**University of Baltimore School of Law**

**Litigation Process Syllabus**

**Law 817**

**Spring 2018**

**Course**

Litigation Process

Law 817

Section 412

**Instructor**

William J. Cook

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**Available for Meetings with Students**

Mornings 7-8 a.m., Wednesday afternoons (before or after class), or Sunday evenings preferred, and otherwise by appointment.

**Class Schedule**

Wednesday, 6:15 p.m. – 9:00 p.m.

**Location**

Room assignments are available through My UB.

**Course Description**

Litigation Process is a 3-credit hour course and fulfills the upper-level advocacy requirement. It provides 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 course will be supplemented with interactive exercises and visits by local practitioners.

**Required Course Materials**

* Thomas A. Mauet, Pretrial (9th ed. 2015)

**Suggested Course Materials (copies or ready access to)**

* Federal Rules of Civil Procedure Annotated
* Maryland Rules of Civil Procedure Annotated
* Maryland Pattern Jury Instructions

**Student Learning Objectives**

* Understand pre-trial due diligence, including informal factual discovery and client interviews
* Understand how to develop causes of action
* Understand how to draft a complaint, answer, counter-claim, and cross-claims
* Understand how to draft a motion to dismiss v. motion for summary judgment
* Understand discovery (interrogatories, requests for admission, and requests for production of documents; electronic discovery; relevance; attorney-client & work product privileges; protective orders; depositions, and sanctions for discovery abuse)
* Understand pretrial adjudication (dismissal, default, summary judgment)
* Understand how to select jury charges
* Understand how to draft a pretrial memorandum
* Understand the purpose of pretrial conferences
* Understand how to draft a settlement agreement

**Grades**

75%: Written Exercises (drafting of pleadings, discovery, motions)

25%: Oral Participation (class discussion)

**Course Expectations**

Consistent with American Bar Association Standards for Law Schools, 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 or other academic work leading to the award of credit hours. I expect students to have read assigned reading and to come prepared for class and ready to participate.

**Prerequisites**

First-year day courses.

**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 allowable allowances (2) as illustrated in the School of Law’s Attendance Policy [http://law.ubalt.edu/academics/policiesandprocedures] 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 absences).

**Course Website**

This course has a TWEN webpage that links to this syllabus, announcements, the class assignments, helpful treatises, overheads, and other class materials. You are responsible for self-enrolling in the webcourse and checking regularly for updates.

**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 page or call the University's Snow Closing Line at (410) 837-4201. If the University is not closed, 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 the School of Law. Violations of academic integrity include, but are not limited to: cheating; plagiarism; misuse of library materials; use of another’s book or study materials without consent; unapproved multiple submissions; material misrepresentation of one’s academic history or standing; misrepresentation of any academic matter; intentionally giving another student false or inaccurate information about class requirements; inappropriate discussion of exams; and misrepresenting or falsifying class attendance reports. The School of Law’s Honor Code is incorporated herein by reference [<https://law.ubalt.edu/academics/policiesandprocedures/honor_code/index.cfm>].

**Title IX Sexual Misconduct and Nondiscrimination Policy**

The University of Baltimore’s Sexual Misconduct and Nondiscrimination policy complies 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 via email at lmetzger@ubalt.edu.

**NOTE: The following syllabus and related course schedule of topics and assignments are subject to change.**

**Course Schedule**

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| **Week** | **Topic** | **Assignment** |
| 1 | Administrative Matters and Course Overview | Introduction to Litigation Process |  |
| 2 | Litigation Planning & Informal Fact Investigation | Mauet §§ 1.1-1.3Mauet §§ 2.1-2.7 |
| 3 | Legal Investigation | Mauet §§ 3.1-3.7 |
| 4 | Case Evaluation & Strategy | Mauet §§ 4.1-4.7WRITTEN EXERCISE: Demand letter |
| 5 | Pleadings | Complaints, Answers, Counterclaims, Cross claims | Mauet §§ 5.1-5.8 |
| 6 | Week 5 topic, continued | WRITTEN EXERCISE: Complaint; Answer to Complaint that you’ve drafted, plus any Counterclaims or Cross Claims (if applicable) |
| 7 | Pleadings |Third-party practice, Interpleader, Intervention | Mauet §§ 5.9-5.11 |
| 8 | Pleadings | Class Actions, Amendment of Pleadings, Supplemental Pleadings | Mauet §§ 5.12-5.13WRITTEN EXERCISE: Class Action Complaint (Rule 23 Class Allegations Only) |
| 9 | Discovery | Written & Electronic Discovery | Mauet §§ 6.1-6.8U.S. District Court Judge Paul W. Grimm’s Discovery Order (Jan. 29, 2013)WRITTEN EXERCISE: Required Disclosures, Interrogatories, Requests for Production of Documents, Requests for Admission (10 each) |
| 10 | Discovery | Depositions | Mauet §§ 6.9-6.14Discovery Guidelines of the U.S. District Court for the District of MarylandCLASS EXERCISE: Deposition Preparation Exercise |
| 11 | Motions | Mauet §§ 5.4, 7.1-7.11WRITTEN EXERCISE: Motion to Dismiss |
| 12 | Week 10 topic, continued | Written Exercise: Motion for Summary Judgment |
| 13 | Pretrial Conferences | Mauet §§ 8.1-8.2WRITTEN EXERCISE: Pre-trial disclosures & memorandum |
| 14 | Settlements | Mauet § 8.3WRITTEN EXERCISE: Settlement Agreement & Release |