

LEX 140 Civil Litigation I

COURSE DESCRIPTION:

Prerequisites: ENG 090 or DRE 098 or satisfactory score on placement test

Corequisites: None

This course introduces the structure of the legal system and the rules governing civil litigation. Topics include jurisdiction and state and federal rules of civil procedure and evidence. Upon completion, students should be able to assist an attorney in the pre-litigation matters and preparation of pleadings and motions.

Course Hours Per Week: Class, 3. Semester Hours Credit, 3.

COURSE OBJECTIVES:

Upon completing requirements for this course, the student will be able to:

1. Exhibit a working knowledge of state and federal court structure and hierarchy.
2. Demonstrate an understanding of the state and federal rules of Civil Procedure and Evidence and the local rules of court. Practice ethical behavior, maintain client confidentiality and avoid the unauthorized practice of law.
3. Conduct witness and client interviews and arrange appointments and meetings. Formulate questionnaires documents for interviewing clients and witnesses and perform background investigations and locate witnesses.
4. Identify, collect, and preserve physical and documentary evidence.
5. Obtain an understanding of case management and calendaring systems, docket control and conflict search programs, timekeeping, and billing systems.

OUTLINE OF INSTRUCTION:

- I. Preparing the Office Manual
 - A. Structure and personnel
 - B. Important law office procedures:
 - i. Training procedures
 - ii. Ethical and professional responsibilities
 - iii. Professional development
- II. The Court Systems
 - A. Basic components of a court system
 - i. Jurisdiction
 - ii. Federal courts and their jurisdiction
 - iii. State courts and their jurisdiction
 - iv. Venue
 - v. Choice of Venue
- III. Preparing the client interview
 - A. The interview plan and checklist
 - i. Questions on the circumstances of the case
 - ii. Issues of contributory or comparative negligence
 - iii. The extent of injuries and sensitive inquiries.
 - B. Dealing with difficult clients
 - B. Concluding the interview
 - i. The Statute of Limitations and its problems
 - ii. Keeping the client informed
- IV. Evidence and Investigation

- A. Evidence in general
 - B. Admissible evidence
 - C. Inadmissibility of some types of relevant evidence
 - D. Privileges
 - E. Evidence admissible from a party
 - F. Rules regarding the testimony of a witness
 - G. Rules regarding the authentication of physical evidence
 - H. Other evidentiary concepts
- V. Drafting the complaint
- A. Definition and purpose of the complaint
 - B. The complaint in detail
 - i. Caption
 - ii. The body of the complaint
 - iii. Remedies and prayer for relief
 - iv. Separate counts
 - v. Demand for jury trial
 - vi. Subscription and Rule 11
 - vii. Verification
 - viii. Exhibits and appendices
 - C. A system checklist for drafting a complaint
- VI. Filing the lawsuit, service of process and obtaining a default judgment
- A. Preparing the documents for filing
 - B. Filing the lawsuit
 - C. Service of process
 - D. Methods of service of process
 - E. Obtaining a default judgment
- VII. Defending the lawsuit
- A. Motions in general
 - B. Motions to dismiss
 - C. Removal of a state action to federal court
 - D. Computation of time
 - E. Drafting the Answer, Counterclaim, and Cross-Claim
 - F. Third party practice and interpleader
 - G. Amending and supplementing the pleadings
 - H. Motion for a judgment on the pleadings
 - I. Motion for summary judgment
 - J. Keeping a pleading record

REQUIRED TEXTBOOK AND MATERIAL:

The textbook and other instructional material will be determined by the instructor.