

LAW 368: PRETRIAL PRACTICE
Spring 2009

INITIAL SYLLABUS

Professor:

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I. **Class Organization:**

The class will be divided into law firms, which will be responsible for litigating a case or cases against each other during the course. You will be informed of your firm and client assignments in the first and second weeks of class. In litigating the case(s), we will use D.C. substantive law and Federal procedure.

Each of you will share responsibility for your respective firm's legal research, factual investigation, witness interviews, and client contact. In addition, each of you will be paired with another student from the opposing firm (your opposing counsel) for purposes of filing pleadings, discovery, motions, and other documents with the court (me). It is important that all students be prepared to begin work on the first day of class.

You will be responsible for preparing, filing with the clerk's office (me), and serving on your opposing counsel all of the written assignments as reflected in this Initial Syllabus and the Revised Syllabus, which will be provided to you at our first class. You will cooperate with other members of your firm in other litigation activities such as researching the law, learning the facts, interviewing parties and witnesses, and discussing litigation strategy. As instructed in the Revised Syllabus, you will circulate any work product to other members of the firm for their use in preparing their pleadings and other documents.

For the majority of our classes, we will meet as a whole class from 6:00-7:50 on Wednesday evenings. On occasion, as will be reflected in Revised Syllabus, we will meet separately as individual firms for one-hour strategy sessions. During these strategy sessions, I will act as a senior partner in your firm and will guide you, but will expect you to be prepared to discuss and develop strategically how the

litigation should proceed. In this regard, I will include some supplemental reading that may help you.

II. Course Book:

The required course book for this course is *Pretrial*, Seventh Edition, by Thomas A. Mauet. You should also bring a copy of the Federal Rules of Civil Procedure (your first-year copy will do) to each class. Occasionally, I may provide supplemental readings to aid in your class preparation. Your course book has a computer disk inside the back cover that contains the plaintiff's and the defendant's starting case files for the cases we will be litigating. ***Please do not look at the contents of the disk until you have been given your firm/client assignments.*** Once you are given your firm/client assignments feel free to look at anything on the disk, ***except for your opponent's files and information.*** During the course of your litigation, you will obtain all information pertaining to your opponent through informal and/or formal discovery.

III. Grading:

Your grade, particularly the writing component of your grade, will be based on your in-class participation and the following written assignments: (i) complaint; (ii) answer; (iii) interrogatories and document requests; (iv) responses to interrogatories and document requests; (v) a deposition; (vi) requests for admissions; (vii) responses to requests for admissions; (viii) a summary judgment motion; and (ix) a settlement conference.

Finally, you should maintain in your litigation files a time sheet of your activities showing the dates, the work done on each case, and the amount of time expended on each matter. I will review your litigation files periodically during the semester.

IV. Class Schedule and Assignments:

A detailed schedule of classes and class assignments will be set forth in the Revised Syllabus. For our first class, I will give an Overview of the Course and we will discuss litigation planning and informal fact investigation. Accordingly, you should read the first two chapters of the course book before our first class.

V. Questions / Concerns / Contacting Me:

If you have any questions or concerns about anything during the course, please feel free to contact me. I plan to maintain an "open door" policy. During business hours, the best way to reach me is at my work telephone number. Outside

of business hours, the best way to reach me is through my email addresses. Please be sure to email both of the above addresses when trying to reach me.