COURSE NAME: Discovery Practice in Civil Litigation

COURSE NUMBER: 8522D

PROFESSOR: Adjunct Professor Perry Brandt

ESSENTIAL PREREQUISITES: Civil Procedure I

DESIRABLE PREREQUISITES: Civil Procedure II

COURSE BOOKS: Written materials will consist of assigned cases, articles and rules of court. Student engagement will occur through questioning of readings and discussion of problems.

METHOD OF GRADING & APPRAISAL OF STUDENT FOR GRADE: A brief written examination will be given on the last day, and in addition a simulated deposition exercise in which students will role-play attorneys for plaintiffs and defendants will be conducted. The course will be graded on a credit/no credit basis.

SUMMARY DESCRIPTION OF COURSE: This course focuses on the various discovery techniques which are commonly used in federal civil practice, and also compares state procedures. General topics include the uses of discovery, informal discovery, building the discovery plan, ethical issues, privileges and protections, the discovery tools, electronic discovery, experts, motions to compel discovery, and sanctions.

COURSE CONTENT:

MONDAY, MARCH 29 – INTRODUCTION

I. INTRODUCTION
   A. General Purposes of Discovery
   B. Finding out the Facts
   C. Building the Case
   D. Obtaining Admissions
II. **THE USES OF DISCOVERY**
   A. Settlement and Mediation
   B. Pretrial Motions
   C. Dispositive Motions
   D. Trial

III. **INFORMAL DISCOVERY**
   A. Witness Interviews
   B. Statements
   C. Documents
   D. Authorizations

IV. **BUILDING THE DISCOVERY PLAN**
   A. The Original Plan
   B. Flexibility

V. **THE PLAYING FIELD**
   A. Opposing Counsel
   B. The Court
   C. The Clients

VI. **ETHICAL ISSUES**
   **TUESDAY, MARCH 30 – RULES 26 AND 37**

I. **RELEVANCY**

II. **PRIVILEGES AND PROTECTIONS**
   A. Attorney-Client Privilege
   B. Work Product Doctrine
   C. Privilege Logs
   D. Settlement Negotiations
PROTECTIVE ORDERS

III. MOTIONS TO COMPEL
   A. Avoidance
   B. The Golden Rule Process
   C. Motions to Compel
   D. Sanctions

WEDNESDAY, MARCH 31 – WRITTEN DISCOVERY

I. WRITTEN DISCOVERY GENERALLY
II. INTERROGATORIES
III. REQUESTS FOR ADMISSIONS
IV. DOCUMENT REQUESTS
V. DOCUMENT PRODUCTIONS
VI. ELECTRONIC DISCOVERY

RELEVANCY OF COURSE FOR CAREER PURPOSES: The course will emphasize practical strategies and skills designed to provide the student with a solid background for pursuing and defending discovery in civil litigation.

RELEVANCY OF COURSE FOR MO/MULTI-STATE BAR EXAMINATION: Although not specifically designed to cover precise topics likely to be included on the Bar Examination, the course will review various civil procedure rules which are likely to be included on the Exam.