

TULANE UNIVERSITY  
SCHOOL OF CONTINUING STUDIES  
LITIGATION I (UPAR 305 – 3 Semester Hours)  
SYLLABUS

(Updated May 2007)

INSTRUCTOR:

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After class or by appointment.

Reference Materials:

Louisiana Code Of Civil Procedure  
Federal Rules Of Civil Procedure  
Students will be provided with supplemental materials and handouts.

TULANE HONOR CODE:

All student work is governed by the Tulane University Honor Code. See: <http://www.tulane.edu/uc/catalog/honor.htm>. Any violations will be reported to the Honor Board for review. In all work submitted for academic credit, you are expected to represent yourself honestly. Work must be your individual effort. Since this course is writing intensive, you should pay particular attention to the bans articulated in the following sections:

*Plagiarism*

The use of the ideas, data or specific passages of others that are unacknowledged or falsely acknowledged, with the purpose of influencing a grade. Any paraphrasing or quotation must be appropriately acknowledged.

*Falsification of research*

The fraudulent or deceptive generation of data or the knowing use of data gathered in such a manner.

EVALUATION OF STUDENT PERFORMANCE:

Homework – 20%; Mid-Term Exam – 40%; Final Exam (Cumulative) – 40%

Homework assignments are to be typewritten and the students own work.

Grading Scale: 91- 100 A, 90 A-, 89 B+, 81-88, B, 80 B-, 79 C+, 71-78 C, 70 C-, 69 D+, 61-68 D, 60 D-, below 60 F

### DISABILITY ACCOMODATIONS:

The University makes reasonable accommodations in accordance with Section 504 of the Rehabilitation Act of 1973 and the American with Disabilities Act of 1990. Any student with questions about the Office of Disability Services (ODS) procedures and policies should contact the Director of ODS for additional information or view the ODS website at <http://www.tulane.edu/~erc/disability>.

### COURSE DESCRIPTION:

Introduction and detailed analysis of the litigation process in federal and state courts; jurisdiction and venue analysis; commencement of the lawsuit, including the initial client interview and investigation techniques and methods; the early pleadings, including the complaint and petition; the answer and other early objections, exceptions and motions; calendars and tickler systems; federal and state court systems and practice; discovery procedures including file management; management of document production; depositions and deposition summaries; overview of discovery devices and pleadings; summary judgments and other pre-trial matters. Lecture is supplemented with drafting practice.

### OBJECTIVES:

1. To teach students client and witness interviewing skills with resulting interoffice memo drafting
2. To educate students to perform legal and factual investigation in preparation for a lawsuit or its defense.
3. To teach students to draft legal documents in state and federal court.
4. To educate students about the court system, including trial and appellate and also alternative dispute resolution.
5. To teach basic civil litigation procedure through discovery
6. To have student conduct court run through field assignments.
7. To assist students in developing organizational skills, including categorizing and organizing documents and calendaring.
8. To assist student in time keeping, time management and billing.
9. To educate the student about the role of the paralegal in the delivery of legal services.
10. To teach students to summarize a deposition (Chronological and Subject Matter)

AVERAGE CLASS SIZE: 15

MINIMUM CLASS SIZE: 10

### INSTRUCTIONAL METHOD USED:

Lecture, class participation, drafting assignments, court run and written examinations.

SCHEDULE: (All times and subjects covered are a reasonable approximation and are subject to change without notice)

## **BASIS FOR LITIGATION AND THE LITIGATION PROCESS**

Week One – 3 Hours

Review substantive law basis for litigation.  
Overview of litigation process

### **PREPARATION OF CASE FOR LITIGATION**

Week Two – 3 Hours

Discuss preparation of case for litigation, accident investigation, taking witnesses' statements, taking photographs, obtaining medical records, employment records, the role of the plaintiff attorney and ethical considerations

In class exercise: Conduct a client interview

Written Homework: Draft a Memorandum On Client Interview

Ongoing Homework: Time Sheet kept for all assignments

### **WHERE TO FILE SUIT, THE LAWSUIT AND THE ANSWER**

Week Three – 3 Hours

Discuss the considerations of where to file a lawsuit, including distinctions between State and Federal Court. Review the different trial and appellate courts.

Discuss court run filing procedure

Examine actual Petition/Compliant

Written Homework: Draft Petition.

Week Four – 3 Hours

Discuss alternative dispute resolution. Examine the legal limitations on where a lawsuit can be filed - Subject Matter Jurisdiction

Examine actual Answer.

Review reasons decision whether or not to ask for a jury.

*In class exercise - Pick a jury*

Written Homework: Draft Answer

Week Five – 3 Hours

Examine the legal limitations on where a lawsuit can be filed Jurisdiction Over The Person and venue.

Statutes Discussed: Louisiana Code of Civil Procedure Articles (LSA-C.C.P.)1-122; 28 United States Code 1330-1346, 1391-3, 1441

*In class exercise: Given set of facts, determine where lawsuit can be filed.*

Written Homework: Take Home Jurisdiction Quiz

### **PRE-DISCOVERY PLEADINGS AND MOTIONS**

Week Six – 3 Hours

Examine Declinatory and Dilatory Exception and Federal Motion equivalents

Examine Peremptory Exceptions and Federal Motion equivalent Statutes Discussed (LSA-C.C.P.) Art. 421-1341, 1701-3, Federal Rules of Civil Procedure (FRCP)

Written Homework: Draft Exception of Improper Venue

Week Seven – 3 Hours

Discuss Counterclaims (Compulsory and Permissive) and Crossclaims  
Discuss Third Party Demands and Intervention

Written Homework: Draft Motion, Memorandum, and Notice of Hearing

Week Eight – 3 Hours

Calendaring - discuss applicable time periods for filing responses, motions for hearing and cutoff dates. Discuss Default Procedure Review for Mid Term Examination

Week Nine – 3 Hours

**Mid Term Exam**

### **DISCOVERY**

Week Ten – 3 Hours

Examination of discovery rules and devices-  
Interrogatories, Request for Production of Documents, Request for Admissions

Rules of evidence for discovery and trial

Written Homework: Draft Interrogatories and Requests for Production

Week Eleven – 3 Hours

Deposition demonstration and Summarization of a Deposition, Subpoenas, Subpoenas Duces Tecum Statutes Discussed LSA-C.C.P. Arts. 1421-1471  
FRCP 26-36  
Motions To Compel

Written Homework: Summarize a Deposition (Chronological and Subject Matter)

### **SPECIAL PROCEEDINGS**

Week Twelve – 3 Hours

Discuss Concurus/Interpleader, Attachment, Sequestration, Injunction, and Tutorship Curatorship Partition  
Mandamus, Habeas Corpus, Eviction, and Boundary proceedings

Field Trip Homework: File Pleadings in Federal and State Courts

### **WRITTEN MOTIONS**

Week Thirteen – 3 Hours

ExParte, Contradictory, Joint. Motion for Judgment On The Pleadings, Motion for Summary Judgment

Week Fourteen – 3 Hours

Review For Final Exam

Date determined by School of Continuing Studies Exam Schedule - 3 Hours

**Final Exam (Cumulative)**