

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:

By the conclusion of this course a student should be able to:

1. Exhibit a working knowledge of state and federal court hierarchy.
2. Exhibit an understanding of civil procedures.
3. Determine appropriate local, state, federal and administrative rules
4. Calculate deadlines
5. Record and file documents appropriately
6. Arrange for service of process and ensure that appropriate proof of service has been filed.
7. Practical ethical behavior and avoid the unauthorized practice of law.
8. Exhibit appropriate office and courtroom etiquette and demeanor.
9. Practice teamwork
10. Demonstrate competence in writing skills.
11. Prepare and draft correspondence and memos.
12. Maintain client communication.
13. Conduct witness and client interviews.
14. Explain procedural matters to clients.
15. Arrange and coordinate appointments, meetings, and conferences.
16. Consult with resource persons, officers of the court and administrative agency staff.
17. Convey case status to appropriate individuals.
18. Coordinate client and witness appearances.
19. Formulate questionnaires for interviewing clients and witnesses.
20. Draft and amend pleadings, motions and discovery orders.
21. Prepare the civil summons, cover sheet, and subpoenas.
22. Locate and interview expert witnesses and consultants.
23. Perform background investigations.
24. Prepare a notebook for settlements, arbitration/mediation, case analysis and trial.
25. Digest and summarize depositions and transcripts.
26. Obtain and summarize medical, police, and accident reports.
27. Prepare and maintain exhibits and visual aids.
28. Prepare and maintain check lists of exhibits, visual aids and subpoenaed items and witnesses.
29. Identify, collect, and preserve physical evidence.
30. Authenticate exhibits for evidentiary use in court.
31. Attend and provide assistance to trial attorney at depositions, hearings, and trials.
32. Set up and use database, case management, docket control and conflict search programs.

33. Operate the state, federal, and county courthouse computer systems.
34. Prioritize tasks.
35. Set up a manual and computer calendaring system for the office to keep attorney, paralegals, and appropriate persons advised of pending deadlines and/or appointments.
36. Implement and use the various systems of timekeeping and billing for a client's file.

OUTLINE OF INSTRUCTION:

- I. Preparing the Office Manual.
 - A. Structure and personnel.
 - B. Important law office procedures:
 1. Training procedures
 2. Ethical and professional responsibilities.
 3. Professional development.
- II. The Court Systems
 - A. Basic components of a court system
 - B. Jurisdiction
 - C. Federal courts and their jurisdiction
 - D. State courts and their jurisdiction
 - E. Venue
 - F. Choice of Venue
- III. Preparing the client interview.
 - A. The interview plan and checklist
 1. Questions on the circumstances of the case.
 2. Issues of contributory or comparative negligence.
 3. The extent of injuries and sensitive inquiries.
 4. Dealing with difficult clients.
 5. Concluding the interview.
 - B. The Statute of Limitations and its problems.
 - C. 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.
 1. Caption.
 2. The body of the complaint.
 3. Remedies and prayer for relief.
 4. Separate counts.
 5. Demand for jury trial.
 6. Subscription and Rule 11.

- 7. Verification.
- 8. 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 TEXTBOOKS AND MATERIALS:

James W.H. McCord. The Litigation Paralegal: A Systems Approach. 4th ed. West Legal Studies, 2002.

STATEMENT FOR STUDENTS WITH DISABILITIES:

Students who require academic accommodations due to any physical, psychological, or learning disability are encouraged to request assistance from a disability services counselor within the first two weeks of class. Likewise, students who potentially require emergency medical attention due to any chronic health condition are encouraged to disclose this information to a disability services counselor within the first two weeks of class. Counselors can be contacted by calling 919-536-7207, ext. 1413 or by visiting the Student Development Office in the Phail Wynn Jr. Student Services Center, room 1209.