

Advanced Civil Litigation

This class is designed to expose students to civil litigation practice in a setting which is as realistic as possible. The class concentrates on case and client management, motion practice and writing, discovery and depositions, and concludes with a trial (complete with a jury panel consisting of student volunteers) or alternative resolution of the case as the students have developed it. The goal of the class is to assist students in developing and instituting a strategy for a case in a real environment. This class is unique in that law students work with business students who serve as both clients and expert witnesses. Students also argue at least one substantive motion before a sitting judge or a practicing attorney. Since the class replicates the real world, students both develop and respond to their case as it unfolds. Therefore, not all students do exactly the same thing. Although each student completes a required set of work, each student experience may vary.

Student lawyers work in teams of two to develop their case and work with their client, and witnesses. They must keep time logs and bill their clients, provide periodic status reports to their clients, and generally maintain the same level of communication with their client as necessary in a real practice. Because all clients will be presented for deposition, students also learn how to prepare their own witnesses for deposition as well as how to depose and cross-examine the opposing witnesses. All presentations will be video taped.

For better or worse, conflict seems to be a part of litigation. Much of the class is designed to assist students in effectively responding to and working with their opposing counsel. Students learn to work with opposing counsel (who have their own strategy) and opposing clients (who have their own view of the case and their own goals). Students and their clients are responsible for creatively exploring a non-trial resolution to their case using any method of alternative dispute resolution, except mediation, or developing another alternative solution. The cases are not predetermined; therefore, even the same case will not develop the same way every time.

Student lawyers are evaluated the same as real lawyers; that is, by their client, by the judges, and yes, by their opposing counsel. Results are measured not only by the final result of a case, but by client satisfaction and reputation among judges and peers. All students participate in the process, both as evaluators of others and as recipients of others' evaluations. With "real" clients from the business school, practicing attorneys, and a jury panel comprised of non-lawyer volunteers (Preferably from outside the law school), these students have the opportunity to learn how their style affects the intangibles that measure success.

My hope is that students will see this class as truly an eye-opening litigation experience. They see firsthand the effect their decisions, overall demeanor, and trial techniques have on a case, and the clients, witnesses, judges and jurors involved. The combination of litigation issues and the realistic setting makes this class an excellent choice for any student considering trial law as their field.