

## Affirmative Litigation Training May – June 2018

### Introduction, Syllabus & General Information

The Shriver Center’s [\*Affirmative Litigation Training\*](#) equips advocates to wield the unique power of litigation to change policies and practices that affect entire communities. You’ll build the confidence and skills necessary to engage in broad-based and strategic advocacy that gets at the root causes of poverty and inequality. You’ll learn how to leverage individual cases into systemic impact and produce real change for the clients and communities you serve. In the last five years, we’ve trained over 300 attorneys from 109 organizations in 33 states.

**Course Structure:** This training consists of three weeks of web-based activities (during the weeks of May 21, May 28 & June 4) followed by three days of onsite, in-person activities (June 13 – June 15). The course is built around a carefully developed case scenario involving client, Rebecca Just, an African-American homeless woman and her child, who are placed in a shelter funded and supervised by the state public assistance agency.

**Learning objectives:** During this training you will:

- Learn how to construct a case plan and strategy for prosecuting an affirmative “impact” case designed to change a policy or practice that affects a group of clients;
- Review and apply the substantive law that controls the power and willingness of courts to entertain your case, including jurisdiction, causes of action, state action, standing, mootness, and sovereign immunity;
- Practice skills associated with this work including case planning, complaint drafting, and oral motion practice;
- Experiment with these concepts by applying them to a mock case specifically designed to test many of these concepts.

**Time Commitments:** This training involves a significant time commitment. To get the most benefit from it, make explicit arrangements in advance with your supervisor(s) to get sufficient work relief so that you can set aside the time needed and have back-up available in the event an emergency arises during a critical point in the training. We are happy to talk with you and your supervisor to strategize about what you will need.

**NOTE: All times are Eastern (ET).**

Pre-training	Online – Week 1 May 21-25, 2018	Online – Week 2 May 28-June 1, 2018	Online – Week 3 June 4-8, 2018	Onsite Portion June 13-June 15
1 hour & 45’	6 hours & 20 minutes	7 hours & 15 min	10 hours & 35 min	3 days

**Overview of Activities:** Following is a list of all course activities. You should always read this detailed information before beginning an activity.

We want you to have a great experience with this course and we are happy to answer your questions. If you have any questions as you proceed with any of the assignments or if you run up against technical problems or challenges with the course site, please email: [coursehelp@povertylaw.org](mailto:coursehelp@povertylaw.org).

**Pre-Training Activities to Complete Before May 21 (1 hour & 45 minute):**

Schedule	Activity	Time
Before May 21	<p><b>Get Acquainted with Online Course Site &amp; Syllabus</b></p> <p>Read the course syllabus and the online calendar. Organize your personal calendar for the large group webinars. Become familiar with the course site and location of course materials. Review online tutorials that provide an introduction to the ALT course and the course site.</p>	30'
Before May 21	<p><b>Complete Pre-training Survey</b></p> <p>Complete the Pre-Training Survey, which provides the training team with information about your participants' prior experiences and aspirations for the training.</p>	15'
Monday, May 14, 1:00 PM ET	<p><b>Optional Webinar</b></p> <p>Participate in an optional webinar offered as an online campus tutorial &amp; help session.</p>	30'
Before May 21	<p><b>Supervisor Discussion</b></p> <p>Share the course syllabus with your supervisors, and then have a concrete conversation with them about making time available to complete the course activities.</p>	30'
Before May 21	<p><b>Scenarios</b></p> <p>Sign up for small group meetings during Weeks One, Two and Three.</p>	15'
Before May 21	<p>Get a head start in reviewing required and optional reading assignments.</p>	A max of 7 hours

**Online Activities: May 21 – June 8, 2018**

**Online, Week One: May 21 – 25, 2018 (6 hours, 20 minutes):**

Schedule	Activity	Time
By Tuesday, May 22	<b>Introduce yourself</b> on the discussion forum. Create your participant profile.	30'
By Wednesday, May 23	Review the Rebecca Just case file.	30'
Wednesday, May 23, 2:00-3:30 PM ET	Join and participate in the <b>Week One Webinar</b> . We'll be introducing ourselves, learning more about the structure of the course, discussing how affirmative litigation gets started, and reviewing preliminary considerations in case analysis and planning – all leading up to complaint drafting in week three. Participation is mandatory.	90'
By Thursday May 24	Review the relevant portions of Chapter 1 of the Federal Practice Manual (40'), Chapter 2 on Jurisdiction (65') and Chapter 5 on Causes of Action (85').	190'
By Thursday, May 24	Review materials and watch video presentation on Jurisdiction, Causes of Action and State Action; you will find a link to this on the course site (40'). Please go to the Discussion Forum to share your thoughts on application of these concepts to the Rebecca Just case. (If time permits, you are encouraged to review the supplemental readings on these topics.) (30' without reviewing supplemental materials.)	70+'
Thursday, May 24 or Friday, May 25	Participate in a facilitated small group phone-based meeting with several other course participants and a faculty member. Discussion will focus on concepts presented in Week 1 and their application to the Rebecca Just case file. Each participant will sign up for one time slot either Thursday or Friday.	60'
By Friday, May 25	Utilize concepts of Jurisdiction, Cause of Action, and State Action from the Rebecca Just case to complete Worksheet 1. Upload your completed Worksheet for review by faculty. You will receive feedback from a faculty member.	45'
By Friday, May 25	<b>Complete Week One online evaluation.</b>	15'

**Online Week Two: May 28 – June 1, 2018 (7 hours, 15 minutes):**

Schedule	Activities	Time
By Wednesday, May 30	<b>Review materials</b> on Standing and Mootness and consider their application to the Rebecca Just case. If you have not already done so review Federal Practice Manual, chapter 3. (65') Please use the Discussion Forum and post your responses to questions on Standing and Mootness as these relate to Rebecca Just. (30')	95'
By Wednesday, May 30	<b>Review questions</b> to consider and then watch the multi-media presentation on Sovereign Immunity and the 11 <sup>th</sup> Amendment. (55') If you have not already done so review Federal Practice Manual, chapter 8. (45')	100'
Wednesday, May 30, 2:00 – 3:30 PM ET.	Join and participate in the mandatory <b>Week 2 Webinar</b> . This session will focus on issues related to standing and mootness, sovereign immunity and choices regarding seeking broad-based relief including class actions. Participation is mandatory.	90'
Thursday, May 31, or Friday, June 1.	Participate in a facilitated <b>small group phone-based meeting</b> with several other course participants and a faculty member. Discussion will focus on concepts presented in Week 2 and their application to the Rebecca Just case file. Also use the discussion forum to communicate with others in the ALT course. Each participant will sign up for one time slot either Thursday or Friday.	90'
By Friday, June	<b>Complete and upload Worksheet 2</b> ; Selection of Parties for review by faculty. You will receive feedback from a faculty member.	45'
By Friday, June 1	<b>Complete the Week 2 evaluation.</b>	15'

**Online Week Three: June 4 – 8, 2018 (10 hours, 35 minutes):**

Schedule	Activities	Time
By Monday, June 4	If you have not already done so, review Federal Practice Manual, chapter 7, on Class Actions (30') and respond to questions in the discussion forum. (30')	60'
Before Monday, June 4, 2018.	If you have not already done so review the Federal Practice Manual, Chapter 4 on complaint drafting. (40')	40'
Monday, June 4 from 2:00 – 3:30 pm ET.	Participate in mandatory <b>Week 3 Webinar</b> . Review materials prior to participating.	90'

Schedule	Activities	Time
By Wednesday, June 6	<b>Complete and upload Worksheet 3.</b>	40'
Thursday, June 7, or Friday, June 8.	<b>Participate in a facilitated small group phone-based meeting</b> with several other course participants and a faculty member (60'). Discussion will focus on concepts presented in Week 3 and their application to the Rebecca Just case file. Each participant will sign up for one time slot either Thursday or Friday. Please use the discussion forum to communicate with others in the ALT course. (30')	90'
By Friday, June 8	<b>Draft a complaint for the Just case.</b> These complaints will be reviewed in individual review sessions while we are onsite.	5 hours
By Friday, June 8	<b>Complete the final online course evaluation.</b>	15'

**Onsite – June 13 – 15, 2018**

**Onsite Day One – Wednesday June 13, 2018**

#	Schedule	Session Description	Group Size	Time
1a	8:45 – 9:50	<b>Introduction/Overview:</b> Multi-media and panel presentation and discussion about how one gets involved in affirmative litigation and obtaining of broad based relief.	Large	65'
1b	9:55 – 10:50	<b>Small Group intros, group norms, reaction to panel</b>	Small	55'
	10:50 - 11:10	<b>Break</b>		20'
2	11:10 – 12:15	<b>Standing and Mootness:</b> In this session participants consider and analyze the application of standing and mootness principles to hypothetical civil rights cases.	Small	65'
	12:15 – 1:15	<b>Lunch</b>		60'

#	Schedule	Session Description	Group Size	Time
3	1:15 – 2:30	<b>Pre-Filing Considerations:</b> This session provides an overview of pre-filing considerations including preliminary discovery plan and use of experts.	Large	75'
4a	2:30 – 3:20	<b>The Art of Discovery:</b> This session will include a discussion of E-discovery and associated issues.	Large	50'
	3:20 – 3:35	<b>Break</b>		15'
4b	3:35 – 4:35	<b>The Art of Discovery continued:</b> This session involves a small group exercise on developing interrogatories and request for admissions to prove facts in the Just case.	Small	60'
	4:35 – 6:30	<b>Individual Complaint Reviews.</b> Participants meet individually with faculty to review feedback on complaints submitted at the end of the online portion of the training.		115'
	6:30 – 7:30	<b>Reception</b>		

**Onsite Day Two – June 14, 2018**

#	Schedule	Session Description	Group Size	Time
5	8:45 – 10:00	<b>Non-monetary relief:</b> This session introduces participants to the primary forms of non-monetary relief – injunctions, consent decrees and declaratory judgments. Participants then break into small groups to consider the elements they would seek to be included in a consent decree between the Just Plaintiffs and the Department of Transitional Assistance and its Commissioner. The group then comes back together for reports.	Large & small	75'
	10:00-10:15	<b>Break</b>		15'
6a	10:15-11:05	<b>Seeking Emergency Relief:</b> This session provides an overview of emergency/preliminary relief practice including legal standards for obtaining relief, practical practice issues, techniques for drafting effective	Large	50'

#	Schedule	Session Description	Group Size	Time
		declarations/affidavits, effective presentation of oral argument and pre-hearing negotiations.		
<b>6b</b>	11:10-12:20	<b>Seeking Emergency Relief:</b> This exercise provides participants with a low-stress opportunity to practice advocacy skills needed to obtain timely emergency relief.	Small	70'
	12:10 – 1:40	<b>Lunch</b> – includes time to complete complaint reviews		90'
<b>7</b>	1:40 – 2:10	<b>Local Government and Governmental Employees' Immunities:</b> Introduction to concepts of local government liability and qualified immunity for individual governmental employees.	Large	30'
<b>8</b>	2:15 – 3:25	<b>Immunity - Sovereign 11th Amendment:</b> This session follows up on immunity concepts introduced during the online portion of the course and in previous session.	Small	70'
<b>9a</b>	3:30- 4:40	<b>Surviving a Motion to Dismiss:</b> This session provides an introduction to arguing a motion to dismiss in preparation for the following exercises.	Large	70'
<b>9b</b>	5:40 – 6:40	<b>Surviving a Motion to Dismiss:</b> Faculty available for assistance.		60'
	6:40	<b>Dinner on your own</b>		

**Onsite Day Three – Friday, June 15, 2018**

#	Schedule	Session Description	Group	Time
<b>9c</b>	9:00 – 11:40	<b>Surviving a Motion to Dismiss:</b> Motion practice sessions. Participants argue for and against a motion to dismiss in the Just case.	Small	160'
	11:40 – 12:20	Lunch		40'
<b>10</b>	12:20 – 1:30	<b>Attorneys' Fees:</b> This session introduces basic principles governing and the entitlement to, and calculation and negotiation of attorney's fees under 42 U.S.C. § 1988 and other fee shifting statutes.	Large	70'

11	1:30– 2:30	<b>Action Planning:</b> This session will provide an opportunity for participants to plan how to bring affirmative litigation skills back to their sponsoring legal aid programs.	Small, large	60'
12	2:30 – 3:00	<b>Closing Plenary</b>	Large	30'