I. Students will:
- develop their written and oral advocacy techniques;
- draft pleadings and take depositions;
- develop case management and time management skills;
- understand the legal fundamentals of the pretrial process;
- learn how to use federal and local rules as part of the litigation process;
- learn and apply the relevant ethical rules related to the pretrial process;
- learn the practical skills associated with various parts of the pretrial process

Assessment: formative

Standard 303 compliant (simulation/law clinic/field placement)? Yes

II. Classes. This course is scheduled on Tuesdays and Wednesdays 12:00-12:50 in Room 112. While we will often use this time for firm meetings and class exercises, we will also meet at other agreeable times and places as our simulation activities require.

III. Office Hours. Professor Drake does not have regularly scheduled office hours due to the demands of The Veterans Clinic. Professor Drake encourages you to feel comfortable dropping by her office anytime. If you do not find her in the office, please send an email to arrange a good time to talk. Professor Drake prefers to be reached on her cell phone at 417-276-1218 or by email at drakea@missouri.edu.

IV. Attendance and Participation. Class attendance and participation is extremely important, not only for your success, but for the success of other students in the class. Quality learning will depend, in part, upon the preparation and participation of each student in the class. Your class attendance AND participation will be considered in determining the class participation and professionalism portion of your grade in the class, as described below. You may miss TWO classes without penalty; for each additional unexcused absence, you should expect a deduction of up to two points from your final grade. Subject to an emergency situation, any student who misses four (4) classes (including the two which may be missed without penalty) will not receive a passing grade and will be dismissed from the class. Professor Drake reserves the right to impose additional sanctions and penalties upon students who, without a valid excuse, do not attend class or are not prepared to participate, as permitted by the rules of the School of Law.

V. Class Preparation. Each student is expected to carefully read all of the day's assigned material, watch any assigned screencasts and come to class prepared to engage in discussion, research, drafting, and other activities. Each time you attend class and are unprepared for class, you should expect a deduction of one point from your final grade.

VI. Class Materials.


Additional materials will be posted on the course TWEN site, in which you should enroll. We expect students to have current versions of the appropriate rules of civil procedure and evidence (Missouri and Federal) in those classes in which they are likely to be discussed; electronic access is sufficient.

VII. **Grading.** Your grade in this class will be based upon the number of points that you earn in the following three areas:

- **Participation & Professionalism**
  - Profit Sharing (10%)
  - Law Firm Partner Evaluation (10%)
- **Firm Management**
  - Time Keeping (5%)
  - Case File (10%)
- **Major Assignments**
  - Pleadings (10%)
  - Discovery (15%)
  - Deposition (20%)
  - Settlement (20%)

1) **Participation & Professionalism.** Thirty-five percent of your class grade will come from participation and professionalism.

   a. **Profit Sharing:** Ten percent of your course grade will be awarded by your law firm colleagues on a profit sharing basis. That is, your law firm will have a lump sum of points to be divided among you as you see fit. At the end of the semester, you will hold a meeting to allocate percentages and profit sharing. You may award equal shares, shares in proportion to hours billed, or shares that reflect the fact the people carried different weights. I will have full authority to allocate your shares in accordance with subdivision 1b if you are unable to reach an agreement.

   b. **Law Firm Partner Evaluation:** Your professor is a law firm partner. In awarding these points, she will consider class attendance, preparation for class, and participation in the class. Your professor expects regular, valuable contributions from all members of the class. It is her hope and expectation that all students in the class will achieve at or near the maximum score for this portion of the final grade. Your Participation & Professionalism grade may be reduced for reasons including (but not limited to) the following: failing to prepare for AND participate in class, significant deficiencies on
Pass/Fail assignments, failing to timely respond to emails, or failing to turn in any assignment on time. On extremely rare occasions, your professors may give bonus points for exemplary participation and/or professionalism.

2) Firm Management
a. Time Keeping. You will be required to keep track of your time spent on course activities, including but not limited to: class attendance, readings, drafting, preparing for oral argument. I may provide you with suggested hourly guidelines at various times throughout the semester. For example, I might say, “Spend no more than 2 hours drafting this document.” Keeping track of time is a reality for most attorneys. That is how lawyers get paid. Getting in the habit of accounting for your time will better you for the real practice of law. If you regularly submit your time and record at least 75 hours for the semester, you will be awarded your Time Keeping points.

b. Case File. You will be required to maintain the case file, which will be graded at the end of the semester. Organization and maintenance of client files is an important part of the pretrial process. The case file shall contain the following sections:
   i. Correspondence with Client
   ii. Correspondence with Others
   iii. Filings
   iv. Discovery Documents
      1. Plaintiff’s Discovery
      2. Defendant’s Discovery
   v. Witness List and Summary of Testimony
   vi. Chronology of Events
   vii. Hot Documents/Demonstrative Ideas
   viii. Jury Instructions
   ix. Memos to the File
   x. Time Slips

3) Major Assignments. The following is a list of the major assignments. There will be many other smaller assignments that will be graded on a pass/fail basis and will be taken into consideration as part of your participation and/or case file grade.

- Pleadings
- Discovery
- Deposition
- Settlement

The School of Law’s Honor Code applies to all written work done in this course. The signatures of all who have contributed to a written assignment should be affixed to the document.
VII. **Students with Disabilities.** If you anticipate barriers related to the format or requirements of this course, if you have emergency medical information to share with me, or if you need to make arrangements in case the building must be evacuated, please let me know as soon as possible. If disability-related accommodations are necessary (for example, a note taker, extended time on exams, captioning), please register with the Disability Center (http://disabilitycenter.missouri.edu), 573-882-4696, and then notify Registrar Denise Boessen and Dean Rafael Gely of your eligibility for reasonable accommodations. For other MU resources for students with disabilities, click on “Disability Resources” on the MU homepage.

VIII. **Recording not Permitted.** University of Missouri System Executive Order No. 38 lays out principles regarding the sanctity of classroom discussions at the university. The policy is described fully in Section 200.015 of the Collected Rules and Regulations. In this class, students may not make audio or video recordings of course activity, except students permitted to record as an accommodation under Section 240.040 of the Collected Rules. All other students who record and/or distribute audio or video recordings of class activity are subject to discipline in accordance with provisions of Section 200.020 of the Collected Rules and Regulations of the University of Missouri pertaining to student conduct matters.

Those students who are permitted to record are not permitted to redistribute audio or video recordings of statements or comments from the course to individuals who are not students in the course without the express permission of the faculty member and of any students who are recorded. Students found to have violated this policy are subject to discipline in accordance with provisions of Section 200.020 of the Collected Rules and Regulations of the University of Missouri pertaining to student conduct matters.

IX. **Academic Integrity.** Academic integrity is fundamental to the activities and principles of the School of Law. All members of the law school community must be confident that each person's work has been responsibly and honorably acquired, developed, and presented. Any effort to gain an advantage not given to all students is dishonest whether or not the effort is successful. The law school community regards breaches of the School of Law's Honor Code as extremely serious matters. In the event that you violate our Academic Integrity rules on any portion of the work required for this class, you may expect a failing grade in this course as well as possible disciplinary sanctions ranging from probation to expulsion. When in doubt about plagiarism, paraphrasing, quoting, collaboration, or any other form of cheating, consult the course instructor.

X. **Suggestions.** Professors Drake is very interested in your feedback and suggestions in this experiential learning course. She encourages you to share your thoughts on the course as the semester progresses. If you have any suggestions concerning any aspect of the course, please speak with her after class, in her office, leave a note at her office, or send an email.

Welcome to the world of pretrial litigation!