

LITIGATION LAB INTRODUCTION

Theory of the Class

This class is based upon a two-part theory. The first is that good lawyers need and will use law students for collaborative help with open cases. The second is that law students can learn from working on these cases with the lawyers. Lawyers pay DePaul \$350 and get a two-hour session with a class of about twelve students. A professor supervises the class. Together, the lawyer and students workshop the case. There is a different lawyer with a different case almost every class. The lawyers provide materials for the students to review before the class. During the class, students discuss, argue, debate and work with the lawyer to focus on the toughest issues. Lawyers credit Litigation Lab for ideas, themes and information leading to successful results in their cases.

Warning!

Students looking for a traditional, pre-packaged class should look elsewhere. Litigation Lab is an entirely new idea. We do not know who the lawyers will be or what sorts of cases they will bring in. The lawyers are not always sure how to use the class and they do not know the answers to the questions they bring us. No one knows how the case will come out. This is a lab. This class is for students who are interested in trying new things and extending their comfort zone. Everyone has to talk. Everyone has to ask questions. Everyone also has to listen and learn from everyone else. Every person who comes to this class, including the professor and the lawyer, should be there because they want both to teach and to learn.

Confidentiality and Conflicts

Because these are open cases, strict confidentiality is required. Students must sign confidentiality agreements and must understand that they may never discuss a case with anyone who was not in that session. Even years later, no matter where students end up working, they may not discuss or work on that case. Students are also screened for conflicts before each class. Students who think they may have a potential conflict must bring it to the attention of the professor as soon as possible and arrangements will be made. Students need to keep a list of cases they worked on for future reference. Case materials must be disposed of responsibly after the class. Students are requested to provide a resume to the professor at the start of the class.

What Work is Required

Lawyers provide us with materials in advance of the sessions and everyone is expected to read and review those materials. After every class, students are required to complete a journal along the lines of the format enclosed. Journals are the only written record of our class and they should be thoughtful. At the end of every class, any additional thoughts, ideas or other suggestions for the lawyer should be turned into the PD who will collect them and pass them on to the lawyer as a "Goodie Bag." Contributions to goodie bags are meaningful to the lawyers and are encouraged.

Each student will also give at least one prepared presentation of one side of one of our cases. From time-to-time, students will be asked to write mini reports on issues that come up in class. At the end of the semester, students should provide the professor with a complete set of their writings.

Teamwork

In this class, students get to know their classmates. Students are expected to work collaboratively with their classmates in preparing for and during the sessions. In class, students should refer to each other by name and react to and respond to each others' ideas. Good students help classmates break into the conversation when needed. Students should learn that their classmates are an invaluable resource for their careers.

Punctuality and Attendance

Attendance and punctuality are particularly important in this class. Students are required to come to class and to be there on time. Lawyers are paying to get input from each student.

Textbooks and Miscellaneous

No textbook has been specifically assigned for this class. We are working to assemble a notebook of materials which will be made available. Everyone is expected to have ready access to the Illinois Jury Instructions with comments. They come up in every state case we have. Students will need to know similar instructions for every venue in which they litigate. The professor is happy to meet and review jury instructions with students outside of class. Everyone should know how to read a Jury Verdict Report in order to understand how a case works. Everyone should be aware of the Illinois Code of Civil Procedure and Illinois Supreme Court and local rules. Again, the professor is glad to meet with students to review these rules. Students should have a name tag in every class. Lawyers ask about contacting students so students want the lawyers to know their names.

Section Swapping

When there is more than one section, students are permitted to try other sections. This gives students a chance to meet and work with students in other sections. It is also a good way to make up a missed class. Students are welcome to attend additional sections. Students have to check in with the PD and do the usual conflict check. Sections cannot be swapped when there are not enough or too many students. Students attending other sessions must remember that they cannot discuss a case with students from their usual section.

Forms

Attached are forms that we have developed so far and are using in this class. Suggestions are welcome.

Project Director

Every class which has a lawyer has a student act as the Project Director (“PD”). The PD is a liaison between the class and the lawyer. Every student should look at being PD as a terrific opportunity to meet and work with a practicing attorney. Volunteers may be needed to do a second session as PD. Here is an outline of the role of the PD:

1. The PD contacts the lawyer as soon as we have the lawyer’s name. The PD introduces him/herself to the lawyer and explains what we can do. The PD is responsible for getting all necessary information from the lawyer to do an appropriate conflict of interest check. As soon as the PD has received conflict information from the lawyer, the PD must circulate it to the entire class and confirm that there are no conflicts. If anyone has a conflict, direct them to the professor immediately.
2. The PD collects the case materials from the lawyer and circulates them to the other students as soon as each completes the conflict check. PDs need to encourage their attorneys to make these materials available as soon as possible so the class can prepare. If the materials are voluminous, the PD has to figure out how to divide them among the class so that everyone takes a share. The PD may also assign any readings or research that will help the class understand the project and assist the attorney. If there are any issues or problems, the PD is to contact the professor immediately. The PD is requested to put one hard copy of the materials in the professor’s mail cart on the 7th floor.
3. The PD collects the forms from the attorney and makes sure that the attorney has paid for the session, unless payment has specifically been waived.
4. The PD makes sure to get the attorney’s ARDC numbers to get MCLE credit.
5. The PD tells the lawyers to bring marketing materials to distribute at the end of the class. This is an important networking opportunity for the lawyer. At the end of every class, we welcome and thank our lawyers.
6. The PD has to find out if a trial consultant is going to participate in the session and if so, the PD has to make sure he/she gets the materials.
7. The PD works with the professor and the lawyer to design a project which will be appropriate for a class session. Challenges arise in dealing with lawyers who have never done a session before. Some lawyers think they are coming to teach a class. We want to show them that we are here to help them. The PD has to make sure that the lawyer understands what to expect in a two-hour session. Lawyers’ presentations should usually not be lengthy because they deprive the lawyers of valuable input from the students. Sometimes lawyers want a second session to finish or re-do a case. If there are any questions or issues, the PD should contact the professor immediately.
8. The PD is responsible for making sure that the lawyer knows exactly when class starts and

when it ends, and that the lawyer shows up at the correct time and place. The lawyer should know his session usually begins when the warm-up ends unless there is some other arrangement. The PD has to give the lawyer good clear directions.

9. In class, the PD is responsible for helping to run the session. PDs frequently give a presentation of one side of the case (it often works well for the lawyer to give his/her opposing side). PDs work with their classmates and the professor to make sure that the lawyers' expectations are met.
10. The PD is responsible for making sure that the lawyer receives MCLE credit.
11. The PD is also responsible for making sure that a full evaluation is completed by the lawyer (which will hopefully be *excellent* with a few good quotables!).
12. The PD collects all of the materials for the "Goodie Bags" and makes sure that they are delivered to the lawyer after class. The PD should later follow up with the lawyer to see what happens to the case and whether there is any other work that the class could possibly provide to the lawyer. Every student should look at being PD as a terrific opportunity to meet and work with practicing attorneys. Volunteers may be needed to be PD twice.

Lawyers and Case Selection

Students should tell the professor of their preferences for particular kinds of cases or particular lawyers. Students are encouraged to help bring lawyers to class and are encouraged to bring in cases from law firms where they are clerking or have contacts. Students interested in a particular area of law can work with the professor to find an attorney who practices in that field. The only requirements for a case are that it be open and that the attorney is willing to pay the fee unless there is a compelling reason to waive the fee. If a lawyer is requesting a fee waiver, contact the professor. There are several easy steps to finding an attorney in a particular field. First, let the professor and all of the students know. Second, talk to other professors to see if they can recommend an attorney in that field. Third, Google "blank lawyer Chicago" and see what comes up. Contact the professor, tell him what you found and make a plan to contact those lawyers to see if anyone is willing to come in with a case. The professor is always happy to call lawyers and go with the student to meet lawyers. Any student who reads about an interesting case or hears of a pending case may contact those lawyers or ask that the professor help contact them. This is a great way for students to meet lawyers in a field in which they may have some interest.

Classes Without Lawyers

There will be classes without lawyers for different reasons. Sometimes we have other guests. Sometimes we work on presentations. Sometimes we review issues that come up in cases. Cancellations also happen and we need to be prepared.

Trial Consultants

We are very fortunate to have a number of well-known trial consultants helping us with this course. Trial consultants work with lawyers to help them prepare, strategize and try their cases. Usually, our consultants are happy to talk to you outside of class about communication issues, public speaking, case analysis or other issues. Students should consider our trial consultants as an ongoing resource now and for the rest of their careers.

Warm-Up, Announcements and Presentations

We usually reserve the first one-half hour of every class before the lawyer arrives for exercises, announcements and presentations. Every student will give at least one prepared presentation of one side of a case. PDs should tell the lawyers that, usually, we should not be interrupted during this time.

Format of an Actual Class

We do a wide variety of work in our classes. We usually work in the conference room but sometimes we work in the Ring courtroom. We could work anywhere the lawyer wants and the class agrees including court or a lawyer's office. The format of the class can take any method. In one scenario, we have one short (5-10 minutes) presentation from the lawyer and one from a student (usually the PD) giving the other side. It usually works well for the lawyer to present his opposing side. After initial presentations, we may circulate questionnaires for everyone to write their thoughts and reactions to the presentations. Next, we may go around the room and express our opinions. Then we may argue, debate and discuss particular issues. At some point, we narrow the discussion to one or several issues and work collaboratively to help the lawyer find the best solutions. Students are invited to find additional information, websites, standards, or other references of any kind. Often attorneys have not fully researched these possibilities and appreciate hearing them. We look to our trial consultants for help and guidance. We ask the lawyer whether we are working on the issues he wants. The two hours usually goes quickly so we want to cover the lawyer's requests. Lawyers sometimes bring in their clients or adjusters. We are open to whatever works for them. What we do and the formats we use are limited only by our imagination. We should encourage new and different methods and remember this is a lab!

Media

Articles on this course are available on request.

Grades

This course provides students many opportunities for learning and we are looking to see how those opportunities are taken. Grades are based on oral and written performance in the class throughout the semester. That means participation in the class, presentations, written journals and reports, and work as PD. There is no final exam and grading is necessarily subjective. Students are invited to show enthusiasm, energy and engagement in every class. Participation in class is vital. Teamwork

and willingness to listen carefully to others' opinions is required. We want students to show progress in understanding how to collaborate with each other and with the attorney and how to think about and strategize case issues. Students should begin to understand networking, taking full advantage of the attorneys who come to the class, reacting to and learning from their classmates, and generally beginning to think and act as practicing lawyers. Preparation and review of pre-class materials is important and it is apparent when students have prepared. Contributions to the Goodie Bags and presentations are important ways for students to learn. Students should do as many presentations as possible. We are looking to develop substantive knowledge, procedural knowledge and improvement in communication and persuasion skills. Students who do not learn anything about themselves from this class probably have not put everything into it that they could.

Ideas and Suggestions Are Welcome!

Students are key to the development of this class for themselves and for future students. Students are strongly encouraged to contribute ideas and suggestions as the class proceeds.