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For the Love of the Case File



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During my 2L summer employment, my third assignment asked me to “get up to speed” on a client file. That was the assignment: no further guidance was offered. I located the three redwells comprising the file. Yet, they did little to help. They were replete with pleadings, some of which I had heard of but many I hadn’t (motion *in limine*? document preservation order?? subpoena *duces tecum*??). Combing out what was relevant was akin to assembling a challenging jigsaw puzzle without the box with the puzzle’s picture. My education to date hardly prepared for me for these “learn the case” type of assignments. Where was my pretty memo asking me to research a discrete legal question? Wasn’t that the standard summer associate assignment?

Now that I have transitioned to academia, one of my primary quests is to save a few young associates from “client file” fear. This has meant going beyond providing a few, carefully parsed pieces of the record for writing assignments. Instead, my goal is to give students a file that actually looks like it might in practice. The gains for the students are significant – particularly given employers’ increased reluctance to spend time training junior associates.

Presenting the materials as they might appear in practice can help students learn to identify what actually matters in a dispute. Real files are replete with irrelevant material. As a result, young associates often struggle to identify what legal claims to pursue after an initial client in-take meeting. Using a client file that includes a few red herrings helps students with issue spotting—an essential skill in practice.

The key is making the case materials seem as true to life as possible. Walk students through a few actual client files. Show students how such information may

be organized electronically or in the traditional paper folders. This is particularly important for the current technologically entrenched generation, as students are often surprised to learn that sometimes the only way to “search” a file is by reading a hard copy file index.

Providing a variety of different case materials will also help students be practice ready. Including complaints in a file helps students distinguish between legal theories and relevant facts. Go further and include an amended complaint to show how legal theories can be modified but factual allegations cannot. Use depositions rather than just affidavits to highlight how reading the entire transcript ensures the cross-examination testimony doesn’t hurt your legal argument. These more nuanced uses of a case file add depth to an assignment and teach students how important it is to fully develop the fact record.

To maximize the benefit of a client file, pick assignments that force students to apply the materials to different standards of review. For example, have students work on a motion to dismiss then later use the same file for a summary judgment dispute on a different issue. Students instantly appreciate how different standards of proof alter which evidence is pertinent for a legal issue. While a complaint may be suitable evidence for a motion to dismiss, it is insufficient on summary judgment.

Admittedly, the burden of developing extensive case files is high. But electronic databases like PACER¹ have made this easier than it once was. Consider pulling a variety of pleadings from a single case. You may still have to supplement the discovery materials. But, by changing some names, isolating some issues, and changing the jurisdiction, you might have a wonderful and manageable case file to use in preparing students for life after graduation. ■

¹ Options like PACER (Available at: <http://www.pacer.gov/>) and Justia’s Federal District Court Filings and Dockets (available at: <http://dockets.justia.com/>) offer materials from active federal cases across the country. The options for state court materials are more limited, but they, too, are sometimes available online. See, e.g., San Francisco Superior Court’s Online Services, available at <http://www.sfsuperiorcourt.org/index.aspx?page=467> (allowing search by party name or case number).