

**UNIVERSITY OF BALTIMORE SCHOOL OF LAW
SPRING TERM 2020**

Course: Master Class in Trial Lawyering
Class 585
Section 511

Instructors: Frederic N. Smalkin, J.D., LL.M. (*Lond.*), MCI Arb, Chief U.S. District Judge, D.Md. (Ret.)
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OFFICE HOURS: By email appointment

Robert Hanley, Jr., Esq., and various other Fellows of the American College of Trial Lawyers

Days/Time: Sessions with the ACTL Fellows will convene on alternate Mondays during term time, on dates and at venues as noted below, from 1630 to 1800. In addition to classroom time, students should expect to spend significant time preparing assignments, if called upon to do so. Students should also make sure that they prepare for the topics of the day as relate to their NITA book (see below).

Locations and Topics: Alternating between Moot Court Room of University of Maryland School of Law and Rm. 021, Angelos Law Center, as follows:

JANUARY 13th: (U of Md.); Topic: JURY SELECTION
JANUARY 27th: (U of B); Topic: DISCOVERY
FEBRUARY 10th: (U of Md.); Topic: QUESTIONING TECHNIQUES
FEBRUARY 24th: (U of B); Topic: EXPERT WITNESSES
MARCH 9th (U of Md.); Topic: USE OF TECHNOLOGY
MARCH 23rd: (U of B.); Topic: ADR (MEDIATION AND ARBITRATION)
APRIL 6th (U of Md.); Topic: CLOSING ARGUMENT

N.B.: Topics as listed above might have to be switched on account of unforeseen circumstances, but you will be informed as soon as possible if that be the case.

The University of Maryland is located near University Hospital, at 500 West Baltimore Street. It is on the northwest corner of Baltimore Street and Paca Street. Parking there is difficult to find and not cheap. If you can do it, use the Light Rail from U of B to the University Hospital station just south of Baltimore Street. If not, **DO NOT PARK ON THE STREETS** in the area; they are almost all tow-away zones during evening rush. (There is a pay parking lot across Paca Street from the school.)

PLEASE NOTE THAT PARKING AROUND THE UNIVERSITIES MAY BE DIFFICULT. WE RECOMMEND COMMUTING BETWEEN THE TWO SCHOOLS BY LIGHT RAIL. STATIONS ARE VERY NEAR BOTH SCHOOLS.

Course Description:

LAW 585 MASTER CLASS IN TRIAL LAWYERING (1)

This course immerses students deeply in the real world of litigation. The design of the course is based upon step-by-step simulation of a case. Simulations include the following topics: analyzing whether a case is meritorious; conducting discovery and depositions; selecting experts; motions practice; alternative dispute resolution; jury

selection; opening statements; examination of witnesses; and closing arguments. At each state, teams of students receive instruction on a topic, prepare for and present simulations; and receive feedback on their performances. Prerequisite: First year courses and Evidence. [Admission by permission only]

Course Material:

REQUIRED TEXT INFORMATION:

NITA (part of Walters Kluwer) publication *Avila v. Nita City Hospital*, ISBN 978-1-60156-755-0, available on the internet from the publisher in printed form. It is not expensive (less than \$40). You will not find it in your school bookstore. **STUDENTS MUST HAVE READ THROUGH THE BOOK (WHICH IS NOT LONG AT ALL) BEFORE THE FIRST CLASS.**

Student Learning Outcomes:

1. To give the student exposure to the techniques, both in and out of the courtroom that are not taught in classrooms, but are nevertheless keys to succeeding in a litigation practice, starting from financial assessments of cases, to choosing experts, to empanelling a jury, to ADR, to deposition-taking, to the trial itself, and finally to structuring winning closing arguments.
2. The students by exposure to the skills taught by the ACTL Fellows to the NITA mock medical malpractice case of *Steele v. Kitchener*: create lifelike litigation scenarios; evaluate the relationship of their legal academic knowledge to applied legal knowledge through these scenarios; analyze – using scenarios from the mock case – the importance of the relationship between fact and law in litigation, and understanding, applying, and retaining what they have learnt.

Grades: BASIS FOR GRADING:

This is a pass/fail, one-credit course. Passing requires attendance at all classes, preparation for classes, and satisfactory participation in class exercises, as directed.

Course Expectations: American Bar Association Accreditation Standards 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. In this particular course, the emphasis is on in-class work, including participating in mock trial situations and preparation therefor.

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 American Bar Association Accreditation Standards 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. A record of attendance satisfactory to the professor is necessary for credit. A student who exceeds the maximum allowed absences (generally 20% of class sessions, here 1 and 1/2 sessions) 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.

Computers, etc.:

Students may use laptop computers for class-related purposes. Recording is with permission only.

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. If you are in doubt, email Judge Smalkin.

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. Reference to [School of Law Honor Code](#) .

Title IX Sexual Harassment and Sexual Misconduct Policy:

The University of Baltimore's Sexual Harassment and Sexual Misconduct policies are 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:

AS NOTED ABOVE, Students are expected to have read the NITA book before the first class and to prepare for specific sessions. Assignments may include simulations involving role-playing in a number of facets of the litigation process.