

## MEMORANDUM

**TO:** Students of Litigation Strategy – Pretrial – Civil  
**FROM:** James A. Clark  
**RE:** Syllabus and Schedule for Course  
2009 Fall Semester  
**DATE:** August 2009

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## INTRODUCTION

This course will involve rigorous preparation for civil pretrial litigation practice. Emphasis will be on participation in advocacy skills in the pretrial process rather than on traditional academic processes (e.g., taking tests). Students will be expected to complete the required readings and to demonstrate a working knowledge of the Illinois and federal pretrial rules. Supplemental readings may occasionally be suggested. Classroom discussions and lectures, though de-emphasized, will be used to supplement reading materials and will be important in subsequent preparation for participation sessions. Students should be willing to devote substantial time to preparation for class. Although reading assignments may not be specifically reviewed during class time, students are cautioned to keep current on all assigned readings. Attendance is required and inadequate attendance will be reflected in an inadequate final grade.

### COURSE OBJECTIVES:

1. To develop advocacy skills in pretrial civil motion practice, including both written and oral skills;
2. To develop skills in the civil discovery process, including particularly the deposition process;
3. To instill a working facility with state and federal pretrial rules, as well as local rules affecting civil pretrial matters.

**TEXTS:**

National Institute For Trial Advocacy, Developing Deposition Skills, BMI v. Minicom, Inc., Materials for the Advocates Law Firm [A's], Revised Fourth Edition

***OR***

National Institute For Trial Advocacy, Developing Deposition Skills, BMI v. Minicom, Inc., Materials for the Barristers Law Firm [B's], Revised Fourth Edition<sup>1</sup>

**NOTE: Do not purchase either edition until notified by the instructor.**

Federal Rules of Civil Procedure (any edition).

Illinois Code of Civil Procedures and Illinois Supreme Court Rules (any edition)<sup>2</sup>

**FORMAT:**

This is an exercise and discussion class. Lectures will be de-emphasized; class participation, insofar as it reflects preparation and thoughtfulness, is encouraged and rewarded. Students should be prepared to participate each week in exercises to demonstrate and develop skills in the areas designated for the week. Participants' efforts will be critiqued by the instructor and the class. Each student must complete the assigned outside reading materials and, in

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<sup>1</sup> Students will be informed in the first weeks of the semester which of the two versions (Advocates or Barristers) the student should purchase. Do not purchase both versions. The bookstore will have a list of which version you are to buy and the books may not be on the shelves. Ask the bookstore for your version.

<sup>2</sup> Students may use any current edition of the state and federal rules and statutes, but should have a personal copy of each. **THE STATE AND FEDERAL RULES SHOULD BE BROUGHT TO EACH CLASS.**

addition to being prepared to frequently participate in the exercises, be ready to discuss the demonstrations and to offer his or her own ideas and insights. Students will often be asked to act in the role of clients or witnesses.

**TO CONTACT ME:**

I can be reached between classes at my office: (312) 258-5632 or by e-mail at [jclark@schiffhardin.com](mailto:jclark@schiffhardin.com).

**TENTATIVE WEEKLY SCHEDULE**

Assignment sheets will be distributed each week via e-mail. Should you miss a class, you are responsible for obtaining the assignments from your fellow students or from my assistant, Diane Gordon, at (312) 258-4877 or at [dgordon@schiffhardin.com](mailto:dgordon@schiffhardin.com). The outline below is tentative and will be adjusted by the weekly assignments.

August 27	Introduction
September 3	Introduction to motion practice ( <u>Valley Lo</u> )
September 10	Motion practice ( <u>Versa</u> )
September 17	Introduction to Depositions
September 24	Deposition preparation; document requests
October 1	Depositions – emphasis on taking; interrogatories
October 8	Depositions – emphasis on defending; requests to admit

October 15	Depositions – emphasis on witness preparation; settlement
October 22	Depositions – emphasis on organization and use of documents; file Motions <i>in Limine</i>
October 29	Final Deposition class; Responses to Motions <i>in Limine</i>
November 5	Reply Briefs on Motions <i>in Limine</i>
November 12	Argue final motions
November 19	Argue final motions
December 3	Make-up date

### **GRADES**

In addition to the facets of grading described above, students will be graded on class participation in the weekly demonstrations and discussions. This will include:

- (a) evaluation of all papers submitted.
- (b) evaluation of oral advocacy skills including knowledge of applicable rules

and case law.