UMKC SCHOOL OF LAW FALL 2007

COURSE NAME: Professional Malpractice Litigation

COURSE NUMBER: #846

PROFESSOR: Hanna

ESSENTIAL PREREQUISITE(S): Torts, Contracts, Civil Procedure

DESIRABLE PREREQUISITE(S): Professional Responsibility, Evidence, Trial Practice, Moot Court, clerking in a litigation firm.

METHOD OF GRADING AND APPRAISAL OF STUDENT FOR GRADE:

A comprehensive exam establishes the grade with extra credit given for outstanding classroom participation. A course practice manual is graded pass-fail.

SUMMARY DESCRIPTION OF COURSE:

The litigation of professional malpractice, both for plaintiffs and defendants, is the focus in a seminar format. Major emphasis is on litigating legal and medical malpractice claims, using recent Missouri and Kansas cases as examples. Beginning with the petition and answer, we go through the discovery process, jury selection, preparing and deposing expert witnesses, mock and shadow juries, settlements, alternative dispute resolution, and closing arguments. Valuable practical information is supplied by guest speakers who are recognized "specialists" in their fields, and malpractice insurance is examined through the perspective of a recent Missouri Supreme Court case.

We also attend applicable CLE programs conducted by UMKC, UMC, and KCMB, with practicing lawyers (at no cost). Depending on the availability of speakers and the scheduling of CLE programs, we begin with plaintiff's case in legal or medical malpractice, then examine the defense side. Thereafter we do the same with the other topic (legal or medical malpractice).

COURSE BOOK(S):

1. Required: None
2. Recommended: Handouts

COURSE MATERIALS:
RELEVANCY OF COURSE FOR CAREER PURPOSES:

The course is valuable for those who want to be trial lawyers, regardless of whether they intend to litigate professional malpractice claims. Students have observed that the course "ties together" other courses like torts, evidence, civil procedure, etc., in the context of active litigation. Because legal malpractice often involves the violation of the Rules of Professional Conduct (Model Rules) it is an excellent ethics and malpractice prevention primer for students. Engagement, non-engagement and dis-engagement letters are discussed with handouts of recommended forms. Recent Missouri Kansas legal malpractice cases are considered in depth with presentations by the plaintiff's defendant's lawyers who litigated some of the cases. Students learn practical aspects of initiating the attorney/client relationship, preparing pleadings, voir dire, motions, discovery, expert witnesses, organization of files, negotiation and settlement that are not covered in any other course offered at UMKC Law School.

RELEVANCY OF COURSE FOR MISSOURI BAR EXAM PREPARATION:

Civil procedure, evidence, legal ethics, professional malpractice avoidance and trial practice are Bar and Multistate subjects addressed in this course. Because of the seminar format, students regularly ask questions about these topics that are unclear or not covered in other courses. For third-years it is a good review and update on some of these topics in preparation for the Bar Exam.