal today represents a compromise between what we believe is one of the best pedagogical models for educating prospective lawyers and fiscal realities. The sections are larger than optimal, but the faculty members teaching in the program will employ pedagogical approaches that give the students a substantial small-group experience. We anticipate that class size will be reduced as LL.M. students begin replacing J.D. students after next year.

More importantly, we believe the proposal preserves several of the best aspects of the ILS program:

1. It integrates skills and doctrine.

The integration of skills and doctrine is widely supported by recent studies in legal education:

a. CLEA Best Practices Report: "Principle: The program of instruction integrates the teaching of theory, doctrine, and practice.... One of the impediments to merging instruction in theory and practice has been the perception that context-based learning is useful for teaching 'practical skills' but not substantive law or theoretical reasoning associated with 'thinking like a lawyer.' In fact, the opposite is true.... Law schools cannot prepare students for practice unless they teach doctrine, theory, and practice as part of a unified, coordinated program of instruction..." p. 97-98.

b. Carnegie Report: "[S]tudents suggested that writing should be 'more integrated into courses on doctrine' in order to speed up students' learning of legal reasoning." P. 104. "We believe legal education requires not simply more additions, but a truly
integrative approach in order to provide students with broad-based yet coherent beginning for their legal careers.” p. 286.

Although our plans for fully assessing the ILS course were sidetracked by the perceived need to change the program, our very preliminary assessment efforts suggested that we are on the right track. In an administration of an MPT problem to all second-semester students, the ILS/Torts students showed substantially better performance. Their GPA after the first semester was also higher than all others. We still have funds available from a Provostal grant to pursue assessment of the new program.

2. It furthers important goals enunciated by Dean Closius.

Dean Closius’s vision for the school includes:

a. providing a small classroom experience for every student;

b. full-time faculty teaching all first-year courses; and

c. a liberal arts-like learning environment.

This course preserves all three of those ideals, although the sections will be larger in the first year. Student evaluations indicate that the course achieves the kind of rapport between student and teacher that one associates with liberal arts education.

It should also be noted that the vision and mission statements approved by the faculty under the ancien régime call for and integrated writing program.

3. It has been successfully implemented at other schools.

The ILS concept is fully implemented at Pace University School of Law, using Criminal Law as the doctrinal component of all courses. Detroit Mercy has successfully integrated Legal Writing and Contracts, albeit with a somewhat different model. And we have been quite successful in integrating Legal Writing and Torts.

4. It achieves several other important purposes:

a. It can be fully implemented beginning in Fall 2008. While the fellows program will be phased in, the curriculum can be implemented immediately.

b. All students, including evening students and part-time limited students will receive an integrated experience.
c. Flexible use of faculty, fellows, adjuncts, and teaching assistants allows for staffing stability and economy, while avoiding the status issues associated with contract legal writing teachers.