Problems in Civil and Criminal Procedure

Course Description and Information

I. Course Description

This class focuses on the procedural issues that arise in the general routine of the practice of law, ranging from initial pleadings through discovery and motion practice, pretrial and trial, and in the civil context, post-trial collection process. The course is limited to post-doctoral fellows, practicing in the Law School’s post-doctorate fellowship program, and will use actual cases from that program as a basis for study.

II. Prerequisites

There are no course prerequisites, although students in this class must be admitted to the post-doctorate fellowship program and must be admitted to practice law.

III. Objective

To train each fellow to be competent and confident in a wide range of court contexts, applying the rules of procedure correctly and to the strategic advantage of their clients.

IV. Methods of Instruction

This class will be fashioned after the model of the medical residency “rounds” in which each day’s work by each student will be analyzed by the class collectively, spotting procedural issues and evaluating permitted and advantageous responses.

V. Attendance

It is expected that all fellows will participate in daily rounds every day, unless an unavoidable client-related conflict precludes attendance.

VI. Methods of Evaluation

There is no final exam. Students are expected to keep a journal of the procedural issues that arise with their own matters, and prepare memos for each file related to procedural issues that require resolution. Grading will be on the basis of participation in rounds, and on the journals and memos prepared in the course of the semester.