

PRETRIAL CIVIL LITIGATION

Syllabus
Fall Semester 2009
Daley Center Court Room: TBA

Adjunct Professor: Brian M. Nach

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I. REQUIRED MATERIALS

Texts¹: Mauet, Pretrial (6th Ed. 2004)

Federal Rules of Civil Procedure (any edition)

Illinois Code of Civil Procedure and Illinois Supreme Court Rules (any edition)

Other: You will need one 11” accordion file folder and at least 7 manila file inserts. You will use this to create your litigation file, which will count as part of your grade.

II. COURSE GOALS AND OBJECTIVES

This course will focus on pretrial civil litigation procedure, practice and strategy. The class will be taught with an emphasis on participation, development of advocacy skills in the pretrial process and on obtaining a working knowledge of the pretrial procedural rules governing the pretrial process.

Students will be expected to complete the required readings and assignments with the goal of achieving a working knowledge of the Illinois and federal pretrial rules. In addition to weekly reading assignments and in class lectures, students will participate in the representation of a mock client involved in a civil lawsuit in which the student will be required to prepare and respond to pleadings, motions and discovery filed by other classmates and prepare for and engage in a final pre-trial conference.

Attendance is required and inadequate attendance will be reflected in the final grade.

In sum, this course will achieve the following objectives:

1. Developing advocacy skills with particular emphasis on the pretrial phase of litigation including pleading and motion practice;

¹ Supplemental readings may be recommended from time to time.

2. Develop skills and knowledge in the civil discovery process including both written and oral discovery;
3. Provide a working knowledge of the state and federal pre-trial rules of Court.

III. STRUCTURE OF THE CLASS

This class will be based on a tort lawsuit. Each student will be assigned a particular case for which the student will act as counsel for the plaintiff or defendant. That student will be responsible for that single case throughout the semester and will be opposed by another student in the class who will be assigned to represent the other party to that case.

IV. METHOD OF INSTRUCTION

This class will focus on the practical aspects of pretrial litigation with an emphasis on hands-on experience and real-world problem solving.

V. LITIGATION FILE

Each firm (student) must maintain a case file as it will be an important component of the grading process. An important aspect of the real-world practice of law is organization and through the creation of the litigation file the students will learn how to maintain the file in an orderly manner.

VI. GRADING

The students overall grade will be made up of his/her performance on the following components:

Pleadings	15%
Written Discovery Requests	10%
Responses to written discovery	10%
Depositions of fact witnesses	30%
Summary Judgment Motion	5%
Summary Judgment Oral Argument	5%
Final Pre-trial conference	5%
Litigation File	10%
Court appearances	5%
Class Participation/Attendance/Professionalism/ Ethical Conduct	<u>5%</u>
	100%

For all written material, the grading criteria include choice of content, accuracy of information, grammar, punctuation and spelling.

For all oral portions of the class (i.e., depositions, court appearances) the grading criteria include knowledge of the material, professionalism, persuasiveness, form and proper use and responses to objections.