Litigation Process Syllabus

**University of Baltimore School of Law**

**Spring 2018**

**Course**: Litigation Process

Course Number: 817

Section 311

**Instructor**: Frank W. Spector, Esquire

410-385-0054

fs@spectorkopec.com

Available after each class or can be reached by email anytime

**Days/Time:** Wednesdays/1:30pm-4:15pm

**Location:**  Room assignments are available through MyUB.

**Course Description**: This is an introduction to the roles lawyers play in litigation. Investigation, counseling, drafting, negotiation, and written and oral advocacy will be explored. The course will take students through the stages of a lawsuit, from initial client interview through pleading, discovery, and pretrial into trial, in such a way as to emphasize the dynamic role an attorney has in developing and implementing a theory of the case and in exploring the relationship between law and fact. The medium of instruction will be primarily simulation of a real case in which the students will be required to perform as attorneys for one or another party. Prerequisites: First- year day courses.

**Course Materials:** Thomas Mauet, *Pretrial 9th Edition*

Maryland Rules of Civil Procedure (accessed online)

Federal Rules of Civil Procedure (accessed online)

Distributed Materials

**Student Learning Outcomes:**

Analyzing the factual and legal components in case selection

Drafting Pleadings

Developing Discovery Plans

Drafting of Written discovery

Deciding on Motions Practice

Evaluating Settlement Strategy

**Grades:**

60% based on written assignments

40% based on in class oral exercises and class participation

**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 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.

**Attendance**:

Class attendance is a primary obligation of each student whose right to continued enrollment in the course and to take the examination is conditioned upon a record of attendance satisfactory to the professor. A student who exceeds the maximum allowed absences (generally 20% of class sessions) as illustrated below may be compelled to withdraw from the course, or may be barred from sitting for the final exam. Students who are forced to withdraw for exceeding the allowed absences may receive a grade of FA (failure due to excessive absence). This policy is consistent with American Bar Association Standards for Law Schools.

|  |  |  |
| --- | --- | --- |
| Regular Semester Hours | | |
| Credit Hours | Meetings Per Week | |
|  | 1 | 2 |
| 2 | 2 absences | 5 absences |
| 3 | 2 absences | 5 absences |
| 4 | -- | 5 absences |

**Course Website:**

This course has a TWEN page that links to this syllabus, announcements, the class assignments, and other class materials. You are responsible for self-enrolling in the TWEN page and for checking it regularly for course information.

**Computers:**

Students may use laptop computers for class related purposes.

**Class Cancellation:**

If the instructor must cancel a class, notices will be sent to students via email and posted on the classroom door. If there is inclement weather, students should visit the University of Baltimore web site or call the University's Snow Closing Line at (410) 837-4201. If the University is open, students should presume that classes are running on the normal schedule.

**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, misuse of materials, inappropriate communication about exams, use of unauthorized materials and technology, misrepresentation of 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 UB’s nondiscrimination policies can be found at: http://www.ubalt.edu/titleix.

**Disability Policy:**

If you are a student with a documented disability who requires an academic accommodation, please contact Leslie Metzger, Director of Student Services, at 410-837-5623 or lmetzger@ubalt.edu.

**ASSIGNMENTS**

Week 1- January 17, 2018

Administrative Matters and Course Overview

Introduction to Litigation Process

Assignment: Mauet pp. 1-18. Familiarize with Litigation Charts

Read Real Case Files Distributed in Class

Week 2-January 24, 2018

Informal Fact Investigation

Assignment: Mauet pp. 19-57

In class exercise-Client Interview Practice

Week 3-January 31, 2018

Legal Investigation

Assignment: Mauet pp. 57-87

Distributed Materials in class

Week 4-February 7, 2018

Case Evaluation & Strategy

Assignment: Mauet pp. 87-119

Week 5-February 14, 2018

Pleadings/Complaints, Service of Process

Assignment: Mauet pp. 123-153

Maryland Rules 2-101-2-126; 2-301-2-305

Due February 21, 2018-Draft Complaint

Week 6-February 21, 2018

Answers, Motions To Strike, Counterclaims

Cross Claims

Assignment: Mauet pp. 153-177

Maryland Rules 3-323-2-325;2-331

Due February 28, 2018-Draft Answer and Counter-Claim

Week 7-February 28, 2018

Third Party Practice, Amendments, Supplemental Amendments

Assignment: Mauet pp. 177-193

Maryland Rules 2-323 and 2-341

Week 8-March 7, 2018

Discovery-Scope

Interrogatories and Request For Documents

Assignment: Mauet pp. 194-280

Maryland Rules 2-401 and 2-402/Maryland Rules 2-421, 2-422, 2-431

*AGC v. Mixter*

Due March 14, 2018-Draft 10 Interrogatories and 10 Requests For Documents

Week 9- March 14, 2018

Introduction To Depositions

Request For Admissions

Supplemental Discovery

Discovery Motions

Discovery Review

Physical Exams

Assignment: Mauet pp. 281-344

Maryland Rules 2-423, 2-424, 2-432, 2-433

Week 10-March 21, 2018

Depositions Expanded

Purpose

Preparation

Execution

Assignment: Distributed Materials

Week 11-March 28, 2018

Motions

Assignment: Mauet pp. 345-392

Maryland Rule 2-311

Week 12-April 4, 2018

Motions

In Class Exercise with focus on Motion For Summary Judgment

Maryland Rule 2-501

Week 13- April 18, 2018

Pre-Trial Conference

Assignment: Mauet pp. 345-404

Due April 25, 2018-Pretrial Conference Statement-Follow Maryland Rule 2-504.2

Week 14-April 25, 2018

Settlements

Negotiations

ADR

Assignment: Mauet pp. 404-436