

SYLLABUS FOR LITIGATION SKILLS: MARITAL DISSOLUTION

Professors Miles N. Beermann & Howard H. Rosenfeld
Fall, 2007

REQUIRED MATERIAL: Xerox Packet Available in Class (\$20.00)

We will meet in Courtrooms 1109 and 1110 of the Richard J. Daley Center from 5:50 p.m. to 8:30 p.m. each Tuesday from August 28 through November 27, 2007.

Assignments:

There will be **two (2) teams of three (3)** students each. Assignments will be rotated among the team. Each member will be assigned a letter. One student will conduct Direct Exam, the second member the Cross-Exam and the third member will act as the witness and then give a closing argument, except in the “prove-up” exercise. The other team will represent the opponent and the teams will be pitted against each other. The team assignment will be rotated so that, in one exercise, Team 1 will represent the Petitioner and Team 2 will represent the Respondent and *vice versa* throughout the exercises.

For example:

Team #1, Temporary Maintenance

Member A Direct Exam

Member B Cross-Exam

Member C Witness and Closing Argument

Instructions:

For each exercise, there is a sample pleading(s) or other document from which to base your direct, cross or closing argument. Use the facts contained in the pleading(s) as well as all reasonable inferences from the materials to develop questions and arguments. The pleadings contain cites to the applicable section of the IMDMA, which should also be used as a basis for your preparation, questions and argument.

Date

8/28/07

Overview (Lecture by Professor Beermann/Rosenfeld)

Pleadings

Petition for Dissolution of Marriage

Discovery

Evidence

General Trial Technique

Predict Result

“Educate and Persuade”

Use of Notebook

Trial Preparation

Trial Notes
Exhibits
Demeanor
Attorney
Witnesses
Direct Examination
Cross Examination
Closing Argument
Use of Exhibits
Excluding Witnesses
Use of Depositions
Ethical Considerations

9/04/07

Prove-Up

Marriage
Jurisdiction
Children
Grounds
 Irreconcilable Differences
 Mental Cruelty
 Physical Cruelty
 Adultery
Joint Parenting Agreement
Marital Settlement Agreement

9/11/07

Temporary Restraining Order

Petition:

Direct Examination
Cross Examination
Closing Argument

Response:

Direct Examination
Cross Examination
Closing Argument

9/18/07

Orders of Protection

Petition:

Physical Abuse
Exclusive Possession of Residence
Direct Examination
Cross Examination
Closing Argument

Response:

Direct Examination
Cross Examination
Closing Argument

9/25/07

Temporary Child Support

Petition:

Affidavits
Direct Examination
Cross Examination
Closing Argument

Response:

Affidavits
Direct Examination
Cross Examination
Closing Argument

10/2/07 & 10/9/07	<p><u>Custody</u> <u>Petition:</u> Lay Witnesses Direct of Each Party Expert Mental Health Report Direct of Dr. Miller In-Camera Interview of Child (Lecture only) Child's Representative (Lecture only) Closing Argument</p>	<p><u>Response and/or Cross-Petition:</u> Cross of Each Party Cross of Dr. Miller Closing Argument</p>
10/16/07 & 10/23/07	<p><u>Removal</u> <i>Marriage of Eckert</i>, Ill.2d 316, 518 N.E.2d 1041, 116 Ill.Dec. 220 <u>Petitioner:</u> Direct Testimony of Petitioner Cross of Respondent</p> <p>Mental Health Professional (Lecture Only) In-Camera Interview of Child (Lecture Only) Closing Argument</p> <p>Additional Case Law for Removal: (a) Statute – Section 609 (b) <i>Marriage of Zamarippa – Gesundheit</i>, 175 Ill.App.3d 184, 124 Ill.Dec.799, 529 N.E.2d 780 (1988) (c) <i>Marriage of Smith</i>, 172 Ill.2d 312, 216 Ill.Dec.652, 665 N.E.2d 1209 (1996) (d) <i>Marriage of Gratz</i>, 193 Ill.App.3d 142, 548 N.E.2d 1325, 139 Ill.Dec. 611 (1990) (e) <i>Marriage of Melton</i>, 314 Ill.App.3d 476, 732 N.E.2d 11, 247 Ill.Dec. 295 (2000) (f) <i>Marriage of Collingbourne</i>, 774 N.E. 2d 448, 332 Ill.App. 3d 665, 266 Ill.Dec. 342 (2002)</p>	<p><u>Respondent:</u> Direct Testimony of Respondent Cross of Petitioner</p> <p>Closing Argument</p>
10/30/07, 11/06/07 & 11/13/07	<p><u>Appraisal</u> <u>Petitioner:</u> Direct Examination of Wife's Appraiser Cross Examination of Husb's Appraiser Closing Argument</p>	<p><u>Respondent::</u> Cross of Wife's Appraiser Direct of Husb's Appraiser Closing Argument</p>
11/20/07	<p><u>Attorneys' Fees</u> (Lecture Only) Fee Agreement Petition Interim Fees Final Fees Legal Considerations</p>	
11/27/07	<p>TO BE ASSIGNED.</p>	