

**Pretrial Litigation – Conley Section**  
**Course Policies & Expectations**  
Spring 2026

**Reading**

- Reuben A. Guttman & J.C. Lore, Pretrial Advocacy (Nat'l Inst. For Trial Advocacy 2021)
- Additional readings set forth in Schedule of Classes, Readings, Assignments and In-Class Exercises

**Office hours:** Tuesday 1:00 – 2:30 & Wednesday 3:00 – 4:30. My office is Room 207. I can meet via zoom or by appointment as well.

**Learning Outcomes**

- Identify and apply rules applicable during the pretrial phases of civil litigation.
- Apply legal rules to new factual scenarios.
- Draft civil pretrial litigation documents, including pleadings, client letters, discovery requests and discovery responses based on specified factual scenarios.
- Demonstrate interviewing and deposing skills.
- Demonstrate collaborative and professional work skills.

**GRADING**

Your grade has the following components:

| <b>Assignment</b> | <b>Percentage of Final Grade</b> |
|-------------------|----------------------------------|
| Participation     | 20%                              |
| Midterm           | 40%                              |
| Final             | 40%                              |

Students will be graded by Professor Conley only. Students' grades will be normalized with other students within Professor Conley's section of this course only. Students grades will not be normalized with students in Professor Cowie's section. Students in Professor Conley's section may have different parameters and requirements for assessments.

**PARTICIPATION**

Your participation grade depends on the following tasks:

- Team Assignments
- In Class Exercises

**TEAM ASSIGNMENTS**

Each of the following must be turned in via Canvas as a Team Assignment:

| <b>Assignment</b>          | <b>Points</b> | <b>Deadline</b>     |
|----------------------------|---------------|---------------------|
| Law Firm Agreements        | 5             | Jan. 28, 8:30 a.m.  |
| Witness Interview Outlines | 5             | Feb. 9, 8:30 a.m.   |
| Letter to the Client       | 5             | Feb. 25, 8:30 a.m.  |
| Discovery Requests         | 5             | April 1, 8:30 a.m.  |
| Discovery Responses        | 5             | April 6 , 8:30 a.m. |
| Deposition Outline         | 5             | April 15, 8:30 a.m. |
| <b>Total</b>               | <b>30</b>     |                     |

## **REQUIREMENTS FOR TEAM ASSIGNMENTS**

Attention to detail and ability to work with others are important tools for attorneys. Team Assignments develop these skills. As such, each Team Assignment must strictly comply with all requirements listed as well as with all specific requirements, formatting and other stated parameters for each assignment. Each Team Assignment will be worth 5 points and graded on a 0 – 5 point scale. Failure to strictly comply with requirements will lower Team Assignment grades.

- **General Requirements**

- The purpose of Team Assignments is for students to apply the concepts learned to facts and legal standards. As such, Team Assignments must apply the rules, cases and best practices learned in this course.
- One Team Assignment for each Law Firm must be turned in via Canvas prior to the stated deadline.

- **Lead Team Members**

- One team member must be the lead team member for each Team Assignment.
- The Law Firm Agreement shall identify the lead team member for each Team Assignment.
- Every team member must be lead team member at least once and no more than twice.
- The lead team member is responsible for drafting the Team Assignment, ensuring the final draft is complete and meets all requirements, and submitting the Team Assignment on Canvas by the deadline.

- **Anonymous Numbers**

- Do not put any team members' names on any Team Assignment other than the Law Firm Agreement. Use anonymous numbers for all teammates instead of names. Treat the numbers as if they were the attorneys' names within the document, i.e., include the numbers on the documents where you would be required to include your name.
- Please include your law firm number on all assignments.

- Failure to use your anonymous numbers or law firm numbers when required will lower your grade.
- **GAI Use and Statement of GAI Use**
  - All generative AI (“GAI”) platforms are allowed for Team Assignments subject to these requirements.
  - Students should only upload client information on (“GAI”) platforms with terms and conditions that guarantee confidentiality. Lexis and Westlaw’s GAI tools guarantee such confidentiality. Public facing GAI platforms, such as ChatGPT, do not.
  - All Team Assignments, whether generative AI is used or not, must include a statement of GAI Use. The statement must contain the following statement: “In the preparation of this assignment, we hereby attest that team members used:” and then list all GAI platforms used by any team member in the preparation of the assignment. The term GAI platforms does not include spell-checking software. If none were used, simply state “None” after the attestation. If team members used any GAI platforms, the statement also must explain briefly how you used the GAI platforms for the assignment. The statement should be signed, via anonymous numbers, by all team members.
  - Failure to include a Statement of GAI Use will lower your grade.

## **IN CLASS EXERCISES & CLASS PREP ASSIGNMENTS**

Part of participating in class—and becoming effective lawyers—is working with others in a collegial and respectful fashion. Students are expected to act in class and while meeting with their teams as they would before a court, with their peers, and with opposing counsel. In class and in the small groups, students are expected to be prepared, bring their best efforts to all work, and to act respectfully and professionally toward each other. Failure to act in a professional manner may lower your grade.

The syllabus includes Class Prep Assignments for some classes. These are assignments that students can do in advance of class to prepare for In Class Exercises and apply the required reading. These Class Prep Assignments are not turned in. They can be done individually, with Law Firms, or other students. Students can use these In Class Exercises to practice utilizing GAI develop their own knowledge, or both.

## **MID-TERM EXAM**

The mid-term exam will be a closed-book closed-note proctored exam in which students will be expected to draft a complaint in compliance with exam instructions and applicable rules and course materials. Students will have access to an electronic file within Exemplify with the Montana Rules of Civil Procedure during the mid-term exam.

## **FINAL EXAM**

The final exam will be a closed-book closed-note proctored 50-question multiple choice exam. Students will be assessed on all course materials from Classes 1 – 26 and will answer multiple choice questions requiring analysis of a provided case file. Students will have access to an

electronic file within Exemplify with the Montana Rules of Civil Procedure during the final exam.

### **LAW FIRM TEAMS**

You will work in four-person teams for this class (12 teams of 4). You may choose your teammates. Students may be assigned to a team if necessary to ensure that every student is part of a law firm team.

Teams will discuss their expectations for working together. **It will be necessary for teams to meet outside of scheduled class time to complete class assignments.** Absent exceptional circumstances, team members will receive the same grade on team assignments. All team members must contribute significantly and fairly to each assignment, although teams can agree to divide specific tasks among themselves.

Teams should strive to resolve team conflicts, but if problems remain, you may consult with Professor Conley. If you fail to participate appropriately as part of your team, your grade may be lowered.

### **ATTENDANCE**

Achieving the learning outcomes in this class depends heavily on your preparation for class (by reading and preparing the Class Prep Assignment prior to class) and participation in the in-class exercises. Accordingly, attendance is essential.

Class starts promptly and attendance is mandatory. In compliance with ABA standards, ABIII has a schoolwide attendance policy that applies to this course. A copy of that policy is in the Student Handbook, and you are strongly encouraged to read it carefully. Because this course centers on class participation, **more than three unexcused absences or tardies will lower your grade. Too many absences or a failure to participate meaningfully in coursework will result in a failing grade for the course.** Absences are presumptively unexcused. It is the student's responsibility to demonstrate that the absence should be excused.

If you miss class, you are still responsible for turning in homework, making up missed assignments, and obtaining notes, material, and information from a fellow student about what was covered that day. You are responsible for material covered in class during your absence, including any changes to the assignments.

**No recording of class is permitted.** Classes generally will not be recorded. Aside from accommodations approved through the University of Montana Office for Disability Equity, students are **prohibited** from recording or copying (whether by video, audio, photograph, screen capture, or other method) class sessions.

**Prohibited Use of Course Materials:** Course materials, including but not limited to slides, handouts, and exercises, are the sole property of the instructor and may not be disseminated by students to anyone not in the course.

## **ACADEMIC HONESTY**

All students must practice academic honesty. Academic misconduct is subject to an academic penalty by the course instructor and/or a disciplinary sanction by the University. All students need to be familiar with the Student Conduct Code of the University of Montana. Law students also should be familiar with the Law School Honor Code.

For purposes of this course, team members must work together on Team Assignments. For Team Assignments, students may not give or receive assistance from anyone other than the professor and the students who are on their teams. Violating these prohibitions is a violation of the Honor Code.

**Plagiarism and the Honor Code.** All conduct in this course is subject to the Honor Code. Violations of the Honor Code will be reported to Honor Code Counsel and will result in a lower grade, up to and including a failing grade, for the assignment or exam in question and/or for the course as a whole. All work in this course must be your own (individually or as part of your team depending on the assignment).

Using another's work (including a classmate's, a former student's or AI-generated) without attribution is plagiarism and is a violation of the Honor Code. You must cite and quote the work of others as required by the Honor Code, and failing to do so is a violation of that code.

**Writing Assistance.** You may use the Writing and Public Speaking Center to improve your writing, but you or your team must draft the Team Assignments. The Center provides one-on-one tutoring at any time in the writing process to law students. [www.umt.edu/writingcenter](http://www.umt.edu/writingcenter).

## **DISABILITY ACCOMMODATIONS**

**Accommodations:** The University of Montana assures equal access to instruction through collaboration between students with disabilities, instructors, and the University of Montana Office for Disability Equity ("ODE").

If you think you may have a disability adversely affecting your academic performance and you have not already connected with ODE, please contact ODE through one of the options listed at: <https://www.umt.edu/disability/Students/inquire/default.php>. The law school will work with you and ODE to provide an appropriate accommodation.

"Reasonable" means the University permits no fundamental alterations of academic standards or retroactive modifications.