NOTICE TO STUDENTS WITH DISABILITIES: The information contained in this syllabus is available in alternative formats upon request. If you have a disability and need accommodation, please notify me as soon as possible.

To request academic accommodations (for example, a notetaker), students must also register with the Disability Center, S5 Memorial Union, 882-4696. It is the campus office responsible for reviewing documentation provided by students requesting academic accommodations, and for accommodations planning in cooperation with students and instructors, as needed and consistent with course requirements. For other MU resources for students with disabilities, see http://disabilitycenter.missouri.edu.

PRETRIAL LITIGATION
Professor Chuck Henson

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Phone: 303-704-8164

COVID Notice

Decreasing the Risk of COVID-19 in Classrooms and Labs
MU cares about the health and safety of its students, faculty, and staff. To provide safe, high-quality education amid COVID-19, we will follow several specific campus policies in accordance with the advice of the Center for Disease Control and Boone County health authorities. This statement will be updated as information changes.

• If you are experiencing any COVID-related symptoms, or are otherwise feeling unwell, do not attend in-person classes and contact your health care provider and/or student health immediately. COVID symptoms include: fever greater than 100.4 or chills; cough, shortness of breath or difficulty breathing; fatigue; unexplained muscle or body aches; headache; new loss of taste or smell; sore throat; congestion or runny nose; nausea or vomiting; diarrhea.

• We will all wear face coverings while in the classroom, unless you have a documented exemption due to a disability or medical condition.

• We will maintain a 6-foot distance from each other at all times (except in specific lab/studio courses with other specific guidelines for social distancing).

• We will enter the classroom and fill the room starting at the front, filing all the way across a row. When class ends, we will exit the row nearest to the door first; the instructor or TA will give the signal for the next row to exit, in the same manner.

• In any small section or lab class that requires them, additional measures will be listed in the syllabus and be mandatory for class participation.

• Online office hours will be available for all students.

• This course may be recorded for the sole purpose of sharing the recording with students who can’t attend class. The instructor will take care not to disclose personally identifiable information from the student education records during the recorded lesson.

Compliance with these guidelines is required for all; anyone who fails to comply will be subject to the accountability process, as stated in the University’s Collected Rules and Regulations, Chapter 200 Student Code of Conduct.
If an instructor has concerns about how a student is following COVID-19 policies and protocols, please report those concerns to the Office of the Dean of Students. You can fill out a COVID Safety Measures Reporting Form here: https://cm.maxient.com/reportingform.php?UnivofMissouriSystem&layout_id=38

By taking the above measures, we are supporting your health and that of the whole Mizzou community. Thank you in advance for joining me and your peers in adhering to these safety measures.

**Web Camera Requirement**

Given the COVID pandemic a web camera is essential for this class. If we need to transition to online at any time, or if weather conditions prevent physical presence, we will conduct the class on-line rather than cancel any class meeting.

**Pivoting to Online**

The course is designed to work online. Nothing will change for you if we should need to transition to online work for some or all of the semester.

**Attendance/Accommodation**

Although I usually require physical attendance of every class, the COVID pandemic requires a relaxation of the standard. In the event of COVID related absence or absence related to emergency or illness let me know, or have someone let me know, by email or text or phone call to 303 704 8164, that there is a COVID related absence, an emergency or illness (I do not need to know the nature of the reason for the absence and am not asking for that information).

If you miss a class, you will be responsible for reviewing all video available. You will also arrange to meet with me via ZOOM to discuss the learning points from the class at the first practicable opportunity.

If you miss a class and are scheduled to present you will make up that presentation in person or via ZOOM as your circumstances dictate.

**Course Description**

This course concentrates on events which happen in litigation before trial: professionalism and ethical rules, client interviewing and counselling, sources of law as the bases for claims and defenses, drafting complaints, answers and motions, written and oral discovery, e-discovery and summary judgment. The course has a special focus on Missouri practice, but the Federal Rules for each phase of pretrial litigation are covered. My goal is that you leave the course understanding the relationship between jury instructions (goals) and the development of claims and defenses via discovery (means) to make your pretrial work meaningful and efficient for your client, professional and ethical for yourself, the opposing party and counsel.

**Learning Outcomes**
Students will:
- Understand the ethical and professionalism requirements related to litigation;
- Learn the rules of professional conduct that apply to litigation;
- Learn the role of jury instructions in preparing and prosecuting claims and defenses;
- Increase their knowledge of client interviewing and counselling issues in a multicultural society;
- Learn relevant Missouri and Federal Rules of Civil Procedure;
- Learn the relevant case law governing the application of procedural rules;
- Learn basic deposition techniques;
- Learn the impact of pretrial litigation on summary judgment and trial.

Course Materials

There is no assigned case book. All materials required for this class are posted to the course’s web page or readily available to you on the internet.

You will need to access the Missouri Rules of Professional Conduct, the Missouri Rules of Civil Procedure, and the Federal Rules of Civil Procedure. You will also need to access any local rules of procedure for any given circuit court or judge assigned to a case.

You will need to perform legal research including access to Missouri and Federal jury instructions.

If you choose, you may purchase a reference text like Mauet *Pretrial Litigation* 7th Ed. Or later.

Preparation

Written assignments are due electronically or physically in a timely manner at the designated time. Grades for late assignments will be reduced by 2 points for lateness.

There is no such thing as a “pass” or “taking a pass” should you be called on to add your thoughts to discussions in class. Appearing in class unprepared will reduce your grade by 5 points.

Grading

*Note* – If a project is due on a given day do not wait until the day before to do the project. If you try to do the project the day before or the day it is due, you will not turn in your best work product. You will also send one or more emails asking questions that you urgently need answered. These emails tell me that you left the work until the last minute. I do not respond to emails relating to assigned project sent to me after 5:00 p.m. the day the project is due.

Class Participation
10%

Be prepared to talk about what you have read and demonstrate that you thought about what you read.

Volunteer to talk.

Ask questions in class so that the whole class has the benefit.

**Complaint/Answer**

20%

Does this pleading contain all of the correct components? Does it comply with the Rules of Professional Conduct and the Rules of Civil Procedure? Does it comply with the fact pleading requirements of Missouri? Does it follow the relevant jury instruction? **Does it contain typos?** Any typo will reduce the grade for this component by 0.5 points.

**Written Discovery**

20%

Is it written to be understood using plan English? Is it written to achieve a goal? Does it show an understanding of the relevant legal issues and factual holes? Are any objections proper? Does it comply with the relevant rules of professional conduct and civil procedure? **Does it contain typos?** Any typo will reduce the grade for this component by 0.5 points.

**Deposition**

15%

Did you plan and follow your plan? Did you use plain English? Did you advance your case? Did you control the witness?

**Summary Judgment Motion**

25%

Did you accomplish a goal? Did you clearly state the reasons for or against the reason that summary judgment should be granted? Were those reasons well supported in the law? Did you focus on your best arguments? Did you follow the relevant rules of professional conduct and civil procedure? Did your motion include suggestions in support and affidavits? Did your motion include documentary evidence? Did you make objections to improper evidence? **Does it contain typos?** Any typo will reduce the grade for this component by 0.5 points.

**Oral Argument**

10%

Were you prepared? Did you get to the point? Did you use plain English? Did you give straight answers to difficult questions and still advance your argument? Did you comply with the
relevant rules of professional conduct? Were you listening? Did you respond to the points the other side made?

Outside-of-Class Meetings

I strongly encourage you to ask me questions about the how and why of pretrial litigation.

Thoughts may and should occur to you over the course of the semester about the work you are doing in class. It is my goal to be available to discuss your ideas and questions with you. I will be as accessible as possible to meet with students outside of class. Feel free to contact me by e-mail or by telephone (e-mail is usually more reliable) to schedule an appointment or to ask a question.

The COVID pandemic may and probably will require all meetings to happen via ZOOM.

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. Sanctions for such a breach may include academic sanctions from me, including failing the course for any violation, to disciplinary sanctions ranging from probation to expulsion. If you have any doubt about whether your work is or would be consistent with the Honor Code, consult me.

E-mail Communication

During the semester information about the course will be sent to you by e-mail. If you have an e-mail account other than your law school account that you would prefer to use for receipt of course information, you must let me know. You are responsible for regularly checking your e-mail for Pretrial Litigation information, updates and changes. And we’ll define “regularly checking” as “at least once a day, weekends included.”