COURSE NAME: Complex Litigation

COURSE CATALOG NUMBER: Law 8706

PROFESSOR: Casey Tourtillott

ESSENTIAL PREREQUISITES: Civil Procedure I

DESIRABLE PREREQUISITES: None

COURSE BOOKS:


Supplemental materials will also be assigned and distributed via TWEN.

RECOMMENDED: None

METHOD OF GRADING & APPRAISAL OF STUDENT FOR GRADE:
Early in the semester, the instructor will provide students with a fact pattern. Based on the factual scenario, students will prepare a legal memo supporting certification of a class. Research for this project is limited to materials found in the textbook and supplied by the instructor; no external research is permitted. The memo constitutes 85% of the grade and is due before Thanksgiving break.

Throughout the semester, students will complete assignments and/or exercises that will constitute 15% of the grade.

In addition, class participation (including participation in class projects) will be considered.

SUMMARY DESCRIPTION OF COURSE: An examination of class actions and other complex litigation in federal courts.

COURSE CONTENT: This course focuses on class action litigation in federal court. To that end, most of the class is spent understanding how to apply—and how to defend against the application of—Rule 23 of the Federal Rules of Civil Procedure. The Class Action Fairness Act will also be discussed. Cases examined include tobacco, securities fraud, employment discrimination, and consumer cases. The course will use examples drawn from actual litigation conducted in the District of Kansas and the Western District of Missouri. When possible, students will engage in exercises derived from a case currently pending in federal court.
COURSE OUTCOMES: The course objectives include the following:

- Understand the role of class actions and other complex litigation in the adversary system.
- Gain knowledge about the rules, statutes, and case law governing complex litigation.
- Learn to methodically apply the text of Rule 23 to evaluate whether claims should proceed as a class or as individual actions.
- Develop an awareness of common issues and practical difficulties that arise before, during, and after the class certification process.
- Improve analytical skills through course exercises and projects.

RELEVANCY OF COURSE FOR CAREER PURPOSES: This course provides important base knowledge for anyone considering a career in procedurally complex civil litigation. It will also promote a broader understanding of and provide an opportunity to systematically apply the Federal Rules of Civil Procedure.

RELEVANCY OF COURSE FOR MO/MULTI-STATE BAR EXAMINATION: It is not anticipated that this course will provide information that will be covered on either the Missouri or Multi-State Bar Examination. Prior lessons on federal civil procedure will be used and reinforced, however.