TRIAL AD I--- SPRUELL
Spring 2018
University of Alabama School of Law

Overview: This class is a skills based course focusing on pre-trial discovery and case management for administrative, arbitration or litigation matters. Class discussions will also involve use of discovery and evidence, including electronic evidence, in depositions and tribunal proceedings.

Students will engage in class assigned exercises to encourage collaboration and engagement related to assigned material. We will also utilize oral training techniques and listening exercises to simulate taking witness statements and deposition testimony.

Students should have access to both the Federal Rules of Civil Procedure and the Alabama Rules of Civil Procedure during class and for their assignments. Both the Federal rules of evidence and Alabama rules will also be referenced. These resources are generally available online. If you cannot locate them, please let me know. Several assignments will focus on recent changes to the Federal Rules of Civil Procedure, especially as these changes relate to scope of discovery, ESI discovery and objections to discovery. Comparison will be made to state rules when applicable. We will also have at least one assignment related to being prepared for a "paperless courtroom."

Assignments will be made weekly. You will be required to timely turn in your assignments each week and also be prepared to discuss the assignments in class. **At times, you will be assigned oral presentation or arguments regarding the class assignment. An overview of assignments will follow the following pattern**:

-**Initial Class meeting;** Overview of trial court organization and types of court structure (unified vs. non-unified); discussion of the anatomy of pre-litigation case management; initial assignment- fact pattern analysis.

-**Review of assignment; discussion of discovery methods available** (Wheel of Discovery); discussion of fact pattern analysis assignment; Class exercise involving Rule 12 and cases assigned Discussion of case scenarios and assignment of the same.

-**Drafting a complaint**; discussion of cross claims, counterclaims and third party claims; interpleader and Rule 17 parties. **Class exercise re: Rule 4 service/service of initial claim(s).** Discussion of fictitious party service pleading.

-Review of complaints and discussion of equitable remedies vs. monetary damages. **Small group breakout discussion and class exercise regarding dismissal based on indispensable party analysis using case scenarios; Overview of JOP Motions, Motions to Strike and Waiver of jurisdictional issues.**

-**Class assignment regarding scope of discovery issues and objections; Rule 11 discussion**.

-**Discussion of format of Interrogatories and Request for Production of Documents**; how to ask a question to obtain the answer needed; initial discussion of objections and how they are used in discovery. Continued discussion of case scenarios.

-**Class exercise involving cases assigned**. Initial discussion of deposition notices and kinds/types of depositions using both case types. How do you obtain documents requested prior to

-**Continued discussion of depositions**. Class exercise regarding fact witness depositions and use of objections; review of "common questions"; use of depositions in motion hearings and tribunal proceedings.

-**Final discussion of depositions**. Overview of Deposition on Written questions and use of discovery/depositions in administrative & ADR proceedings. Continued discussion of evidentiary usage of depositions and exhibits (partial and whole). Use of cases scenarios for discussion.

-**Motions for Summary Judgment;** Motions for Partial Summary Judgment; usage of MSJ in equitable remedy cases; use of electronic/paperless evidence in MSJ proceedings using case scenarios. Class exercise re: Rule 16 pre-trial conference.

-**Miscellaneous issues:** Rulings on MSJ and use at final hearings/trial; Motion in Limine; Jury and Bench trial evaluation and preparation; Motions to Continue; Use of Offer of Judgment. Jury Instructions. Final case management discussion.

All questions regarding assignments should be directed to my attention at aspruell76@gmail.com or to my cell at (205) 799-4619.

Class attendance is mandatory. I will take roll each class session.

-First Class: January 8, 2018

-No Class: January 15, 2018 (Martin Luther King holiday)

March 12, 2018 (Spring Break week)

-Last Class: April 16, 2018

I look forward to working with you!