

2018 PRETRIAL ADVOCACY SYLLABUS

(With changes to Mauet using 9th edition and standard 14-week class schedule)

- 8/21
1. **Reading assignment:** Mauet (9th ed.) pp. 3-116; Federal Rules of Civil Procedure ("FRCP") 1 and 2; Local Rules for the Central District of California ("LR") 1; Federal Rules of Evidence ("FRE") 101 and 102; California Rules of Professional Conduct ("CRPC") (The new rules, which are effective November 1, 2018) 1.0, 1.2, 1.4.2, 1.5, 1.6, 7.1, 7.2, and 7.3.

Writing assignment: None.

Lecture: Introduction; Course overview; Litigation planning; Effective pre-trial advocacy; Client meetings; Fact investigation; Case evaluation; Legal strategy; Ethics; Client issues; Case plan and implementation; Budgets.

Classroom exercise: None.

2. **Reading assignment:** Mauet pp. 123-53, 159-66; FRCP 3, 4, 5, 7, 7.1, 8, 9, 10, 11, 15, 38, and 84; LR 3-6, 11, 38; 28 U.S.C. §§ 1331, 1332, and 1391.

Writing assignment: Prepare outline for client interview (not graded).

8/28

Lecture: Drafting a complaint; Filing a complaint; Serving a complaint; Responding to a complaint; Amending a complaint; Removal of an action from state court; Remand of removed action back to state court.

Classroom exercise: Client interview (not graded).

3. **Reading assignment:** Mauet pp. 153-58, 217-24, 365-71; FRCP 12 and 26(a); LR 12 and 26.

9/4

Writing assignment: Prepare Complaint and Answer (not graded).

Lecture: Motions in connection with complaints (including provisional relief; TROs; Preliminary injunctions; Motions in response to the filing of a complaint); Discovery plan; Rule 26 initial disclosures.

Classroom exercise: None.

4. **Reading assignment:** Mauet pp. and 195-217, 227-62, 321-34; FRCP 16(a) and 26-36; LR 32-36.

9/11

Writing assignment: Motion to dismiss (not graded); Rule 26 disclosures (not graded).

Lecture: Written discovery; Physical and mental exams; Subpoenas for third parties; Obtaining discovery from a foreign country.

10. **Reading assignment:** Mauet pp. 404-35; FRE 408 and 409; LR 16-15 to 16-15.9.

Writing assignment: Summary judgment motion (graded).

10/30

Lecture: Overview of settlement and mediation; Alternatives to traditional settlement procedures (the mini-trial).

Classroom exercise: Summary judgment motion (graded).

11. **Reading assignment:** None.

Writing assignment: Settlement brief (not graded).

11/6

No Lecture.

Classroom exercise: Settlement conferences in district court (not graded).

12. **Reading assignment:** Mauet pp. 393-404; FRCP 16; LR 16-1 and 16-14.

Writing assignment: None.

11/13

Lecture: Pre-trial documents: Trial brief; Witness and exhibit lists; Motions in limine.

Classroom exercise: None.

13. **Reading assignment:** Moore's Federal Practice, 3d ed., § 16.77[4][d]; Wright and Graham, Federal Practice and Procedure, §§ 5037.10-5037.18; Ninth Circuit Model Jury Instructions (Civil) Nos. 1.1-4.6.

11/20

Writing assignment: Memorandum of Contentions of Fact and Law (graded); Motion in limine (not graded).

Lecture: Jury Instructions.

Classroom exercise: Motions in limine (graded).

14. **Reading assignment:** None.

Writing assignment: Jury instructions (not graded); Final Pre-trial Conference Order (not graded).

11/27

Lecture: Review, evaluations, and wrap-up.

Classroom exercise: none.

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