ADVANCED TORT PRACTICE AND PROBLEMS
FALL-2013

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PURPOSE

This course is designed to educate students and teach them about the conceptual, legal and practical issues of handling an actual civil case from the initial intake to post-trial litigation. Although there are a variety of courses that focus on some of the very topics covered by this class, this course is different because it enables students to see the "big picture." Specifically, this course teaches students the fundamental skills necessary to competently handle a civil case from beginning to end, by taking them step-by-step through the litigation process.

OBJECTIVES

Students who enroll in this course will:

1) Learn about the intake process, which includes, client interviews, filing the appropriate documents, client rejection, retainers, attorney/client relationship, setting up a file, investigation, the parties, jurisdiction,

venue, ethical considerations, the value of the case and conceptualizing theories;

2) Learn about pleadings, which includes notices of claim, summons, complaints, service, answer, counter-claims, filing, fees and verifications;

3) Learn about the discovery phase, which includes attending preliminary, compliance and certification conferences; the drafting and exchange of bills of particulars, notices to admit, discovery demands & responses, examinations before trial, etc.

4) Learn about motion practice, including both how to and the purpose of making motions, as well as how to effectively oppose motions;

5) Learn about trial preparation which includes the filing of the note of issue, the drafting and exchange of relevant notices and mandatory documents, preparing experts, preparing witnesses, attending pre-trial conferences and mediations;

6) Learn how to conduct a trial, including jury selection, the examination of witnesses, opening statements, closing statements, exhibits, objections, jury instructions, courtroom decorum, etc.; and

7) Learn about post-trial litigation, including appeals, releases, liens, stipulations, demands, orders, payment of fees and client's recovery, and the closing of a case.

COURSE METHODOLOGY

In this course, students will be able to simulate the handling of a hypothetical civil case by maintaining an actual file throughout the entire course. The students will learn about each of the phases of litigation through discussions, role-playing and actual performance. The file will evolve throughout the semester and will ultimately be submitted for grading at the end of the semester. The file must include all the documents drafted throughout the course, all memoranda, notes, client contact, adversary contact and any other information that was fabricated and that is pertinent to the litigation of the lawsuit. The file will be returned to be used by students as a guide in the "real world."

REQUIRED TEXTS

1) CPLR Looseleaf binder, Looseleaf Law Publications, Inc.; and

SUGGESTED TEXTS

2) New York Practice, 4th Edition, David D. Siegel, Hornbook Series, Student Edition.

GRADING

The grades in this course will be composed as follows:

1) Class Participation and attendance - 10%
2) Drafting Summons and Complaint - 15%
3) Drafting Bill of Particulars - 15%
4) Contents of file - 15%
5) Final Examination— - 45%

Each of the above entities will be graded based on a student's improvement, organization, implementation of lessons, and actual content.

COURSE SCHEDULE

All classes will be held on Thursday at 5:10 to 7:00 p.m., unless otherwise notified. We will meet in Room 238

We hope to have one class during the semester at the Nassau County Supreme Court.

The assignments for each class will be given during the prior class.