

PRETRIAL LITIGATION – Fall 2014
Course Information and Syllabus
University of Missouri School of Law
Professor Anne Alexander

- I. **Classes.** Our class will meet on Tuesdays and Thursdays from 2:30-3:20 in Room 109. This course will focus on the legal principles, techniques, strategies and skills involved in civil pretrial litigation. This is an experiential course; it will involve a semester long simulation of a pretrial litigation simulation.
- II. **Office Hours.** I will hold office hours in my office in room 306 from 3:30-4:30 on Tuesdays and Thursdays. However, I hope you will feel comfortable dropping by anytime. If I am not in my office in Room 306, please send me an email to arrange a good time to talk. I would also be happy to talk with you before or after class so that we can schedule a mutually convenient time to talk. My cell phone number is 573-999-6246 (preferred number), my office telephone number is 882-5186, and my email is alexanderam@missouri.edu
- III. **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>), S5 Memorial Union, 573- 882-4696, and then notify Registrar Denise Boessen and Dean Christina Wells of your eligibility for reasonable accommodations. For other MU resources for students with disabilities, click on “Disability Resources” on the MU homepage.
- IV. **Attendance and Participation.** Class attendance and participation is **extremely important** and not only your success, but the success or failure of our class, will depend, in part, upon the preparation and participation of each student in the class. For this reason, I expect any student who will not be present in class, or who will not be prepared to participate, to present me with a written motion requesting an excused absence. Your class attendance AND participation will be considered in determining the class participation and professionalism portion of your grade in this 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 six (6) classes will not receive a passing grade and will be dismissed from the class.** I also reserve the right to impose upon students who, without a valid excuse, do not attend class or are not prepared to participate, all other sanctions permitted by the rules of the School of Law.
- V. **Class Preparation.** I will expect that each student has carefully read all of the day's assigned text material, watched any assigned podcasts, and has come to class prepared to engage in discussion and law firm At least some of our class discussions, such as many of the classes concerning discovery, will focus on the Federal Rules of Civil Procedure or Federal Rules of Evidence. For these classes, I expect students to have with them in class not only the class text but also copies of the pertinent rule. An electronic copy is sufficient.

- VI. **Class Materials.** The required text for this course is: Thomas A. Mauet, *Pretrial* (8th ed. 2012). Additional materials will be posted on the course TWEN site, with which you should enroll. I also expect that students will have with them copies of the current version of the appropriate rules of civil procedure and evidence (Missouri and/or Federal) in those classes in which they are likely to be discussed; electronic access is sufficient. You may bring with you copies of the rules from other classes—so long as the Rules are current.
- VII. **Grading.** Your grade in this class will be based upon the number of points that you earn in the following three areas:

**Written assignments (40%);
Skills assignments (40%);
Participation & Professionalism (20%).**

- 1) **Participation & Professionalism.** Twenty percent of your class grade will come from participation and professionalism. In awarding these points I will consider your class attendance, your preparation for class, and your participation in the class. I expect regular, valuable contributions from all members of the class. It is my 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 and 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.
- 2) **Written Assignments.** You will do a lot of writing for this class. Forty percent of your class grade will be earned based upon your work on written class assignments.

The following is a list of the major writing assignments. There will be other smaller writing assignments that will be graded on a pass/fail basis.

- (1) Email Memorandum
- (2) Petition or Answer
- (3) Written Discovery Requests
- (4) Pretrial Motion

The School of Law's Honor Code applies to all written work done in this course. I expect that the signatures of all who have contributed to a written assignment will be affixed to the document.

- 3) **Skills Assignments.** Forty percent of your grade will be earned based upon your performance of various simulated pretrial litigation tasks. The following is a list of the major skills assignments. There will be other smaller skills assignments that will be graded on a pass/fail basis.

- (1) Client/Witness Interviews
- (2) Deposition
- (3) Pretrial Motion: Oral Argument

4) **Additional Assignments.** In addition to the graded assignments, you will have other assignments, most of which will be completed collaboratively by your law firm group. All students will also be expected to come to class prepared to perform the tasks necessary to move the pretrial litigation forward. Each of these assignments will be graded Pass/Fail.

VII. **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.

VIII. **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.

IX. **Suggestions.** I am very interested in your feedback and suggestions and hope that you will share your thoughts on the course with me as the semester progresses. If you have any suggestions concerning any aspect of the course, please speak with me after class, in my office, leave a note for me at my office, or send me an email.

Overview				
Class Week	Dates	Topic(s)	Reading	Assignments
1	August 26/28	Introduction Client Counseling	Chapter 1 Chapter 2, §§ 2.1 – 2.3	
2	September 2/4	Client Counseling Fact Development	Chapter 4, §§ 4.2-4.4 Chapter 2, § 2.4-2.5	Do: Client Interview Due: Representation/Fee Agreement
3	September 9/11	Fact Development		Do: Witness Interviews
4	September 16/18	Legal Investigation	Chapter 3	Due: Email Memorandum
5	September 23/25	Pleadings	Chapter 4, § 4.7 Chapter 5	Due: Complaint/Petition OR Answer
6	September 30 / October 2	Pleadings Case Evaluation/ Strategy	Chapter 5 Chapter 4, §§ 4.5-4.6	Meet with Partner
7	October 7/9	Written Discovery	Chapter 6 (Except § 6.9)	
8	October 14/16	Written Discovery	Chapter 6 (Except § 6.9)	Due: Written Discovery Requests & Responses
9	October 21/23	Written Discovery	Chapter 6 (Except § 6.9)	Meet with Partner
10	October 28/30	Depositions	Chapter 6, § 6.9	
11	November 4/6	Depositions	Chapter 6, § 6.9	Do: Deposition Meet with Partner
12	November 11/13	Motion Practice	Chapter 7	Due: Pretrial Motion
13	November 18/20	Motion Practice	Chapter 7	Meet with Partner Do: Pretrial Motion Oral Argument
Thanksgiving				
14	December 2/4	Negotiation / Settlement	Chapter 8	