

Session 4:

Case Analysis Exercise

Session Goals

Through facilitated discussions and hands-on exercises, given a set of hypothetical facts and two laws, participants will be able to:

- Identify the major legal issues inherent in the hypothetical facts in light of the laws provided
- Correctly parse the two laws into their elements, and explain the burden of proof for each element
- List several appropriate legal strategies that could be pursued, and explain the considerations involved in selecting one or more strategies
- Distinguish between the legal and factual issues in the case
- Identify the facts that need to be proven for selected elements of the case
- Identify the strongest arguments for both the client and the opponent, and develop a theory of the case

Session 5:

Discovery Overview and Written Discovery

Session Goals

At the end of this session, participants will be able to:

- Explain the difference between formal and informal discovery
- List the types of formal discovery
- Explain the considerations involved in deciding upon a discovery sequence
- Identify several situations where it is appropriate to conduct discovery informally
- Identify several ways in which discovery can be conducted informally
- Explain the ethical considerations inherent in undertaking informal and formal discovery
- Explain the basic tools and techniques of each method of formal discovery
- Identify some of the rules that govern formal written discovery
- Explain the potential uses, advantages and disadvantages of the various methods of written discovery
- Describe the major considerations in drafting and answering various types of written discovery

Session 6:

Creating a Discovery Plan, Case Plan and Timeline

Session Goals

Through a series of small group exercises, participants will be able to:

- Identify the evidence necessary to prove a case
- Determine whether needed evidence is already available or still needs to be obtained
- Describe how best to acquire various types of evidence
- Explain how to create a discovery plan and a case plan
- Create an appropriate timeline for the completion of tasks necessary to pursue a case