

Course Description

In CLAE's Case Planning and Discovery Training, participants are taught a systemic approach to legal analysis, discovery planning and fact development for a multi-issue, fact-based case typical of a legal services attorney's day to day practice in many of our core substantive law areas. Participants represent a homeless, African-American mother of three, residing in a battered women's shelter, who suspects she has been the victim of discrimination when she is told, upon appearing for a walk through, that an apartment she had been told was available is now under deposit. When she brings her concern to her caseworker at the shelter, the case worker calls the landlord and inquires herself. She is invited to view the apartment without any mention of a deposit.

From this provocative and familiar start, participants work through the case study using a comprehensive case analysis and planning format that includes a set of forms and worksheets that participants can—and regularly do—take back and use as the core planning documents for their practices once the training is over. Large group presentations on legal analysis, case plans, written discovery methods, depositions, discovery plans, document management, and e-discovery alternate with fun, high impact small group and paired exercises. Participants, working in small groups, create written discovery plans for the case, and then have the opportunity to select written discovery methods and draft actual requests to establish specific facts essential to the case. Then, each small group receives the discovery requests from one of the others, and must answer these from the defendant's perspective: an exercise that participants find particularly illuminating. The training culminates in the conduct of mock depositions—observed and critiqued by the trainers—after participants are treated to an entertaining and instructive deposition demonstration.

The choice of a housing discrimination claim as the factual foundation for the training is indicative of one of CLAE's fundamental approaches. In each of our trainings, we seek first and foremost to impart fundamental knowledge and skills (utilizing the best adult education active learning practices), but we also strive to use case study examples that expand participants experiences and encourage participants to see clients, their needs, and legal services' potential role in addressing those needs, in new ways. Thus, instead of using case study examples within the most basic legal services practice areas, we typically use ones that are central to the experiences and needs of our low-income clients.

Case Planning and Discovery participants leave the training having learned a comprehensive and overarching approach to moving their cases forward. They understand the relationship of law and fact in their cases and the means to develop the proof to systemically establish each fact relevant to the elements of each legal claim at work in a case. They also leave with a set of easy to use working forms that will guide them through this process as they apply the learning back home.

Sample Agenda

Day One

9:30 – 10:30	Trainers' meeting
10:00 – 11:00	Training registration
11:00 – 11:40	Welcome and training overview, small group assignments
11:45 – 12:30	Small group introductions/informal discovery exercise
1:30 – 2:00	Case planning (large group presentation)
2:05 – 3:35	Case analysis exercises
3:50 – 4:30	Discovery overview and written discovery
4:35 – 6:00	Developing a discovery plan, case plan and timeline

Day Two

8:00 – 9:00	Trainers' meeting
9:00 – 10:55	Written discovery exercises, part I
11:15 – 12:30	Written discovery exercises, part II
1:30 – 2:30	Depositions (large group presentation)
2:35 – 3:35	Exercise – Using discovery
4:00 – 5:30	Instructions and preparation for deposition exercise
7:45 – 9:00	Deposition demonstration and critique

Day Three

8:00 – 8:45	Trainers' meeting
9:00 – 10:00	E-Discovery and Discovery Management (large group presentation)
10:15 – 11:45	Deposition exercises and critique, Round 1 (Group A pairs represent plaintiff; Group B pairs represent defendant)
11:45 – 1:15	Deposition exercises and critique, Round 2 (Group B pairs represent plaintiff; Group A pairs represent defendant)
2:15 – 3:05	Debrief deposition exercise, discovery issues, case plan revision and wrap-up
3:15 – 3:45	Closing plenary and evaluation

At a Glance

Time Frame: 3 days

Faculty to Student Ratio: 1:4

Skills and Concepts Explored:

- Fact Analysis (parsing legal claims to elements, identifying elements of proof associated with each element and identifying best discovery methods for each element of proof)
- Informal discovery methods (including internet tools)
- Written discovery methods (interrogatories, request for production, requests for admissions)
- Deposition planning and practice
- Discovery plans
- Information and document management
- E-discovery

Learning and Production Materials Provided:

- Participant manuals
- Trainer manuals, including timed outlines and instructions for each session
- Coordinator and Lead Trainer manual (logistics)
- Case Study materials including a rich set of evidentiary documents linked to the case to be “discovered” during the course of the training
- Deposition transcript and teaching points memorandum for deposition demonstration
- Comprehensive set of case planning and discovery forms and worksheets, including electronic versions for use as templates back home

ABA Civil Legal Aid Practice Standards addressed:

7.4: Initial exploration of client’s legal problem; **7.5:** Investigation; **7.6:** Legal Analysis & research; **7.7:** Case planning; **7.11-4:** Discovery