

*Instructor:* Hon. Leonard B. Austin  
*Email address:* [lbawprof@gmail.com](mailto:lbawprof@gmail.com)  
[laustin@nycourts.com](mailto:laustin@nycourts.com)  
*Telephone:* Chambers – 516-403-2470  
*Secretary:* Betty Black  
516-463-5928

## **LITIGATION DRAFTING SKILLS SYLLABUS**

*Purpose of the Course:* The purpose of the course is to familiarize the students with the various forms utilized in litigation and, by practical application, to identify and adapt such forms for their use. By the end of the course, the students should be able to draft basic litigation documents including but not limited to pleadings, bill of particulars demands, motions and supporting papers, orders to show cause and judgments.

*Course Materials:* During the semester, we will be using forms, selected articles and court decisions, CPLR, Federal Rules of Civil Procedure and Siegel on *New York Practice*.

*Classes:* The class is scheduled to meet on Mondays from 6:10 pm to 9:00 pm.

*Attendance Policy:* The rules of the New York State Court of Appeals, the American Bar Association and the Maurice A. Deane School of Law all require law students to be in good and regular attendance in courses for which they are registered.

At the beginning of each class, I will take attendance and note unexcused absences. My record will be dispositive evidence of absence from class.

Even if you are absent you will be expected to have that class' written assignment handed in by a classmate or forwarded to me by email *prior* to the commencement of the class. You will also be responsible to obtain and complete the next assignment and notes from the missed class.

*Lateness:* I will view our classes as court sessions which means that you are expected to arrive on time, turn off and put away your mobile devices, turn in your assignment and be prepared to participate. If you know you will be late, email me to let me know. I would prefer you to be late than to miss the class completely. If you know you will be late, I will expect you to forward your assignment to me *before* the class begins.

*Expected Student Workload:* This is a three credit course. It is expected that with each assignment, the students will (1) research the applicable law; (2) identify the appropriate form to use in preparing the assignment; and (3) prepare the assigned legal document which will generally be no more than 5 - 7 pages. It is anticipated that, over

the course of the semester, each weekly assignment will, on average, require approximately six hours to complete.

The schedule of classes and the topics to be covered are set forth in Schedule A.

Learning Outcomes: By the end of the semester, you will be expected to be able to: (1) analyze a fact pattern and recognize legal issues; (2) identify the appropriate legal form for use in litigation; (3) prepare and organize your legal argument to the court; (4) draft persuasive, analytically complete written arguments; and (5) be prepared to orally and persuasively present your client's position to the court.

Final Grade for the Course: The final grade for the course will be based upon the final assignment (paper) which will be a pleading and a litigated motion on a fact pattern to be provided for which the students will be paired up and assigned the role of either counsel for the plaintiff or defendant. The final grade will be based on the papers submitted and oral argument.

Weekly class assignments will be reviewed and corrected and then discussed during the following class. The work done in class, including review of the previous week's assignment and the relevant law, will teach the skills required for the final assignment.

The effort displayed in the weekly assignments, class participation, attendance and your timeliness to class and with your assignments will be factored (positively or negatively) into the final grade, in my sole discretion.

The weekly assignments and final assignment will satisfy the Writing Requirement II. If you are taking the class to satisfy a different requirement, it is your responsibility to advise the Office of Academic Records and me as early as possible.

Computer Policy: The use of computers for note-taking and legal research is encouraged. Computers should not be used for any other purpose. Violations of this policy may affect a student's grade and/or result in the prohibition of use of the computer in class.

Communications/Office Hours: As an adjunct professor, I do not maintain office hours at the law school. However, I will make myself available to meet with students before or after class. I can also be contacted via email to make an appointment to meet at a mutually convenient time and place.

## **SCHEDULE A**

### *Class*

- 1 Introduction; Court Structure; Venue and Jurisdiction
- 2 Retainer Agreements; Client Intake; Sanctions; Form of Papers; Service of Process
- 3 Summons and Complaint
- 4 Answer
- 5 Counterclaims and affirmative defenses
- 6 Federal pleadings; Procedural distinctions between State and Federal Practice
- 7 Bill of Particulars; Discovery
- 8 Motion Practice - Part 1
- 9 Motion Practice - Part 2
- 10 Order to Show Cause
- 11 Motion Practice - Part 3
- 12 Summary Judgment in Lieu of Complaint
- 13 Judgments and Orders; Oral Argument
- 14 Oral Argument on Final Assignment