

# MASTER OF LAWS COURSE DESCRIPTIONS

## Executive LL.M. in Litigation Management: Course Descriptions

### Required Courses for the LL.M.

#### **LAW 9334 Business Strategy and Processes in Litigation Management (3)**

This course covers a broad range of topics important to law firms and in-house legal departments, including the rapidly-changing manner in which legal services are delivered, the need of law firms to make a reasonable profit to survive, and the pressure on in-house legal departments to reduce spending. Given advances in technology, socioeconomics, demographics, and both globality and “glocality” issues, the delivery of legal services is rapidly changing. This course will explore the reasons for rapid change, the basic nature of changes, and lawyer personality traits that may impede or support change.

#### **LAW 9215 Case Assessment Techniques (2)**

Effective case assessments are foundational to effective litigation management. This course will equip attorneys managing litigation to utilize early case assessment (ECA) designed for specific litigation dockets and case types, litigation risk assessment (LRA) utilizing decision tree analysis, and multiple forms of focus group jury testing.

#### **LAW 9216 Cybersecurity in Litigation Management (2)**

As the world becomes more digitally interconnected and technology-driven, businesses and consumers are increasingly vulnerable to cyber threats. Regardless of your industry, the security of sensitive information is top priority. This program will provide you a fundamental understanding of cybersecurity and privacy law as it relates to your role in litigation management. You will also learn from some of the nation’s foremost cybersecurity experts how to effectively manage risks to a client’s most sensitive information, and how to quickly and decisively respond to threats.

#### **LAW 9238 Data Analytics for Litigation (2)**

This course introduces attorneys to the exploding role of data analytics in today’s management of litigation, and it provides attorneys with a basic understanding of the foundational methodologies and data analytics tools useful in the practice of litigation management.

#### **LAW 9120 Ethical Issues in Litigation Management (1)**

Modern management of litigation presents unique ethical issues. Litigation managers must navigate issues such as balanced fee agreements, the impact of litigation funding, conflict pitfalls for the unwary, representing multiple clients, working with opposing counsel, and keeping up with technological competence. This course will discuss those ethical issues and equip attorneys with the knowledge necessary to identify and properly address them.

#### **LAW 9130 Forum Issues Affecting Major Litigation (1)**

Lawyers often spend much time litigating about where to litigate. This one-hour course explores (1) why parties might prefer federal or state court; and (2) the doctrines that govern who wins the forum fight. In particular, we’ll review the major grants of federal subject-matter jurisdiction. We will also explore an overlooked but surprisingly recurring issue: what happens when parties find themselves fighting the same (or similar) lawsuits in different forums. The course is offered with Basic coverage for attorneys who do not routinely manage litigation in federal court and with Advanced coverage for attorneys who do manage federal court litigation.

#### **LAW 9137 Fundamentals of Litigation Management (1)**

This is the foundational survey course to introduce attorneys to the Baylor R6 Framework for litigation management. Six pillars of successful litigation management are covered, including implementing a pragmatic culture built for the right way of handling litigation, putting the right plan in place at the outset of litigation, selecting and supporting the right team for specific litigation, implementing the right tools for litigation management, conducting litigation effectively and efficiently at the right cost, and maintaining a focus on reaching the right result to achieve the client’s legitimate objectives. Attorneys begin customizing the application of these pillars to their specific litigation management needs.

#### **LAW 9250 Insurance in Litigation Management: Coverage & Analysis (2)**

Attorneys managing litigation focus on the fundamentals of insurance claim valuation and reservation for risk, with specific focus on advanced issues of coverage, notice and tender, reservation of rights, declaratory relief, right to independent counsel, bad faith, and potential excess coverage and liability.

#### **LAW 9121 Litigation Funding (1)**

In the modern world of litigation, the options are growing rapidly for litigation finance by outside parties, in which the capital necessary for litigation is provided in return for a share of the recovery if successful. This course introduces and contrasts consumer litigation funding and commercial litigation funding, as well as new crowdfunding and insurance alternatives that may satisfy some of the same objectives, and then focuses primarily on commercial litigation funding alternatives and issues for litigation management.

#### **LAW 9304 Litigation Project Management & Process Improvement (3)**

This course delves into the business practices of legal project management, process improvement, and value-based billing, and covers the interrelationship between these practices specifically applied to litigation management.

#### **LAW 9431 Management of Electronic Discovery (4)**

Increasingly, attorneys are becoming “general contractors” when it comes to certain highly technical areas of the law. This is certainly true of the practice of eDiscovery. Unless you have chosen to make eDiscovery the focus of your practice, you will most likely instead be charged with assembling and then managing the right team of attorney specialists, technologists, and allied professionals who will conduct the eDiscovery components of cases on your behalf and under your direction. Any attorney serving in such a capacity will need to know enough about the law and technical aspects of eDiscovery to assemble the right team, keep costs under control, and ensure that legal and ethical obligations to clients, the court, and opponents are met and discharged. This course endeavors to impart such “general contractor” knowledge and expertise.

#### **LAW 9109 Privilege Issues Affecting Litigation Management (1)**

This course teaches attorneys to recognize privilege-related problems they will face in managing litigation. We will review the most important privileges, studying the general rule of the privilege and waiver issues including those encountered in healthcare matters. Additionally, we will study the issues arising when the cases you manage proceed in multiple jurisdictions with differing privilege rules.

**LAW 9232 Proving and Attacking Damages (2)**

Law schools traditionally teach remedies but devote very little time to proving or attacking damages. The ability to assess, predict, discover, and compel evidence to prove or attack damages at trial, however, is vital to litigation management and strategy. This program will provide key skills for creating damage stories and theories, defending against damages claims, handling experts, assessing risk, and ultimately handling damages at trial.

**LAW 9129 Research Project Phase 1 (1)**

This writing and research component of the LL.M. program is intended to help candidates develop their interests that coincide with a primary focus of their LL.M. studies. Building upon the course work and discussions with experts, candidates will complete a written paper on a litigation management topic in which they wish to gain specialized expertise during and after the LL.M. program. The subjects and materials covered in Fundamentals of Litigation Management course are designed to serve as a springboard for identifying a potential topic.

**LAW 9111 Research Project Phase 2 (1)**

This writing and research component of the LL.M. program is intended to help candidates develop their interests that coincide with a primary focus of their LL.M. studies. Building upon the course work and discussions with experts, candidates will complete a written paper on a litigation management topic in which they wish to gain specialized expertise during and after the LL.M. program. The subjects and materials covered in Fundamentals of Litigation Management course are designed to serve as a springboard for identifying a potential topic.

**LAW 9112 Research Project Phase 3 (1)**

This writing and research component of the LL.M. program is intended to help candidates develop their interests that coincide with a primary focus of their LL.M. studies. Building upon the course work and discussions with experts, candidates will complete a written paper on a litigation management topic in which they wish to gain specialized expertise during and after the LL.M. program. The subjects and materials covered in Fundamentals of Litigation Management course are designed to serve as a springboard for identifying a potential topic.

**Elective Courses for the LL.M.**

**Advanced Litigation Issues (choose 8 hours from the below courses):**

**LAW 9298 Fundamentals of Legal Department Litigation Management (2)**

This course addresses the history of legal department operations and the client's demands for effectiveness, efficiency and lower overall legal spend. It covers legal department litigation metrics and why they matter, legal department internal reporting, the retention and management of outside retained counsel, use of risk-based or value-based fee agreements, implementing legal department project management, applying new legal department technology, creating efficient processes, managing alternative legal service providers, and the use of other tools for any legal department to demonstrate value in the management of litigation.

**LAW 9128 International Issues in Litigation Management (1)**

Today's global and interconnected economies mean more litigation – and discovery – may take place in countries other than the “home office” of the client. This course addresses managing litigation across borders, whether representing a U.S. client in a foreign jurisdiction or a foreign client in a U.S. court. Of special focus are international data privacy, security, and transfer issues – all of which represent unique obligations and challenges for the U.S. client operating abroad.

**LAW 9136 Issues in Management of Complex Litigation (2)**

This course covers the unique issues in managing complex litigation, such as those found in forum selection, multi-district litigation, class actions, and mass torts.

**LAW 9152 Jury Testing for Litigation Management (1)**

This course looks at the broader application of jury consulting from early case assessment to trial and its uses in more effective and efficient management of litigation. During the course, attorneys will not only interact with professional litigation consultants but will also learn some tools and techniques for their own jury testing on an in-house, budget-friendly basis.

**LAW 9108 Litigation Crisis Management (1)**

This course equips attorneys to be prepared for, and to properly handle, a litigation crisis for their company and/or their clients. The course is designed primarily to educate in-house counsel; however, it will provide both education and insights for outside counsel, also.

**LAW 9233 Management of Complex Arbitration & Negotiation Issues (1)**

This course focuses on the mechanics of arbitration and the distinctions between complex arbitration and the litigation process. It addresses the different perspectives and roles of each participant in an arbitration process, the components of common arbitration agreements and the operative language of each such agreement. This course also addresses international dispute arbitrations, class action arbitrations and the strategies and mechanics of settlement of large multi-plaintiff claims.

**LAW 9117 Management of Expert Witnesses (1)**

Expert witnesses are ubiquitous in litigation in state and federal courts. Some commentators estimate that experts testify in 85% of American trials, and the percentage is certainly near 100% for complex commercial cases and tort claims with technical or scientific issues. Moreover, experts can have an outsized effect on the course of trials. Attorneys are familiar with the articulate, professorial witness in the tweed jacket who takes over the courtroom and, ultimately, the jury's view of the case. A cottage industry of expert testers has arisen, with expert referral services listing thousands of candidates in hundreds of categories. In response, courts and legislatures have enacted rules to control expert testimony, both through discovery procedures and limits on admissibility. This course examines the current state of the use of expert witnesses, focused on pretrial matters, from selection through discovery and including the gatekeeping procedures now available to courts and litigants.

**LAW 9218 Management of Regulatory Investigations (2)**

This course explores the unique issues associated with corporate internal investigations initiated by inside counsel and managed by outside counsel. Particular consideration will be given to the scope of the engagement, the collection and evaluation of evidence, privilege issues, and the preparation of reports.

**LAW 9116 Patent Litigation Management (1)**

This course applies the principles of litigation management specifically to patent litigation, including planning for the procedures and discovery unique to patent litigation. The objective of the course is to equip attorneys for management of the overall cost and outcome of patent litigation.

**LAW 9205 Small Firm Litigation Management (2)**

This course focuses on identifying and implementing the key systems specifically needed for managing litigation effectively and efficiently in small firms and solo practices. Small firms are often perceived as unable to compete with the resources of larger opponents, but many small litigation firms – when equipped with excellent litigation tools and business processes – prove that small, nimble litigation firms can bring outstanding representation to litigation clients. During the course, attorneys will explore and prioritize which systems to implement first for their specific firms.