

PRETRIAL LITIGATION – Fall 2021

Course Information and Syllabus

Class: Tuesday/Thursday 11:00-12:15, Room 112

Professor Angela K. Drake

Office Hours: by appointment

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I. Learning objectives/Scope of Class.

Students will:

- Develop their written and oral advocacy techniques;
- Draft pleadings and learn the deposition process real time;
- Develop case management and time management skills;
- Understand the legal fundamentals of the pretrial process;
- Learn how to use federal, state 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
- Learn motion practice

Assessment: formative

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

- II. **Classes and Text.** This course is scheduled to meet on Tuesday/Thursday from 11:00-12:15. While we will often use this time for counsel meetings and class exercises, we will also meet at other agreeable times and places as our simulation activities require. There is no textbook. You will need to have the Missouri and Federal Rules of Civil Procedure very handy. You may also be referring to the Federal Rules of Evidence and Missouri Approved Instructions. You should make sure you are facile with Lexis-Nexis and Westlaw.
- III. **Office Hours.** I enjoy meeting with students about the work. I also direct the Veterans Clinic. As a result, the best way to meet with me is by appointment. I generally respond to emails within 24 hours. We will have mandatory face to face meetings, via Zoom or in person, at certain points during the semester.
- 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, described further below. You may miss ONE class 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 one that may be missed without penalty) will not receive a passing grade and will be dismissed from the class. You may participate remotely as described in the COVID section below.**

V. **Class Preparation.** Each student is expected to carefully read all of the day's assigned material, watch any assigned videos and come to class prepared to engage in discussion, research, drafting, and other activities. Each time you attend class and are unprepared, you should expect a deduction of one point from your final grade. Please note that many of the activities in this class require interaction with your adversary. You should strive to be a good colleague by planning properly and communicating well. – ***FIRST DAY ASSIGNMENT:*** Find the Canvas Course Page and read the material in Module One. On our first day, we will have a meet and greet. I will ask you questions about your work history. You may ask me questions about my law practice. We will review the ACTL Code. Expect questions about that document.

VI. **Class Materials.**

The following text is recommended but not required: Dessem, R.L., *Pretrial Litigation* (6th Ed. 2018).

Additional materials will be posted on the course Canvas site. We will use Canvas as our platform. You can find assignments, directions and power-points in the Modules on Canvas. Again, I 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. Again, we will use Westlaw and Lexis-Nexis as needed.

You must regularly check your email for updates as the litigation process unfolds.

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

- Participation & Professionalism**
 - Professionalism and Courtesy (10%)**
 - Partner Evaluation (10%)**
- Major Assignments**
 - Pleadings (15%)**
 - Discovery Documents (10%)**
 - Deposition Preparation and Skill (30%)**
 - Motions (15%)**
 - Settlement/Demand Letter and Request for Authority (10%)**

1) **Participation and Professionalism.** Twenty percent of your class grade will come from participation and professionalism as follows:

- a. **Professionalism and Courtesy (10%):** Your adversary will award ten percent of your course grade based upon his or her opinion of your conduct toward them as you expedite litigation. I will collect these points at the end of the semester.
- b. **Partner Evaluation (10%):** As your professor, I will also evaluate you from the perspective of a law firm partner. In awarding these points, I will consider class attendance, preparation for class, and participation in the class. I expect regular, valuable contributions from all members of the class, and I hope and expect all students in the class will achieve at or near the maximum score for this portion of the final grade. I will evaluate your assimilation of the material we cover in class as found in the major assignments as well. Quizzes are not graded, but will be considered as part of the Partner Evaluation.
- c. Your Participation & Professionalism grade may be reduced for reasons including (but not limited to) the following: failing to participate in class, failing to complete the quiz, significant deficiencies on assignments, failing to timely respond to emails, or failing to turn in any assignment on time.

2) **Major Assignments.** The following is a list of the assignments upon which you will be graded:

- Pleadings
- Discovery Documents
- Deposition Preparation and Skill
- Motions
- Settlement/Demand Letter and Request for Authority

Lectures will inform you as to how to complete these major assignments generally. You will need to use your own independent judgment when you draft and finalize these documents, just as a real attorney would do.

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, 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 Associate Dean David Mitchell 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.

Recording of the class will be available by the instructor as part of the COVID protocol discussed below.

- 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.

X. **COVID-19 Policies and Plans**

Safety Policies. 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. 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.

We will follow the guidance found on the “Show Me Renewal” page: <https://renewal.missouri.edu/>

Remote Attendance. If you are unable to attend class in person, you may join via Zoom as noted above. Except in emergency situations, you are required to notify me via email 24 hours in advance of class if you plan to plan to attend via Zoom. You do not need to provide any explanation as to why you will be attending class remotely. When attending class remotely, be prepared to participate in the class as if you were present in the classroom.

Welcome to the world of pretrial litigation!