

Texas Pretrial Procedure (Procedure II)
Alistair Dawson and Alex Kaplan
Spring 2014 Semester
Final Syllabus and Reading Assignments
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I. Required Materials

Your assigned readings are from Alex Wilson Albright's TEXAS COURTS—A SURVEY (2011-2012) ("Albright") and from the Commentary portion of O'CONNOR'S TEXAS RULES—CIVIL TRIALS (2013) ("O'Connor's Commentary"). You also will be held responsible for all Texas Rules of Civil Procedure (TRCP) rules, as well as any other constitutional or statutory provisions, that you are asked to review in Albright, even though they are not set out in this reading list. The TRCP rules may be found in O'Connor's beginning at page 771. All other referenced provisions are set out in appendices to the Albright text.

Except where they are marked with an asterisk (*) in the reading list, references to the sections of the O'Connor's Commentary germane to a particular day's lessons are included solely for your convenience. Those unmarked sections generally will not be covered in class, nor will exam questions be drawn from them. However, because they provide an excellent discussion of the topics covered in the daily lesson, you may wish to review them, either before or after class, to be certain that you understand the concepts that we have been discussing. On a few occasions, however, the O'Connor's Commentary is sufficiently important that we have marked it with an asterisk (*) in the reading list. When we have done that, the Commentary will be discussed in class, and questions may be drawn from it for the final examination.

II. Reading Assignments

DAY 1: Albright, chs. 1, 2.A.1-2.A.2, 2-A.3, pp. 1-23 (exercise at end of chapter 2.A.2 is homework); O'Connor's Commentary, ch. 2.F, * pp. 135-149

DAY 2: Albright, chs. 2.B, pp. 23-39; O'Connor's Commentary, chs. 3.F, 5.C., pp. 239-248, 325-335

DAY 3: Albright, ch. 2.C, pp. 39-52; O'Connor's Commentary, ch. 1. H § 7, p.56;

DAY 4: Albright, ch. 2.D.1, pp. 52-59; O'Connor's Commentary, ch. 1.G, § 2, pp. 47-48.

- Albright, ch. 2.D.1, pp. 59-65;
 Albright, chs. 2.D.2-D.3, pp. 65-75; O'Connor's Commentary, chs. 1.D, pp. 34-39, 2.H, § § 1-10, pp. 157-172
- DAY 5: Albright, chs. 3.A-3.C, pp. 77-96; O'Connor's Commentary, chs. 1.D, pp. 34-39, 3.B, pp. 189-202 & ch. 7.A, pp. 587-603
- DAY 6: Albright, chs. 18.A-18.D, pp. 791-812; O'Connor's Commentary, chs. 1.D, pp. 34-39, 3.B, pp.189-202 & ch. 7.A, pp. 587-603
- DAY 7: Albright, ch. 3.D, pp. 97-116; O'Connor's Commentary, ch. 3.B, § 2.3, pp. 189-196
- DAY 8: Albright, ch. 3.E, pp. 116-131; O'Connor's Commentary, ch. 3.B,* pp. 189-202
 Albright, ch. 3.F, pp. 131-136; O'Connor's Commentary, ch. 7.A, pp.587-603
 Albright, ch. 18.E, pp. 812-819; O'Connor's Commentary, ch. 7.A, pp. 587-603
- DAY 9: Albright, ch. 3.0, pp. 136-144; O'Connor's Commentary, ch. 3.D, pp. 216-226
 Albright, ch. 3.H, pp. 145-149; O'Connor's Commentary, ch. 3.D, § 5, p. 223-224
 Albright, ch. 3.1, pp. 149-150 (homework)
- DAY 10: Albright, ch. 4.A, pp. 151-152; O'Connor's Commentary, ch. 2.6, pp. 150-157
 Albright, ch. 4B, pp. 153-171; O'Connor's Commentary, ch. 2.F, pp. 150-157
- DAY11: Albright, ch. 4.C, pp. 171-191; O'Connor's Commentary, ch. 3.C, pp. 203-215 (except for § 3)
 Albright, ch. 4.D, pp. 192-193 (homework);
 Albright, ch. 4.E, pp. 194-201; O'Connor's Commentary, ch. 3.C, § 3, pp. 211-213
- DAY 12: Albright, ch. 5.A, pp. 203-210, O'Connor's Commentary, ch. 2.B,* pp. 95-111, ch. 3.E,* pp. 227-239
 Albright, ch. 5.B, pp. 211-221; O'Connor's Commentary, ch. 3.G, pp. 248-256
- DAY 13: Albright, ch. 5.C, pp. 221-231; O'Connor's Commentary, ch. 8.F, pp. 721-725
 Albright, ch. 5.D, pp. 232-242, O'Connor's Commentary, ch. 8.F, pp. 721-725
 Albright, ch. 5.E, pp. 242-253; O'Connor's Commentary, 5.K, pp. 377-393
- DAY 14: Albright, ch. 6.A, pp. 255-267; O'Connor's Commentary, 2.E § § 3-7, pp 130-134, ch. 5.J, pp 371-377
- DAY 15: Albright, ch. 6.A, pp. 267-273; O'Connor's Commentary, ch. 5.I pp 364-370
 Albright, ch. 6.B, pp. 273-278; O'Connor's Commentary, ch. 2.E, § 6 pp 131-134
 Albright, ch. 6.C, pp. 279-282; O'Connor's Commentary, ch. 2.E, § 6 pp 131-134
- DAY 16: Albright, ch. 7.A, pp. 283-285; O'Connor's Commentary, ch. 6.A, § § 1-5, pp. 425-429

Albright, ch. 7.B, pp. 286-300; O'Connor's Commentary, ch. 6.B, § § 1-3, pp 460-471

DAY 17: Albright, ch. 7.C.1, pp. 301-314; O'Connor's Commentary, chs. 6.B, § 3.3, p. 472-473
Albright, ch. 7.C.2, pp. 314-324

DAY 18: Albright, ch. 7.C.2, pp. 321-324 (Notes); O'Connor's Commentary, ch. 6.B, § 3.3 472-473
Albright, ch. 7.C.3, pp. 324-329; O'Connor's Commentary, ch. 6.B, § 3.14, p. 480
Albright, ch. 8.A, pp. 331-335; O'Connor's Commentary, ch. 6.A. § § 1-6.A. § 13, pp. 425-437

DAY 19: Albright, ch. 8.B, pp. 336-339; O'Connor's Commentary, ch. 6.A. §14-6.A. § 20, pp. 437-451
Albright, ch. 8.C.1-8.C.S, pp. 339-346; O'Connor's Commentary, ch. 6.A. §18, pp. 442-447

DAY 20: Albright, ch. 8.C.6, pp. 346-358; O'Connor's Commentary, ch. 6.C, pp. 485-502
Albright, ch. 8.C.7, pp. 358-359 (homework)
Albright, ch. 8.D.1-8.D.6, pp. 360-367; O'Connor's Commentary, ch. 6.F 525-547

DAY 21: Albright, ch. 8.D.1-8.D.12, pp. 360-374; O'Connor's Commentary, ch. 6.F. 525-547
Albright, ch. 8.E, pp. 374-377; O'Connor's Commentary, ch. 6.A. § 7, pp. 430-433
Albright, ch. 8.F, pp. 377-384;
Albright, ch. 8.0, pp. 384-388; O'Connor's Commentary, ch. 6.J § 5, pp. 577-579
Albright, ch. 8.H, pp. 388-390; O'Connor's Commentary, chs. 6.A, § § 18.4-18.9, 6.G § 5, pp. 445-447, 569-572

DAY 22: Albright, ch. 9.A, pp. 397-404; O'Connor's Commentary, ch. 5.K. pp 377-393
Albright, ch. 9.B, pp. 404-411
Albright, ch. 9.C, pp. 411-416
Albright, ch. 9.D, pp. 417-421

DAY 23: Albright, ch. 10.A, pp. 423-432; O'Connor's Commentary, chs. 6.D. § 1-6.D. § 2, pp. 502-504, ch. 6.D, § 3.2, p. 506, § 4.2, pp. 510-511
Albright, ch. 10.B, pp. 432-438; O'Connor's Commentary, chs. 6.D, § 3.1, pp. 504-505, § 4.1, pp. 506-510, § § 6-8, pp. 512-515

DAY 24: Albright, ch. 10.B.1-10.B.6, pp. 438-443; O'Connor's Commentary, chs. 6.D, § 3.1, pp.504-505, § 4.1, pp. 506-510, § 6-8, pp. 512-515
Albright, ch. 10.C, pp. 444-446; O'Connor's Commentary, ch. 6.D.5, pp.511-512
Albright, ch. 11.A, pp. 447-455; O'Connor's Commentary, ch. 7.B, pp. 603-627

- DAY 25: Albright, ch. 11.B, pp. 455-463; O'Connor's Commentary, ch. 7.C, pp. 628-640
Albright, ch. 11.C, pp. 463-472; O'Connor's Commentary, ch. 7.D, pp. 640-647
- DAY 26: Albright, ch. 19.A, pp. 821-833; O'Connor's Commentary, chs. 5.H. 359-364
Albright, ch. 19.B, pp. 833-837; O'Connor's Commentary, ch. 5.G, pp. 355-359
Albright, chs. 19.C.1-19.C.3, pp. 837-849
- DAY 27: Albright, ch. 19.C.4, pp. 849-859;
Albright, ch. 19.D, pp. 859-864;
Albright, ch. 19.E, pp. 864-868
- DAY 28: This day is reserved for review, and as a hedge against the possibility that we might not cover all of the materials assigned as quickly as anticipated.

III. Instructor Information

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Office Hours: We are not full-time professors at the Law Center, so rather than setting a specific time during the day for office hours, we will make ourselves available to you either before or after classes. Also, for more in-depth discussions, we are available to speak with you by appointment at other times. You can email or call us at the contact information above to arrange an appointment.

IV. Course Objectives

This course has two principal objectives: (1) to teach the substantive law of Texas pretrial procedure in a comprehensive manner; (2) to prepare you to do well on the bar examination's materials covered in this course, by giving you a final that simulates the types of questions and the time pressure involved in answering them that you will experience in that setting.

V. Class Participation

Class participation is crucial to accomplishing the two course objectives listed above. In order for class participation to be useful, though, the class needs to be familiar with the course materials – and not just one or two students “on call” for that class session. As a result, we expect that you will read the assigned materials and be prepared for each class. We will take volunteers for questions and discussions, but we will also call on people without prior notice.

Class participation may affect your grade. Your participation may merit an adjustment of one

step up or down from your exam grade (for example, from B to B+).

VI. Final Examination

Our final examination will be a completely closed-book, closed-note examination. Details about the form of the final examination and the types of questions you can expect will be discussed during the course.

VII. Accommodating Students with Disabilities

The American with Disabilities Act of 1990 (the “ADA”) requires that the University of Houston make reasonable accommodation to persons with disabilities as defined in the Act. Students who feel they need assistance under the ADA guidelines should contact Student Services to discuss such consideration.

IX. Attendance Requirements

Any student missing more than six (6) class hours will be dropped from the course. It is likely that you will have to miss class for medical, religious, professional, or other reasons. Please bear in mind that the fact that the absence was for a “good” reason is immaterial, because the Law Center’s policy requires at least 80% attendance, not a maximum of 20% (excused or otherwise) absences. Therefore, use your permitted absences wisely.

Again, welcome to our class, and good luck.