**US CIVIL LITIGATION: A CASE STUDY**

**Lecturer**: Joseph Tringali (USA) – senior lawyer, guest lecturer

*Mr. Tringali practiced civil litigation in the US for over 30 years, having spent most of that time as a litigation partner based in the New York office of the international law firm Simpson Thacher & Bartlett LLP. During that time, he tried cases and argued appeals representing both plaintiffs and defendants in various areas of US civil law, including competition law, breach of contract, copyright infringement, employment discrimination, as well as pro bono litigation involving the rights of asylum seekers, prisoners and marriage equality.*

**Course Schedule**

The course will be held Monday-Friday from 10 am-12 pm starting Monday, October 7 and ending on Friday, October 18.

**Course Description**

In the mid 1990s, a civil litigation was brought against the US government concerning its treatment of asylum seekers who had fled Haiti and sought political asylum in the US after the military coup against then President Aristide. Mr. Tringali led the trial of the case which ultimately won the release of more than 200 Haitian asylum seekers who were being detained indefinitely on the Guantanamo Naval Base solely because they were found to be HIV+.

This course will examine the practice and procedure of US civil litigation using that case as its focus. It will explain how lawyers in the US decide to bring a lawsuit, the obstacles they confront when deciding whether to do so, how a civil lawsuit is initiated, how it then proceeds through a discovery process involving the taking of testimony through pre-trial depositions as well as the production of documents, and ultimately how a case is tried to a judge or jury.

 It will examine in detail the three week trial of the Haitian asylum seekers, the testimony and documents used by both parties at trial in both direct and cross examinations of witnesses, the arguments and themes used by the parties at trial, and the trial court’s decision in that case and the factors leading to that decision based on the evidence that was presented to the court at trial.

**Course Materials**

In addition to reviewing some of the formal pleadings in the case and the testimony and key documents introduced at trial, the students will read a book that was written about the case entitled, *Storming the Court: How a Band of Law Students Fought the President and Won*, authored by Brandt Goldstein.

**Assessment**

There will be a take home exam.