Pretrial Practice  
Fall 2013 Syllabus  
Professors: John Garvey & Emily Rice  

Class meeting times: Tuesday and Thursday from 8-9:55 a.m. When class meets as a whole you will be in room 103. When meeting within your firms: Defense firm will be in room 101 and Plaintiff’s firm will be in room 102. Room assignments are subject to change.

OFFICE HOURS:

Professors (aka senior partners):

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GENERAL INFORMATION:

Goals/Objectives

Litigators make strategic and ethical judgments throughout the pretrial process that can determine the outcome of their clients’ cases. Making these judgments necessarily requires the litigator to take risks, putting his or her analytic skills and strategic and ethical sense on the line every time a decision is made. This course is designed to provide students with an opportunity to learn the pretrial advocacy skills critical to making sound judgments throughout the litigation process in a mentored setting. In most law practices today, senior attorneys do not have time to provide new lawyers with substantial instruction or feedback. New lawyers are often thrown into pretrial litigation and left to “sink or swim.” This course will provide students with an opportunity to exercise and test their judgment in a mentored setting and to reflect on and receive feedback about the strategy decisions they make.

Drop/Add

Students (aka junior associates) will not be permitted to drop or add this course after noon on Wednesday, September 4, 2013. Because students will be organized into law firms, paired with an opposing counsel, and will begin work on the case almost immediately, it is strongly recommended that all students in the class begin the reading prior to the first class.

Course Materials/Text

The text for the course is: Pretrial, Thomas A. Mauet, Aspen Publishers, 8th edition. You will also need access to the current Federal Rules of Civil Procedure. You may use the supplement you purchased for Civil Procedure, but you will need to check for amendments to the rules. You will also need to download the Local Rules for the United States District Court for the District of New Hampshire. The Local Rules are available on-line at www.nhd.uscourts.gov.

We will work with a case simulation created for the course. The case is based upon an actual case filed in the U.S. District Court of NH entitled Ronald Weeden v. Sears Roebuck & Company. You may not review any documents or pleadings pertaining to the
actual case, nor may you speak to any of the parties, attorneys or other participants. You may not (further) review the sample brief that was distributed to some sections of Legal Writing in past years. This rule also prohibits contact with any prior students (other than senior associates for this class) who participated in this simulation and review of any materials generated in connection with past simulations. Any breach of this rule will be considered an Honor Code violation. You will receive documents related to the litigation as you would if you were actually litigating the case.

PROFESSIONAL RESPONSIBILITY

During this course, you are subject to the Disciplinary Rules of the United States District Court for the District of New Hampshire, which may be accessed at: http://www.nhd.uscourts.gov/ru/local-rules/83.5.asp. By reference, this means that you are also subject to the New Hampshire Rules of Professional Conduct may be accessed at: http://www.courts.state.nh.us/rules/pcon/index.htm. You are also subject to the Litigation Guidelines and the Professionalism Creed, both of which are available at: http://www.nhd.uscourts.gov/default.asp.

The rules regarding attorney-client privilege apply to all of the privileged information you learn during this course. You may discuss privileged information with members of your firm, but communication of privileged information with anyone outside your firm will destroy the privilege and is not permitted. To protect the value of this simulation for future students, this rule remains in effect after the course is completed.

CLASS ORGANIZATION

Students in the class will be divided into two law firms. You will name your firms during orientation on August 21. One firm will represent the plaintiff in the lawsuit to be litigated and the other will represent the defendant. Within your firm, you will sometimes work independently, in small groups, and as a whole. Your small group partners will vary during the semester so that you will have an opportunity to work with different personalities – as in a real firm setting. We will distribute a list of “associates” within each firm at orientation. Professor Garvey will act as senior partner for the plaintiff’s firm and Professor Rice will act as senior partner for the defense firm. Each firm will have its own password protected TWEN site. Some of the information on the site is the same for each firm, but some of the information will be confidential. You are not allowed to share your password with anyone who is not in your firm and you are not allowed to look at the other firm’s TWEN site under any circumstances. When you are told to submit an item to the TWEN site, you will put it in the “assignment drop box” for the designated item. In addition to your drop box submissions to TWEN, the Senior Associates will administratively file items on TWEN in appropriate locations – like pleadings, depositions, discovery, etc. These documents are denoted with an “*” .This will allow you to readily access the case as it progresses. You should make sure you are familiar with the TWEN site and how to use it.

Please note that neither firm necessarily meets on every scheduled class period. Depending on the status of the litigation, the senior partners of either firm may choose to
have the associates devote class time to meeting in small groups or to working individually on drafting pleadings, discovery, and dispositive motions. Also, the firms will sometimes meet together, but will often break into separate rooms. This gives the student lawyers in each firm an opportunity to discuss and plan strategy and drafting assignments without the other firm present. **NOTE: There are far more written assignments in this class than most 4 credit courses.** You should be prepared to spend significant time outside of class each week reading the assigned chapters of the text, researching the law, talking to clients and witnesses, reviewing client files and other discovery, and drafting various pretrial documents. You will not be able to “cram” for this course. As with real trial practice, if you fall behind, you will not succeed.

ASSIGNMENTS AND PARTICIPATION – GRADING

This course is ambitious, and will require a high level of performance. Your level of effort and engagement with written submissions and class discussions will be noted and factored into your grade. This course will not be graded on a curve, but will be graded based upon your actual level of performance. Attendance is required unless you have been excused in advance. During class time, and when working together on projects, you will be expected to cooperate with members of your firm as you would if you were working together in a real law firm. You will work as a firm on the litigation activities outlined in the Syllabus, including interviewing clients, investigating facts, researching the law, deposing witnesses, defending depositions, discussing strategy, and negotiating with opposing counsel. Every student will take and defend a substantial portion of at least one deposition and argue a motion for summary judgment before a sitting judge. Your participation in these in-class activities/exercises will constitute 50% of your grade; you will be evaluated by your peers, your senior associates and your senior partners. Your senior partners will give you a mid-semester and end-of-semester performance review. **Because your participation in classroom discussions and exercises is crucial to your and your classmates’ learning, excessive unexcused absences will result in a reduced grade or course failure. See Academic Rule 11.c (6). More than 2 unexcused absences will be presumed excessive. No student will be considered absent on a day during which it is snowing if he or she deems the driving unsafe and notifies his or her senior partners of that fact by phone or e-mail prior to class commencing.** Please use your judgment if class is held on a day with dangerous driving conditions.

Written assignments will make up the other 50% of your grade. **All assignments MUST be submitted with a cover sheet containing the assignment title, your name and the date. All submissions must be page numbered unless otherwise provided by rule of court. Whenever physical (as opposed to electronic) submission is required, assignments MUST also be three-hole punched, and clipped together (NO STAPLES) before they are filed.** You will be individually responsible for preparing, filing with Krystal Johnson (who will act as the Clerk of Court), in Room 218, and serving on your designated opponent those of the written assignments set forth in the Syllabus assigned to all counsel in your firm. In addition, you will be responsible for contributing to the drafting of a Complaint or Answer, Interrogatories, Requests for Production or Requests for Admission, as your firm deems appropriate, and to Responses to the foregoing. Memos to partners, dispositive motions and objections thereto, will be graded. Complaints, Answers, Discovery Requests and
Responses, will be noted “satisfactory” or “unsatisfactory” (S/U).

All documents filed and/or served must conform to the Federal Rules of Civil Procedure and to the Local Rules of the United States District Court for the District of New Hampshire unless otherwise specified.

As in any firm, you must keep time records with time sheets, which will be provided, documenting the time you spend working on this litigation. Timesheet completion will be discussed in the first class. Your timesheet must list the dates you worked on the case, describe the work performed, such as research and writing, and indicate the time spent on each date. Your timesheet should include time spent on in-class activities and preparation for class activities, including reading. These timesheets must be submitted electronically to your firm’s bookkeeper e-mail: TBD by 3 p.m. every Friday, and must at least include all time spent through Thursday of that week. Your timesheets will be reviewed and feedback will be provided on two occasions - during the beginning and end of the course. Your timesheets are part of your written work and will be “marked down” for late filing just as they would be at a law firm.

This course includes written benchmarks, which summarize various activities that you will be asked to perform. The benchmarks are a tool for self-assessment as well as assessment by your senior partners. The benchmarks will be available on your firm’s TWEN site. You will complete benchmarks when instructed to do so by the due date indicated and submit them electronically to your firm’s TWEN site.

**DUE DATES AND FILING & SERVING REQUIREMENTS**

Each of the written assignments will be due on the date and time indicated in the Syllabus, Appendix, and TWEN calendar. We have attempted to provide explicit filing/serving instructions for each assignment. If something is not clear, it is your responsibility to obtain clarification as soon as possible and in time to complete your assignment on time. If there are mistakes or omissions in the syllabus, we will send out a notification to all students and we will correct the syllabus on the TWEN site.

**NOTE:** Each firm will have a dedicated e-mail address. All members of the firm will have proxy access to that e-mail address and are required to maintain it. If you send an e-mail everyone in your firm will receive a copy. You will need to proxy over to the firm e-mail to see any received messages. Unless you are sending an e-mail which is individual work for purposes of assessment, send and respond using the firm e-mail. For example, if you e-mail a client or witness, use the firm e-mail and sign your name to the e-mail on behalf of the firm. The Complaint will be submitted using the Plaintiff firm’s e-mail address. The Answer will be submitted using the Defense firm’s e-mail address. The Motion for Summary Judgment will be submitted using your individual e-mail address, as will the Opposition. Discovery Requests and Responses will be submitted by the firm. The “subject” line will conform to the following protocol: Course-Assignment-Last name. For example, when the Motion for summary Judgment is submitted by a student named Johnson, the subject should read: PT Ad – MSJ – Johnson. A protocol for each assignment will be provided as part of the Appendix.
AS WITH AN ACTUAL COURT FILING, SUBMISSIONS NOT FOLLOWING THE PROTOCOL WILL BE REJECTED.

CLASS/ASSIGNMENT SCHEDULE

Because this is a simulation, some of the activities described below may be subject to change, and there may be some supplemental reading assigned, depending upon events. Also, there is some flexibility intentionally built into the schedule to allow the firms to make decisions about how to spend their discovery time. However, all assignments with deadlines remain as noted unless specifically changed. Each firm will have its own TWEN calendar with deadlines noted. As in practice, you are responsible for all deadlines and can only request extensions for good cause. Except in the event of unforeseen emergency situations, the request for an extension must be made in advance of the due date.

Week 1— Litigation Planning

Tuesday, August 27 (Class 1)

Assignment:

All counsel: Read pages 3-18 and 85-109 before class. Also read the memo from your partner that will be provided to you in advance of class.

In class:

Both firms: Firms will meet together to discuss the structure and objectives of the course. We will discuss the process of litigation in general, and distinguish civil and criminal process. We will discuss the role of demand letters in the civil process and also discuss timekeeping practices and conflicts checks. Students will then break into their law firms and will be assigned legal research.

Thursday, August 29 (Class 2)

Assignment:

All counsel: Read pp. 19-56 and pp. 109-116 before class. Submit Case Evaluation Memo & Benchmark electronically to TWEN by 3 p.m. on Tuesday, September 3, 2013. This will be reviewed by the senior partners and senior associates and returned with feedback and professor benchmark prior to class on Tuesday, September 10, 2013.

Plaintiff’s counsel: Commence research of law for evaluative memo regarding potential claims and possible defenses.
Defense counsel: Commence research of law for evaluative memo regarding potential claims and possible defenses.

In class:

Plaintiff’s firm: Meet and interview prospective client; follow up with senior partners and senior associates regarding possible new matter and discuss potential claims. Each junior associate will independently commence preparation of a Case Evaluation memo to the senior partners, recommending whether or not to take the case; concurrently, junior associates will form three person teams; each team will commence preparation of a draft Complaint.

Defense firm: Meet with new client about likely new matter: follow up with senior partners and senior associates to discuss new corporate client, privilege issues, evaluation of legal issues raised, and preparation of Case Evaluation Memo to senior partners.

Week 2—Investigation and Pleading

Tuesday, September 3 (Class 3)

Assignment:

All counsel: Read pp. 119-148 before class.

Plaintiff’s counsel: Continue research of law regarding potential claims. Review draft demand letter. All junior associate teams will prepare a draft Complaint and submit it electronically to TWEN by noon on Thursday, September 5, 2013. (The drafts will be reviewed by the senior partner and/or senior associates and returned with feedback prior to class on Tuesday, September 10, 2012.) The senior partner will electronically send a Demand Letter* by noon on Tuesday, September 3, 2013.

Defense counsel: Continue research regarding evaluation of potential claims and defenses.

In class:

Plaintiff’s firm: Review, finalize and send Demand Letter*. Work on Complaint.

Defense firm: Firm will discuss the nature, purpose, and formation of a demand letter and a first report letter to the client, and will also discuss the overall nature of litigation planning and strategy.
**Thursday, September 5 (Class 4)**

**Assignment:**

All counsel: Read pp. 148-168 before class.

Plaintiff’s counsel: No additional assignment.

Defense counsel: Review and consider demand letter.

**In class:**

Plaintiff’s firm: Senior partners and associates will meet with teams working on draft Complaints. All junior associates will attend.

Defense firm: Review and consider response to demand letter; senior partners will discuss case evaluations, document production, discovery in general, and various litigation requirements.

**Week 3—Answers and Motions Attacking Pleadings; Initial Case Evaluation**

**Tuesday, September 10 (Class 5)**

**Assignment:**

All counsel: Read pp. 187-271 before class #7.

Plaintiff’s counsel: Junior associates will work with the team drafts to consolidate and create a single, final Complaint*. The finalized Complaint will be electronically filed with the Clerk of Court AND submitted to TWEN by 3 p.m. on Wednesday, September 11, 2013. A courtesy copy will also be sent electronically to Defense Firm.

Defense Counsel: No additional assignment.

**In class:**

Plaintiff’s firm: Junior associates will receive feedback from their senior partners regarding their Case Evaluation and Complaint drafting. Junior associates will receive feedback on their draft team Complaints and will combine efforts to work towards preparation of a final firm Complaint.

Defense firm: The firm will prepare a response to the Demand Letter for signature by senior partner. The firm will meet to discuss fact gathering for
answering anticipated Complaint. Firm will discuss potential defenses, and will form 3 person teams to draft an Answer or Pre-Answer Motions as they determine appropriate upon receipt of the Complaint.

Thursday, September 12 (Class 6)

**Assignment:**

**All counsel:** Read pp. 187-271 before class #7.

**Plaintiff’s counsel:** Work to finalize Case Evaluation Memo.

**Defense counsel:** Review Complaint prior to class. Teams must submit draft Answers or Pre-Answer Motions electronically to TWEN by noon on Monday, September 16, 2013. The drafts will be reviewed by the senior partner and/or senior associates. Feedback will be provided in class on Tuesday, September 17, 2013.

**In class:**

**Plaintiff’s firm:** Will form 3 teams of 4 persons for discovery and discuss discovery issues.

**Defense firm:** Senior partner and associates will meet with teams working on draft Answer or Pre-Answer Motions. All junior associates will attend.

Week 4 — Answers and Motions Attacking Pleadings; Initial Case Evaluation; Discovery Planning (continued); Discovery Planning and Drafting

Tuesday, September 17 (Class 7)

**Assignment:**

**All counsel:** Read pages 187-271 before class, and review documents provided by clients and any other sources. (Senior partners for each firm will negotiate a Discovery Plan according to the FRCP and local rules and submit electronically to Clerk of Court a Joint Discovery Plan* by Thursday, September 19, 2013 at 3 p.m.).

**Plaintiff’s counsel:** Electronically serve on opposing firm Mandatory Disclosures* pursuant to FRCP 26(a) by 3 p.m. on Thursday, September 19, 2013.

**Defense counsel:** Answer must be filed with court by 3 p.m. on Wednesday, September 18, 2013. One representative of the firm will file the finalized
Answer as follows: electronically file with the Clerk of Court, the opposing firm and electronically submit to TWEN. Electronically serve on opposing firm Mandatory Disclosures* pursuant to FRCP 26(a) by 3 p.m. on Thursday, September 19, 2013.

**In class:**

**Both firms:** The firms will meet together to discuss the Discovery Plan and discovery in general. The senior partners will work together to create a Discovery Plan for approval by the Court, pursuant to FRCP 26(f).

**Plaintiff’s firm:** After the joint meeting, the plaintiff’s firm will meet separately to discuss discovery strategy. The firm will also decide what information to provide to the defense firm in the Mandatory Disclosures. Junior associates will be assigned to teams to draft discovery. Counsel will review and discuss documents.

**Defense firm:** After the joint meeting, the defense firm will meet separately to discuss discovery strategy and continue work on Answer. Junior associate teams will receive feedback on their draft Answers; teams will combine efforts and work together towards preparation of a final firm Answer. The firm will also decide what information to provide to the defense firm in the Mandatory Disclosures. Junior associates will form 3 teams of 4 persons for discovery.

**Thursday, September 19 (Class 8)**

**Assignment:**

**All counsel:** Read pp. 311-334 before class.

**Plaintiff’s counsel:** Review the Answer. Electronically serve on opposing firm Discovery Requests* by noon on Monday, September 23, 2013. Submit Benchmark electronically to TWEN.

**Defense counsel:** Electronically serve on opposing counsel Discovery Requests* by noon on Monday, September 23, 2013. Submit Benchmark electronically to TWEN.

**In class:**

**Plaintiff’s firm:** Continue to plan discovery and work with the draft discovery documents to compose a final version. Review and discuss the Answer.

**Defense firm:** Continue to plan discovery and work with the draft discovery documents to compose a final version.
Week 5 – Responding to Discovery

Tuesday, September 24 (Class 9)

Assignment:

All counsel: Prepare Responses to Discovery requests.

In class:

Plaintiff’s firm: Teams will work on completion of response to Discovery requests.

Defense firm: Teams will work on completion of response to Discovery requests.

Thursday, September 26 (Class 10)

Assignment:

All counsel: Assigned teams work to answer Discovery requests. Draft Team Responses (one copy from each team) will be submitted to TWEN by noon on Monday, September 30, 2013.

Both firms: Electronically serve on opposing firm finalized Answers to Discovery* (one copy from each firm) will be submitted to TWEN (including Answers to Interrogatories, Requests for Admissions, Motions for Production, as applicable.). Submit Benchmark (one copy from each firm) electronically to TWEN by 3 p.m. on Tuesday, October 1, 2013.

In class:

Both firms: Firms will meet separately to discuss Discovery Responses and assess potential depositions; teams will be formed for depositions. Firms will discuss interaction of ethical issues and client control/advocacy issues.

Week 6 – Responding to Discovery Requests and Preparing for Depositions

Tuesday, October 1 (Class 11)

Assignment:

All counsel: Read pp. 271- 311 before class.

In class:

Both firms: Firms meet separately to finalize Discovery Responses.
Thursday, October 3 (Class 12)

Assignment:

Both firms: Before class, firm members will meet on their own schedule to discuss the responses they received to their written discovery, what further steps, if any, need to be taken, and whether/how those responses affect their deposition strategies. Deposition teams will prepare for deposition.

In class:

Both firms: Meet together to discuss deposition theory and technique to include the integration of substantive law requirements; observe sample depositions.

Week 7 – Preparing for Depositions (Continued)

Tuesday, October 8 – (Class 13)

Assignment:

Both firms: Continue deposition preparation with assigned teams.

In class:

Both firms: Meet together to continue discussion of deposition theory and technique to include the integration of substantive law requirements; observe and participate in sample depositions.

Thursday, October 10 – (Class 14)

Assignment:

Both firms: Continue deposition preparation with assigned teams. Day 1 deposition summaries will be due by 3 pm on Thursday, October 17, 2013. All deposition summaries & benchmarks are to be electronically submitted to TWEN. Note: Benchmark for deposition – conducting will be due to TWEN one week after junior associates individually assigned deposition date.

In class:

Both firms: All junior associates will participate in or observe depositions. Depositions will be transcribed by a court reporter and video recorded Deposition videos will be uploaded to YouTube and will be available to both firms.
Week 8 – Depositions

Tuesday, October 15 – No Class on a Monday Schedule

Thursday, October 17 (Class 15)

Assignment:

Both firms: Continue deposition preparation with assigned teams. Day 2 deposition summaries will be due by 3 pm on Thursday, October 24, 2013. All deposition summaries & benchmarks are to be electronically submitted to TWEN. Note: Benchmark for deposition – conducting will be due to TWEN one week after junior associates individually assigned deposition date.

In class:

Both firms: All junior associates will participate in or observe depositions. Depositions will be transcribed by a court reporter and video recorded. Deposition videos will be uploaded to YouTube and will be available to both firms.

Week 9 – Depositions

Tuesday, October 22 AND Thursday, October 24 (Classes 16 and 17)

Assignment:

Both firms: Continue deposition preparation with assigned teams. Day 3 deposition summaries will be due by 3 pm on Tuesday, October 29, 2013. Day 4 deposition summaries will be due by 3 pm on Thursday, October 31, 2013. All deposition summaries & benchmarks are to be electronically submitted to TWEN. Note: Benchmark for deposition – conducting will be due to TWEN one week after junior associate’s individually assigned deposition date.

In class:

Both firms: All junior associates will participate in or observe depositions. Depositions will be transcribed by a court reporter and video recorded. Deposition videos will be uploaded to YouTube and will be available to both firms.
Week 10 – Motions for Summary Judgment

Tuesday, October 29 (Class 18)

Assignment:

All counsel: Read pp. 362-375 before class.

Plaintiff’s counsel: Junior associates will meet outside of class to evaluate claims and proof, and to discuss any further formal or informal Discovery requests or motions to enforce Discovery requests.

Defense counsel: Junior associates will meet outside of class to evaluate claims and proof, and to discuss any further formal or informal Discovery requests or motions to enforce Discovery requests. Junior associates will commence work on Motion for Summary Judgment. Each associate will prepare a separate motion.

In class:

Both firms: Firms will first meet together to debrief the deposition experience and to generally discuss Summary Judgment issues and strategies. Junior associates from each firm will be paired for Summary Judgment Motions. Firms will then meet separately to discuss particular Summary Judgment issues and strategies.

Thursday, October 31 (Class 19)

Assignment:

Plaintiff’s counsel: No additional assignment.

Defense counsel: Continue to work on Motion for Summary Judgment.

In class:

Plaintiff’s firm: Firm will meet to discuss Opposition to Motion for Summary Judgment in anticipation of Summary Judgment Motion.

Defense firm: Firm will meet to work on Motion for Summary Judgment.
Week 11 – Motions for Summary Judgment and Oppositions (continued)

Tuesday, November 5 (Class 20)

Assignment:

Plaintiff’s counsel: No additional assignment.

Defense counsel: Each junior associate will file the Motion for Summary Judgment **by 9 a.m. on Wednesday, November 6, 2013.** Submit: 1) one hard copy, with exhibits, to the Court in room 218, and; 2) PDF copy on a flash drive to Court for your designated opponent; 3) electronic word copy, with exhibits, to TWEN for review by senior partners and/or senior associates; 4) Benchmark electronically to TWEN.

In class:

Plaintiff’s firm: Meet to discuss preparation of Opposition to Motion for Summary Judgment.

Defense firm: Meet to discuss Motions for Summary Judgment and preparation for oral argument.

Thursday, November 7 (Class 21)

Assignment:

Plaintiff’s counsel: Read Motion for Summary Judgment submitted by defense counsel; begin to read all citations in motion in preparation for oral argument. Work on Opposition to Motion for Summary Judgment.

Defense counsel: Prepare for oral argument.

In class:

Plaintiff’s firm: Work on Opposition to Motion for Summary Judgment.

Defense firm: Prepare for oral argument.
Week 12 – Motions for Summary Judgment and Oppositions (continued)

Tuesday, November 12 (Class 22)

**Assignment:**

Plaintiff’s counsel: Work on Opposition to Motion for Summary Judgment

Defense Counsel: Prepare for oral argument.

**In class:**

Plaintiff’s firm: Work on Opposition to Motion for Summary Judgment.

Defense firm: Prepare for Oral Argument.

Thursday, November 14 (Class 23)

**Assignment:**

Plaintiff’s counsel: Finalize Opposition to Motion for Summary Judgment. Each junior associate will file the Opposition to Motion for Summary Judgment by 9 a.m. on Monday, November 18, 2013. Submit: 1) one hard copy, with exhibits, to the court in room 218, and; 2) PDF copy on a flash drive to court for your designated opponent; 3) electronic word copy, with exhibits, to TWEN for review by senior partners and/or senior associates; 4) Benchmark electronically to TWEN.


**In class:**

Both firms: Meet together to discuss Oral Argument.

Week 13 – Oral Arguments on Motion for Summary Judgment

Tuesday, November 19 (Class 24)

**Assignment:**

All counsel: Prepare for Oral Argument.

Defense counsel: Read Plaintiff’s Opposition to Motion for Summary Judgment and begin reading all citations in the Opposition.
In class:

Both firms: Meet together to discuss Oral Argument.

Thursday, November 21 (Class 25)

Assignment:
All counsel: Prepare for Oral Argument.

In class:

Both firms: Oral arguments will take place in a court to be announced during class time. Submit Benchmark for Oral Argument electronically to TWEN by 8 a.m. on Friday, December 6, 2013.

Week 14 – Oral Arguments on Motions for Summary Judgment

Tuesday, November 26 (Class 26)

Assignment:

All counsel: Prepare for Oral Argument.

In class:

Both firms: Oral arguments will take place in a court to be announced during class time. Submit Benchmark for Oral Argument electronically to TWEN by 8 a.m. on Friday, December 6, 2013.

Thursday, November 28 – NO CLASS – THANKSGIVING BREAK

Week 15 – Oral Arguments & Overview of Final Pretrial Statement and Mediation

Tuesday, December 3 (Class 27)

Assignment:

All counsel: Prepare for Oral Argument.

In class:

Both firms: Oral arguments will take place in a court to be announced during class time. Submit Benchmark for Oral Argument electronically to TWEN by 8 a.m. on Friday, December 6, 2013.
**Thursday, December 5 (Class 28)**

**Assignment:**

All counsel: Read pp. 383-427, FRCP 16, FRCP 26(a)(3) and USDC Local Rule 16.2 before class. Complete and return the anonymous questionnaire which will be emailed to you on December 2, 2013. Reflect upon the course and prepare to discuss it. Schedule end of term evaluation meeting with senior partners on your firm’s TWEN site under the “sign-up sheet” option.

Revised Motion for Summary Judgment OR Revised Objection to Motion for Summary Judgment to be submitted electronically on TWEN December 20, 2013. Revised copy of the memo only (no exhibits), done in track changes based on comments provided.

Final reflective paper to be submitted electronically on TWEN December 20, 2013. 5-7 page reflective paper using the MacCrate Skills and Values as your framework; content should include a discussion of your experiences in the course; what you thought you did well on; what you think needs improvement; your plan for improvement going forward. The goal is to cause you to reflect, plan and grow.

**In class:**

Both firms: Firms will meet together to debrief oral argument, simulation and course. We will discuss this reflective phase of litigation, and discuss preparation of Final Pretrial Statement and mediation process. Some class time will be allotted for completing course evaluation.