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| Title | <u>United States Civil Litigation: How a Lawsuit is Brought to Trial in the US</u> |
| Lecturer(s): | Joseph Tringali |
| Brief description | This course examines how a civil lawsuit is commenced and ultimately brought to trial and verdict in the US court system. It will examine a lawsuit in which Mr. Tringali was trial counsel and sued the US government on behalf of Haitian asylum seekers who were being held indefinitely in detention at the US Naval Base at Guantanamo Bay, Cuba, and who were finally released by order of a US court after a three week trial. The course will examine the factors involved in deciding to bring a lawsuit, how a case is prepared for trial through the formal discovery process which includes both pre-trial examination of witnesses as well as the production of documents, and how ultimately a trial is conducted, which will include a review of some of the actual testimony of witnesses at the Haitian refugee trial. |
| Schedule | 1, An overview of the court system in the United States 2. How a civil litigation is commenced with the filing of a Complaint with the court, how a complaint is prepared, the necessary legal and factual elements to be included in a complaint, and the defendant's ability to seek to have the case dismissed. 3. How to prepare a case to be brought to trial, focusing on the preparation of the Haitian Refugee litigation and examining how to identify what are the necessary legal and factual elements the plaintiffs who brought the case must prove at trial. and what are the defenses that the defendant will want to present to refute plaintiff's claims at trial. 4. How fact discovery is conducted in US civil litigation, examining first discovery through requests for |

production of documents and requests for answers to interrogatories and admissions, so-called “written discovery.”

5. How fact discovery is conducted through depositions, which is the taking of a witness’ testimony before trial, including the strategy in deciding who to examine at a deposition pre-trial, and how to conduct a deposition depending on whether the witness is expected to provide testimony favorable to your case or is expected to be a so-called “hostile” witness who will not support the factual allegations of your case.

6. How to conduct a trial and by focusing on the Haitian Refugee litigation, examining the trial strategy that was used by the plaintiffs as well as by the government in defending the case at trial

7. How to examine a witness at trial who is being called by you to support your case and how to prepare that witness for cross-examination by the other side, which will include a review of the examinations of certain witnesses at the Haitian Refugee trial.

8. How to cross-examine the witnesses of the other side who present testimony unfavorable to your claims, which will again include a review of the testimony of certain of the government’s witnesses at the Haitian Refugee trial.

9. How to prepare post-trial written submissions to the court and/or present closing arguments to the court to help persuade the court to rule in your favor.

10. An examination of the ultimate ruling by the court in the Haitian Refugee litigation in which the trial court ordered the US government to free the Haitian asylum seekers being held indefinitely at the Guantanamo Naval Base with a focus on how the trial strategy adopted by the plaintiff Haitian asylum seekers and the US government played out in the court’s ruling.

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| Materials/Recommended readings | Excerpts will be posted from Storming the Court: How a Band of Yale Law Students Sued the President-and Won, by Brandt Goldstein (a non-fiction book about the case) and trial exhibits and witness testimony from the Haitian Refugee case. |
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| Assessment/Exam | Take home exam |
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