

# THE COMPLETE ADVOCATE

A Practice File for Representing  
Clients from Beginning to End



# THE COMPLETE ADVOCATE

A Practice File for Representing  
Clients from Beginning to End

---

**A.G. Harmon, J.D., Ph.D.**

*The Columbus School of Law  
The Catholic University of America  
Washington, D.C.*



CAROLINA ACADEMIC PRESS

Durham, North Carolina

ISBN: 978-1-42242-992-1 (Print)  
ISBN: 978-0-32717-687-9 (eBook)

**Library of Congress Cataloging-in-Publication Data**

Harmon, A. G., 1962-

The complete advocate : a practice file for representing clients from beginning to end / A.G.

Harmon.

p. cm.

ISBN 978-1-4224-2992-1 (perfect bound)

1. Practice of law—United States. 2. Attorney and client—United States. 3. Trial practice—United States. I. Title.

KF300.H368 2010

347.73'504—dc22

2010009320

This publication is designed to provide authoritative information in regard to the subject matter covered. It is sold with the understanding that the publisher is not engaged in rendering legal, accounting, or other professional services. If legal advice or other expert assistance is required, the services of a competent professional should be sought.

Copyright © 2010 Carolina Academic Press, LLC

All Rights Reserved

No copyright is claimed in the text of statutes, regulations, and excerpts from court opinions quoted within this work.

Carolina Academic Press  
700 Kent Street  
Durham, North Carolina 27701  
Telephone (919) 489-7486  
Fax (919) 493-5668  
[www.caplaw.com](http://www.caplaw.com)

Printed in the United States of America  
2023 Printing

# TABLE OF CONTENTS

---

Acknowledgments .....	vii
Introduction .....	ix
Character List .....	1
Assignment 1: Administrative Remedies .....	3
Assignment 2: Closed Universe Memorandum .....	11
Assignment 3: Open Universe Memorandum .....	15
Assignment 4: Client Letters .....	25
Assignment 5: Pleadings: ADEA claim .....	29
Assignment 6: Brief: ADEA claim .....	35
Assignment 7: Oral Defense of ADEA Motion's Brief.....	67
Assignment 8: Appellate Brief: ADEA .....	71
Assignment 9: Pleadings: Motion to Disqualify .....	75
Assignment 10: Brief: Motion to Disqualify .....	81
Assignment 11: Oral Defense of Motion to Disqualify Brief.....	115
Assignment 12: Appellate Brief: Motion to Disqualify .....	119
Assignment 13: Mediation .....	123
Assignment 14: Settlement.....	135
Assignment 15: Trial Practice .....	139



# ACKNOWLEDGMENTS

---

The author would like to thank the faculty and staff of The Columbus School of Law at The Catholic University of America for their support, particularly his colleagues Lisa Everhart, Beverly Jennison, Frederick Woods, Laurie Lewis, Olivia Farrar, and Victor Williams. He would also like to acknowledge the research assistance of Michael Willats, J.D. 2009, and the editorial assistance of Jennifer A. Beszley of LexisNexis.





# INTRODUCTION

---

A common complaint about law school is that students are not given the big picture. They learn bits and pieces of the law—some theory, some practice, some skills—but are never quite sure how, where, or especially when, a particular piece of knowledge fits into the overall task of a client’s representation. In other words, despite their education, they seldom get a bird’s eye view of the entire process, from start to finish, so that they can see all of the dimensions that a legal problem might entail.

*The Complete Advocate* is designed to guide a student through all aspects of a legal process: researching an area of law, exhausting administrative remedies, filing pleadings, writing and arguing motions, proposing settlement, and pursuing and arguing appeals—from the beginning of the process to the end. The case file includes intake memos and assignments, for the purpose of drafting pleadings; a variety of litigation documents—depositions, affidavits, and exhibits—for the purpose of preparing litigation memoranda; motions and an order from the district court, for purposes of filing appeals; and even private, confidential facts (in the teacher’s manual) for use in a mediation session. The text’s purpose is not only to provide students with an education in the substantive and procedural dimensions of the subject matter, but also to provide them with a paradigm for practice—a conceptual model from which they can pattern their future approaches to a litigation matter, regardless of its type. Having “seen” and experienced the development of a case from its first step to its final resolution, students will have a fair estimation of what needs to be done throughout the course of a matter, and can gain a surer footing and orientation as to where they are when brought into the middle of an ongoing lawsuit.

This larger view of the legal landscape—from a case’s inception to its conclusion—is portable knowledge that can be transferred to the nature of any particular enterprise.

The facts of the case, set in the Fifth Circuit, revolve around the Age Discrimination in Employment Act (ADEA). The primary ADEA suit involves a 57 year-old architect, Edward Morgan, suing his former employer, Architronics, Inc., a high-concept architecture firm, for replacing him with a younger, less qualified worker under the pretense of job obsolescence. The plaintiff is one of three people in a design group whose jobs were eliminated; he and another member of that group, Elizabeth Allen, 61, are in the protected class, and a third member of the group, Harris McKenna, 35, was their administrative assistant and part-time draftsman. Morgan has several theories of recovery regarding his ADEA suit. The firm contends it needed a state-of-the art computer-assisted design (“CAD”) program called *Quixotic 3000* to compete professionally, and that proficiency in CAD, which the plaintiff did not possess, was demanded of all its employees. In addition, Elizabeth Allen has agreed to early retirement at this point, but the deal is not finished. Architronics has an answer to all of these claims, but the cases must be carefully argued. Administrative remedies, pleadings, discovery, motions and briefs (and attendant arguments) pertinent

---

## INTRODUCTION

---

to trial and appellate advocacy, client correspondence and settlement negotiations—are all dimensions of the text, ordered so that students may gain the full perspective of the advocate. In addition, assignments are written from the perspective of one of the law firms representing the parties: Hopkins, Eliot, and Jones (Plaintiff) and Conrad and Conrad (Defendant).

The chief advantage of the multi-dimensional approach of this book is that it can be used to teach a variety of skills involving the same fact situation. A professor may custom design the focus of the class in terms of the substantive area, the scope of the research, and the types of assignments chosen. Versatility is a hallmark.

### **Dates**

To prevent the text from becoming out of date, dates are set out according to the following key:

The current year = YEAR (e.g., January 1, YEAR)

A year before the current year = YR-1 (e.g. January 1, YR-1)

Two years before the current year = YR-2 (e.g. January 1, YR-2)

A year *from* the current year = YR+1 (January 1, YR+1)

Two years *from* the current year = YR+2 (e.g. January 1, YR+2); etc., etc.

### **Pagination**

The book is paginated consecutively at the bottom of each page; however, documents for use in the two appellate brief/argument assignments—Assignments 6 and 10 are also paginated in the top right corner, so that they can be assembled with other court documents to provide a record on appeal. The Complaint and Answer for each of the two appellate problems are included in the Teacher's Manual, in the event the professor would like to assign pleadings drafting exercises—Assignments # 5 and #9. When the appellate record is assembled, it should accord with the pagination at the beginning of the Complaint, top right corner, and proceed in order as the documents dictate. References to the record in each of the two Bench Briefs relate to this pagination scheme.