**SHORT TITLE OF PROPOSAL:** New Course - Introduction to Lawyering Skills (Torts)  

<table>
<thead>
<tr>
<th>Box 1: TYPE OF ACTION</th>
<th>ADD(NEW)</th>
<th>DEACTIVATE</th>
<th>MODIFY</th>
<th>OTHER</th>
<th>COURSE #</th>
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<thead>
<tr>
<th>Box 2: LEVEL OF ACTION</th>
<th>Non-Credit</th>
<th>Undergraduate</th>
<th>Graduate</th>
<th>OTHER</th>
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</table>

**Box 3: ITEM OF ACTION** (check appropriate boxes)

<table>
<thead>
<tr>
<th>Box 4: APPROVAL SEQUENCE</th>
<th>APPROVAL SIGNATURES</th>
<th>DATE</th>
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</thead>
<tbody>
<tr>
<td>A Department</td>
<td>Chair:</td>
<td></td>
</tr>
<tr>
<td>B Final faculty review body within each school</td>
<td>Chair:</td>
<td></td>
</tr>
<tr>
<td>C College Dean</td>
<td>Dean:</td>
<td>12-16-05</td>
</tr>
<tr>
<td>D Provost and Senior Vice President for Academic Affairs</td>
<td>Provost:</td>
<td>11/1/06</td>
</tr>
<tr>
<td>E Curriculum Review Committee (UFS subcommittee)</td>
<td>Chair:</td>
<td></td>
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<td>F University Faculty Senate</td>
<td>Chair:</td>
<td></td>
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<td>G University Council ¹¹</td>
<td>Chair:</td>
<td></td>
</tr>
<tr>
<td>H President</td>
<td>President::</td>
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</tr>
<tr>
<td>I Board of Regents - approval</td>
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<td>J Board of Regents - notification only</td>
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<td>K MHEC - approval</td>
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<td>L MHEC - notification only</td>
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<tr>
<td>M Middle States Association notification</td>
<td>Required only if the mission of the University is changed by the action</td>
<td></td>
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</tbody>
</table>

**DOCUMENT N:** COURSE AND PROGRAM DEVELOPMENT COVER SHEET  

**Instruction:** See Course and Program Development Policy and Procedures
Approval automatically lapses after two offerings unless permanently approved by Action 9.

Codes: a) Director of Library Services (Langsdale or Law)  b) College Dean  c) Planning Office  d) EMSA

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.

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 *

One-page letter with description and rational *

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. *

Learning objectives, assessment strategies; fit with UB strategic plan

Joint Degree Program or Primary Degree Programs require submission of MOU w/ program proposal

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.

Provide:
- evidence that the action is consistent with UB mission and can be implemented within the existing program resources of the institution.
- proposed date after which no new students will be admitted into the program;
- accommodation of currently enrolled students in the realization of their degree objectives;
- treatment of all tenured and non-tenured faculty and other staff in the affected program;
- reallocation of funds from the budget of the affected program; and
- existence at other state public institutions of programs to which to redirect students who might have enrolled in the program proposed for abolition.

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.

* Required by MHEC
DOCUMENT O – SUMMARY PROPOSAL

<table>
<thead>
<tr>
<th>College: Law</th>
<th>Department: Law</th>
<th>Cost Code:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contact Person: Cheryl Cudzilo</td>
<td>Phone: x4457</td>
<td>Effective Semester: Fall 2006</td>
</tr>
</tbody>
</table>

**O-1: Briefly describe what is requested:** New course addition

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

<table>
<thead>
<tr>
<th>New Title:</th>
<th>Title #:</th>
<th>Credits:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction to Lawyering Skills (Torts)</td>
<td></td>
<td>7</td>
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</table>

<table>
<thead>
<tr>
<th>Course Abbreviation:</th>
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<tbody>
<tr>
<td>Intro to Lawyering Skills/Torts</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Old Title:</th>
<th>Title #:</th>
<th>Credits:</th>
</tr>
</thead>
</table>

- **O-2: Set forth the rationale for the proposal:**
  - **Benefit to students, Law School & University:**
    Professor Sloan and Professor Easton believe there will be a pedagogical advantage to teaching LARW I and Torts together, since the students have a better opportunity to see how doctrine and skills interact. Some experiential support for this proposition was included in our March 29 memo to the Dean, specifically excerpts from discussions of similar developments at Pace, Detroit Mercy, Maryland, and Case Western Reserve. Professors Sloan and Easton have also asked the library to obtain a copy of Pace Associate Dean Michelle Simon's *Teaching Skills Through Substantive Law: Integration of the Principles of the MacCrate Report*, Institute for Law School Teaching, Gonzaga University School of Law, 1994, for more detailed information.
    
    Theoretical support for this proposition may be found in both the “cognitive apprenticeship” and “writing process” theories discussed in Ohio State Prof. Mary Beth Beazley’s *Better Writing, Better Thinking: Using Legal Writing Pedagogy In The "Casebook" Classroom (Without Grading Papers)*, 10 Legal Writing 23 (2004). While these theories are too detailed to discuss here, their essence is simply that this is what lawyers do, this is how lawyers learn (after law school), and, indeed, this is how most of us have really learned our own specialties — from writing and problem-solving, far more than from merely reading or reading supplemented by ‘listening to’ Socratic dialogue (which most students do most of the time in a typical doctrinal class). Integrating writing and doctrinal instruction is the functional equivalent of having every student participate in most of the Socratic dialogues that take place in the classroom all semester long.

    Professors Sloan and Easton emphatically believe that first-semester students will get much stronger skills training from a full-time, tenure-track professor whose specialty is teaching legal analysis, research, and writing. For that, we have substantial support in the literature, including the new ABA Sourcebook on Legal Writing Programs that I am editing. Professors Sloan and Easton quoted extensively from the current draft in our March 29 memorandum to the Dean. Part-time instructors would continue to teach legal analysis, research and writing courses for second and third-semester students; indeed, they believe that adjunct professors are as well suited to teach the LARW II and III courses. The bottom line is this: combining LARW I and Torts seems to be an economical way to accomplish (1) substantial pedagogical benefits for LARW, (2) potentially substantial pedagogical benefits for Torts, with no anticipated negative impact, and (3) a cutting-edge program that can be promoted both internally and externally.

- **O-3 Resources Needed:** This course is self-supported through tuition and fees.

<table>
<thead>
<tr>
<th>Personnel</th>
<th>Equipment</th>
<th>Expendables</th>
<th>Facility Costs</th>
<th>TOTAL COSTS</th>
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<tbody>
<tr>
<td>Start-up First Year</td>
<td></td>
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<tr>
<td>Annual Thereafter</td>
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</tbody>
</table>

Indicate probable source of additional funds, if needed:

- **O-4 Impact including OTS and Library resources (Complete a or b):**
  a) Impact was reviewed. All impacted units were contacted and understandings worked out. No unit objects to the proposal as currently submitted. The units contacted were:

    Records Office (Richard Morrell)

    [Signature]

    Date: 12/15/05

  b) Impact was reviewed. All objections were worked out except those documented in attachments. Units contacted were:

    [Signature]

    Date:
Course Title: Introduction to Lawyering Skills (Torts)
Credit Hours: 7

Course Description (for inclusion in Law School Catalog):

Integrates rigorous instruction in legal analysis, research, and writing with the substantive law of torts 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 legal writing professionals in sections of approximately 30 students with one-on-one conferences. Students will learn the law of imposed liability for personal, property, and economic harm, through case analysis and rule synthesis, print and online legal research, and legal writing projects. Doctrinal topics will include negligence (including professional malpractice); strict liability (including products liability) and intentional torts; causation and elements of damages; and affirmative defenses and limitations of duties including: assumption of the risk, contributory negligence, comparative negligence, immunity, and limited liability of property owners. 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 Prerequisites: None

Open Enrollment: NA

Suggested Approximate Class Size: 30

Type of course: Required first semester, first year

Concentrations: NA

Assessment Strategies: Frequent exercises and quizzes, mid-term and final examinations, four major written assignments, in-class participation, personal conferences.

Text(s): Include author, title, publisher, date of publication, and if the text is required: Course materials will be prepared by the program, but all professors will be free to choose their own.

Content Outline:

Doctrine

Introduction to Intentional Torts, Battery
Assault, False Imprisonment
Trespass to Land, Chattels
Defenses: Self-Defense, Necessity, Consent
Introduction to Negligence
General Duty of Care
Breach; Proving Negligence
Res Ipsa Loquitur
Negligence Per Se
Cause in Fact; But-For
Substantial Factor; Multiple Tortfeasors
Proximate Cause
Defenses: Plaintiff’s Conduct; Contributory Negligence
Comparative Fault
Assumption of Risk; Limitations
Special Duties: Relationships
Premises Liability; Firefighters
Rescue; Failure to Act
Contract; Confidentiality
Protection from Third Persons
Medical Malpractice/Informed Consent
Emotional Distress/Non-Economic Damages
Introduction to Strict Liability; Abnormally Dangerous Activity
Respondeat Superior; Employees, Contractors
Nuisance, Animals
Product Liability

Skills

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
Professional norms and ethics

Learning Goals:

Students will master basic tort doctrine, including intentional torts, negligence, and strict liability, as well as receive an introduction to more specialized torts, such as medical malpractice, products liability, defamation, privacy, etc., as time permits. Students will also master the lawyering skills of case analysis and briefing, common law principles and processes, factual analogy and distinction, rule synthesis and application, objective/predictive writing with the office memorandum as practical paradigm, research in print and electronic sources, and proper citation form. Finally, students will be socialized into the study of law through interaction with upper-level student teaching assistants and, to a lesser extent, into the norms and ethics of legal practice.

Note: Original syllabus shall be on file in the Office of the Academic Dean