

**LEX 141
CIVIL LITIGATION II**

COURSE DESCRIPTION:

Prerequisites: LEX 140

Corequisites: None

This course covers advanced topics in the civil litigation process. Topics include motions, discovery, and trial and appellate procedures. Upon completion, students should be able to assist an attorney in preparing and organizing documents for trial, settlement, and post-trial practice.

Course Hours Per Week: Class, 2. Lab, 2. 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.

OUTLINE OF INSTRUCTION:

- I. Overview of discovery
- II. Interrogatories
 - A. The purpose of interrogatories
 - B. Answering Interrogatories
 - C. Analyzing the answer and compelling responses
- III. Depositions
 - A. The scope of depositions
 - B. Types of depositions
 - C. Preliminary tasks
 - D. Digesting depositions and other documents.
- IV. Document production and control, medical exams, and compelling discovery.
 - A. Production of documents and things and entry upon land for inspection.
 - B. Preparing documents for production of documents and things
 - C. Production procedure.
 - D. Request for physical and mental examination.
 - E. Reviewing and interpreting medical record and other technical documents.
 - F. Request for admissions under Rule 36
 - G. Objections, compelling discovery, and sanctions.
 - H. Freedom of Information Act
- V. Settlement and alternative dispute resolution
 - A. Preparing for settlement.
 - B. Role of insurance paralegal.
 - C. Preparing for pre-trial conference
 - D. Settlement Conference
 - E. Settlement forms
 1. Releases and settlement agreements
 2. Stipulation and order for dismissal
 3. Consent decree and order
 4. Settlement distribution statement
 - F. Alternative dispute resolutions
 1. Arbitration
 2. Mediation
 3. Early case assessment
 4. Summary jury trial
 5. Role of paralegal in alternative dispute resolution

- VI. Trial preparation and trial
 - A. Introduction and trial preparation checklists
 - B. Subpoena witnesses
 - C. Jury investigation
 - D. Preparing demonstrative evidence
 - E. Trial notebook
 - F. Preparing the client and witness for trial
 - G. Additional preparations
 - H. Assistance at trial
 - 1. Jury selection
 - 2. Shadow jury
 - 3. Witness control
 - 4. Documents and Exhibits
 - 5. Exhibit and witness logs
 - 6. Trial notes
 - 7. Trial day review meetings
 - 8. Polling the jury
- VII. Post trial practice and procedure
 - A. Post trial motions
 - B. Judgment and bill of costs
 - C. Enforcement of the judgment
 - 1. Locating the assets of the judgment debtor
 - 2. Obtaining the assets of the judgment debtor
 - D. Appeal
 - 1. Introduction to the appellate process
 - 2. Appellate procedure checklist
 - 3. Assisting in appeals

REQUIRED TEXTBOOKS AND MATERIALS:

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

STATEMENT OF 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.