

First Assignment: None
• Course Overview
Blackboard Contents
Initial Discussion of Requirements and Course Focus

**Products Liability Litigation
Professor Kiely
Spring Term, 2008**

SYLLABUS

REQUIRED TEXTS:

No Assigned Text. Materials will be placed on the course BlackBoard Page.

Course Description:

This course is in the SKILLS CURRICULUM. It involves the preparation of a Products Liability Litigation File:

- All scientific, regulatory and corporate research relevant to an actual product sold in the USA by a public company:
 - Medical, Engineering and Chemical databases and authorities
- A Product Profile incorporating and analyzing the above-noted research.
- A Complaint to each of the named defendants
- Discovering Planning
- Interrogatories and Motions to Produce to each of the named defendants
- Discovery Enforcement
- Relevant case law and articles

The class meeting will be devoted to teaching the skills involved in each of the important areas noted above, with special emphasis on the subjects of scientific research, drafting and discovery practice. A much more detailed description of the course work product in the initial classes.

SYLLABUS

I. PREFILING BACKGROUND

Assignments:

- Kiely: Science and Litigation: Chapter 1 -Science In American Litigation: India Rubber to Bioinformatics, pages 1-34.
- Kiely and Ottley: Understanding Products Liability (Lexis/Nexis 2006) [BLACKBOARD]
- Chapter 11 Research and Practice Implications of Choice of Theory

II. - SCIENCE AND PRE-TRIAL RESEARCH

Assignment:

- Kiely: Science and Litigation: Chapter 5 Science and Pretrial Research, pages 207-259
- Kiely and Ottley: Understanding Products Liability [BLACKBOARD], Chapter 12 Researching the Products Case
- BLACKBOARD Course Documents: **Products Web Sites.Doc**

III. EXPERT WITNESSES:

Assignment:

- Kiely: Science and Litigation: Chapter 6 - Science and Expert Witnesses, pages 261-286
- Kiely and Ottley: Understanding Products Liability [BLACKBOARD], Chapter 13 The Expert Witness

III. THE UNDERSTANDING AND USE OF SCIENTIFIC LITERATURE

Assignment

- Kiely: Science and Litigation: Chapter 3 - Science and Peer-Review, pages 77-129
- HANDOUTS

IV. SCIENCE AND LEGAL CAUSE

Assignment

- Kiely: Science and Litigation: Chapter 4, Science and Legal Causation: A Primer on Proximate Cause, pages 131-203

V. DRAFTING THE COMPLAINT

Assignment:

- Kiely and Ottley: Understanding Products Liability, Chapter 14, Drafting the Complaint and Discovery Focus [BLACKBOARD]

VI. DISCOVERY GOALS AND TOOLS

Assignment:

- Kiely: Science and Litigation: Chapter 7 - Science and Business Documentation, pages 287-338 -
- - Kiely and Ottley: Understanding Products Liability, Chapter 15, Products Liability and Discovery; Chapter 16 Interrogatories and Request to Admit Facts ; Chapter 17 Requests to Produce Documents; Chapter 18, Discovery and Evidence Depositions.

VII. DISCOVERY ENFORCEMENT, PROTECTIVE ORDERS AND MOTIONS-IN-LIMINE

Assignments:

- Kiely: Science and Litigation: Chapter 8 - Science and Pre-Trial Discovery, pages 339-427
- Kiely and Ottley: Understanding Products Liability, Chapter 19, Protective Orders, Discovery Enforcement, and Motions-In-Limine

EVALUATION: The grade in this course will be based on the following:

PRODUCT PROFILES will count for 75% of the FINAL GRADE

CLASS PARTICIPATION AND PRESENTATIONS will count for 25% of the FINAL GRADE

CLASS ATTENDANCE WILL BE TAKEN FOR EACH CLASS. THREE UNEXCUSED ABSENCES MAY RESULT IN YOUR BEING DROPPED FROM THIS COURSE.

PRODUCT PROFILES: REQUIREMENTS:

- **Detailed Product Profiles:**

- Complete technical information as to the material, design, testing, production

and marketing efforts from the pre-marketing and post marketing dates up to the present.

- Comparative product analyses in the same respects for competing products in the defendant's market niche.
- Complete Regulatory Agency profile up to the present time.
- Complete legal analysis as respects prior litigation of the chosen product or its competitor's products OR specialized issues in your case..
- Complete Company Profile as to the corporate defendant(s) involved

• **Detailed Discovery Documents:**

Each team must draft :

- **Complaint(s)** to all parties defendant. Any service of process problem unique to your case should be noted.
- **Interrogatories** to each party defendant
- **Requests for The Admission of Fact or the Genuineness of Documents** to each Party defendant.
- **Requests for the Production of Documents** to each party defendant(s).