

ITT Technical Institute

PL1310

Introduction to Civil Litigation

Onsite Course

SYLLABUS

Credit hours: 4.5

Contact/Instructional hours: 45 (45 Theory Hours)

Prerequisite(s) and/or Corequisite(s):

Prerequisites: PL1240 Research and Writing for the Paralegal I or equivalent

Course Description:

This course introduces students to the litigation process in civil courts. Students prepare for client interviews, gather and assemble case facts, and create various civil trial and appellate documents. Students examine ethical issues related to civil litigation.

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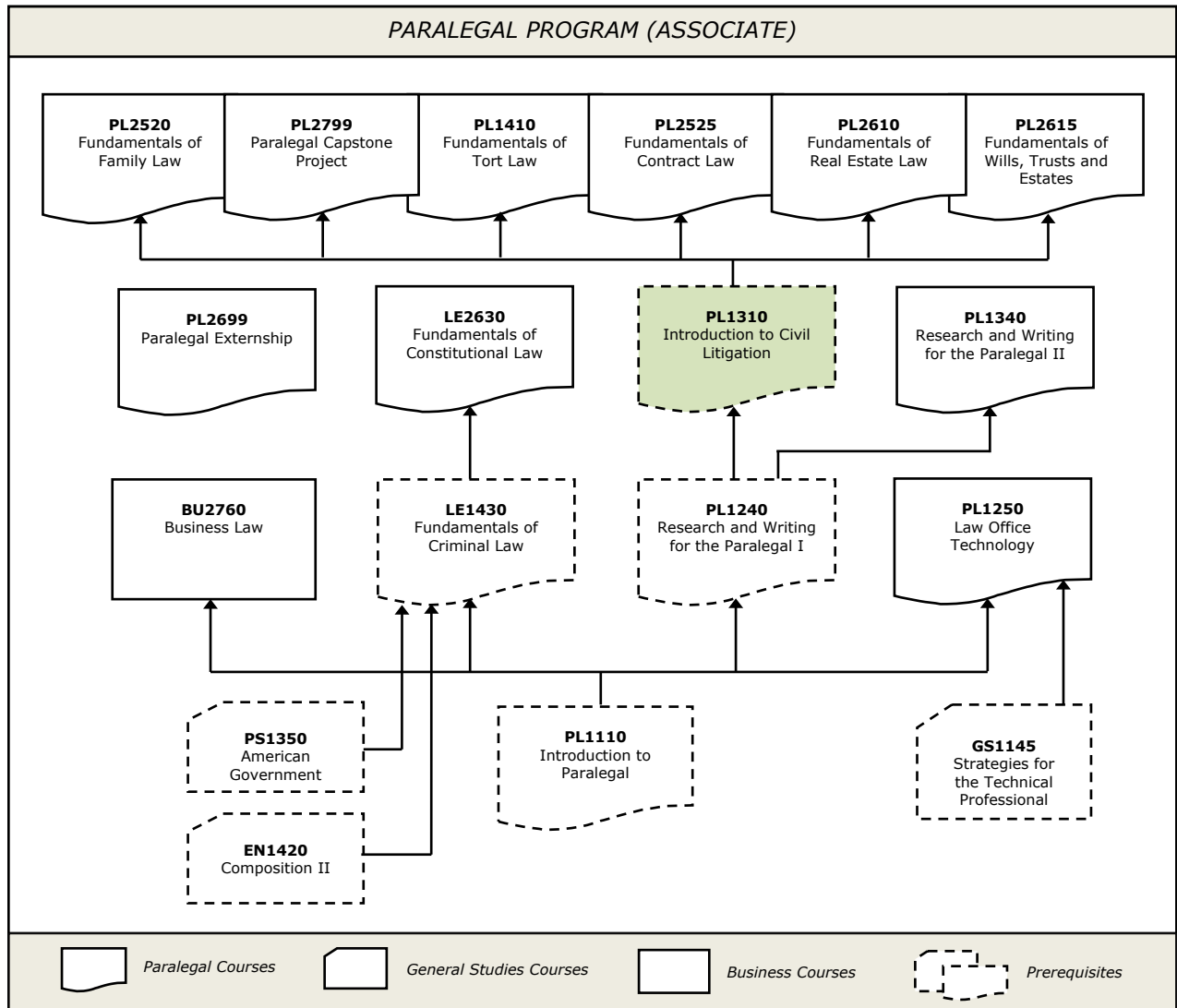
Prerequisite: PL1240 Research and Writing for the Paralegal I or equivalent

Where Does This Course Belong?

This course is offered in the first year, third quarter of the Paralegal associate degree. The Paralegal degree from ITT Technical Institute helps to prepare students for meaningful careers as paralegals and legal assistants working in civil litigation, family law, criminal law, real estate law, and/or probate law.

The Paralegal program exposes students to the knowledge and skills utilized in paralegal and legal assistant entry-level positions, including but not necessarily limited to civil, family, criminal, real estate, and/or probate law firms. The program introduces the fundamentals of legal research and writing, ethical standards, and various law specialties. Students are exposed to teamwork concepts, technology, and multiple approaches to problem solving.

The following diagram demonstrates how this course fits in the program:



Course Summary

Course Description

This course introduces students to the litigation process in civil courts. Students prepare for client interviews, gather and assemble case facts, and create various civil trial and appellate documents. Students examine ethical issues related to civil litigation.

Major Instructional Areas

1. The paralegal's role in civil litigation
2. Interviews and investigations
3. Organizing and managing civil litigation
4. Evidence, settlements, and alternative dispute resolutions (ADR)
5. Pleadings
6. Motions
7. Discovery, including interrogatories and requests for production of documents
8. Interrogatories and requests for production
9. Depositions
10. The trial process

Detailed Topical Outline

1. Understanding the litigation process
 - 1.1. Litigation
 - 1.1.1. Role of litigation
 - 1.1.2. Soft skills and Netiquette
 - 1.1.3. Organizing and managing case files
2. Ethics and responsibility
 - 2.1. Unauthorized practice of law
 - 2.2. The legal team
 - 2.3. Conflict of interest and the paralegal
 - 2.4. Confidentiality and breach
 - 2.5. Work product rules
 - 2.6. Reporting unethical conduct
3. Litigation management and technology
 - 3.1. Technology and the law office

- 3.2. Case and management software and law office application
- 3.3. Internet and case location
- 3.4. Client and witness interviewing
4. The court system
 - 4.1. Sources of American law
 - 4.2. Causes of action and their elements
 - 4.3. Remedies and civil causes of action and remedies
 - 4.4. Jurisdiction and venue in the courts
 - 4.5. Federal and state court systems
5. Interviews and investigation in civil litigation
 - 5.1. First impressions with clients and witnesses
 - 5.2. Factors in conducting client and witness interviews
 - 5.3. Skills for client and witness interviews
 - 5.4. Use of expert witnesses in litigation
 - 5.5. Tasks for investigating a claim
6. Pleadings, complaint, summons, and service
 - 6.1. Adherence to court rules for civil litigation proceedings
 - 6.2. Statute of limitations and lawsuits
 - 6.3. Proper filing of summons and complaint
 - 6.4. Amendments and supplemental pleadings
 - 6.5. Pleadings a defendant may file in response to a complaint
 - 6.6. Affirmative defenses, counter claims, and cross claims
 - 6.7. Third-party complaint and summons
 - 6.8. Consequences of failure to respond to a complaint
7. Evidence
 - 7.1. Types of evidence
 - 7.2. Federal rules of evidence
 - 7.3. Admissible and inadmissible evidence
 - 7.4. Witness and expert testimony as well as rebuttal evidence and witnesses
 - 7.5. Hearsay and exceptions
8. Discovery
 - 8.1. The use of discovery in litigation
 - 8.2. Discovery time line and Federal Rules of Civil Procedure
 - 8.3. Compliance with discovery
 - 8.4. Types of discovery
9. Motions
 - 9.1. Types of motions

- 9.2. Use of motions
- 10. Settlement and alternative dispute resolution
 - 10.1. Benefits of alternative dispute resolution
 - 10.2. Types of alternative dispute resolution
 - 10.3. Types of damages
 - 10.4. Settlement demands and law suit termination
- 11. Trial preparation and trial
 - 11.1. Legal versus factual issues
 - 11.2. Cost benefit analysis
 - 11.3. Jury investigation
 - 11.4. Pre-trial memorandums and trial briefs
 - 11.5. Timeline for trial proceedings
 - 11.6. Paralegal's role in the presentation of evidence and in the trial

Course Objectives

1. Explain the paralegal's role within civil litigation.
2. Explain the significance of legal research.
3. Assess expert witnesses for use in research and cases.
4. Explain work product rules and confidentiality.
5. Prepare for a client or witness interview.
6. Conduct an investigation of the facts of a case.
7. Assemble basic case information.
8. Explain the process of civil case trial and appeal.
9. Prepare various civil trial documents.
10. Identify applicable trial and appellate rules.
11. Analyze applicable constitutional, statutory, case, and administrative law.
12. Use the ITT Tech Virtual Library to locate paralegal research and documents as appropriate.

Learning Materials and References

Required Resources

Textbook Package	New to this Course	Carried over from Previous Course(s)	Required for Subsequent Course(s)
Goldman, T. F., & Hughes, A. H. (2012). <i>Civil litigation: Process and procedures</i> (2nd ed.). Upper Saddle River, NJ: Prentice Hall.	■		
SmartDraw.com. (2012). Student CD for SmartDraw VP: A <i>hands-on tutorial and guide</i> (2nd ed.). Upper Saddle River, NJ: Prentice Hall.		■	■

Recommended Resources

Books, Professional Journals

- Columbia Law Review, et al. (2010). *Bluebook: A uniform system of citation*. Cambridge, MA: Harvard Law Review.
also <http://www.legalbluebook.com/>

Professional Associations

- National Association of Legal Assistants: www.nala.org
- American Bar Association: www.americanbar.org
- The American Association for Justice, also known as the Association of Trial Lawyers of America: www.justice.org

ITT Tech Virtual Library (accessed via Student Portal)

- Books>eBooks on EbscoHost
 - Elias, S., & Levinkind, S. (2007). *How to find and understand the law*. (14th ed.). Berkley, CA: Nolo.
- Periodicals>Web Collections and Indexes
 - Law Journals
- School of Study> School of Criminal Justice>Recommended Links

- General> LLRX: Law and Technology Resources for Legal Professions
- Law> American Law Sources Online
- Law> FindLaw

Information Search

Use the following keywords to search for additional online resources that may be used for supporting your work on the course assignments:

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- Federal Rules of Evidence
- Federal Rules of Civil Procedure
- Pre-trial motions
- Hearsay
- Types of damages in a civil law suit
- Cost-benefit analysis
- Restatement of Contracts
- Restatement of Torts
- Jury instructions
- Motion practice
- Alternative dispute resolution
- Arbitration
- Expert testimony
- Attorney work product
- Scientific evidence
- Dalbert rule
- Litigation
- Legal ethics
- Law office management
- Statute of limitations
- Legal discovery

NOTE: All links are subject to change without prior notice.

Course Plan

Suggested Learning Approach

In this course, you will be studying individually and within a group of your peers. As you work on the course deliverables, you are encouraged to share ideas with your peers and instructor, work collaboratively on projects and team assignments, raise critical questions, and provide constructive feedback.

Use the following advice to receive maximum learning benefits from your participation in this course:

DO	DON'T
<ul style="list-style-type: none">▪ Do take a proactive learning approach.▪ Do share your thoughts on critical issues and potential problem solutions.▪ Do plan your course work in advance.▪ Do explore a variety of learning resources in addition to the textbook.▪ Do offer relevant examples from your experience.▪ Do make an effort to understand different points of view.▪ Do connect concepts explored in this course to real-life professional situations and your own experiences.	<ul style="list-style-type: none">▪ Don't assume there is only one correct answer to a question.▪ Don't be afraid to share your perspective on the issues analyzed in the course.▪ Don't be negative about the points of view that are different from yours.▪ Don't underestimate the impact of collaboration on your learning.▪ Don't limit your course experience to reading the textbook.▪ Don't postpone your work on the course deliverables – work on small assignment components every day.

Course Outline

<p>Unit 1: Understanding the Litigation Process</p> <p>Upon completion of this unit, students are expected to:</p> <ul style="list-style-type: none"> • Explain litigation. • Describe the role of the civil litigation paralegal. • Evaluate the significance of soft skills/netiquette in a law firm. • Discuss the importance of organizing and managing case files. 			<p>Unit Duration: Onsite: 1 week</p>
READING ASSIGNMENT	GRADED ACTIVITIES / DELIVERABLES		
	Grading Category	Activity/Deliverable Title	Grade Allocation (% of all graded work)
<ul style="list-style-type: none"> ▪ Goldman, Chapter 1, pp. 3-25 ▪ "Netiquette: Good manners on the Web: It's an old-fashioned idea that's well worth reviving in the increasingly rude online world." ITT Tech Virtual Library > Periodicals > ProQuest (all) > Search: Netiquette: Good manners on the Web 	Assignments	Unit 1 Assignment 1: Critical-Thinking Exercise (CTE): The Ideal Law Office	1%
		Unit 1 Assignment 2: Critical-Thinking Exercise (CTE): Netiquette in the Law Office	1%

<p>Unit 2: Ethics and Responsibility</p> <p>Upon completion of this unit, students are expected to:</p> <ul style="list-style-type: none"> • Identify examples considered to be the unauthorized practice of law (UPL). • Discuss the roles of the legal team. • Define conflict of interest and its application to the paralegal. • Examine the importance of confidentiality and its breach. • Explain the importance of reporting unethical conduct. 			<p>Unit Duration: Onsite: 1 week</p>
READING ASSIGNMENT	GRADED ACTIVITIES / DELIVERABLES		
	Grading Category	Activity/Deliverable Title	Grade Allocation (% of all graded work)
<ul style="list-style-type: none"> ▪ Goldman, 	Assignments	Unit 2 Assignment 1: : Critical-Thinking Exercise (CTE): Unauthorized Practice of	1%

Chapter 2, pp. 27-43 ■ ITT Tech Virtual Library > Periodicals > ProQuest (all) > Search: police paralegals >Sol Chrom, T. S. (1987, Jul 02). Who should police paralegals. <i>Toronto Star</i> , pp. A.18-A18. ■ ITT Tech Virtual Library > Periodicals > ProQuest (all) > Search: Paralegal unauthorized practice of law > Breton, T. (2011, Jun 01). Texas-based paralegal illegally offering law services. <i>The Providence Journal</i> , pp. A.5.		Law	
		Unit 2 Assignment 2: Conflict of Interest Form and Memorandum	1%
	Quizzes	Unit 2 Quiz 1	1%

Unit 3: Litigation Management and Technology

Unit Duration:
Onsite: 1 week

Upon completion of this unit, students are expected to:

- Discuss the use of technology in a law office.
- Identify case and practice management software and its application to the law office.
- Utilize the Internet to locate case information.
- Prepare questions for a client interview.
- Locate appropriate Internet forms for client case intake information.

READING ASSIGNMENT	GRADED ACTIVITIES / DELIVERABLES		
	Grading Category	Activity/Deliverable Title	Grade Allocation (% of all graded work)
■ Goldman, Chapter 3, pp.	Assignments	Unit 3 Assignment 1: Critical-Thinking Exercise CTE: Identifying the Roles of Law Office Staff	1%

45-69		Unit 3 Assignment 2: Client Intake Form	1%
		Unit 3 Assignment 3: Internal Memorandum on Office Management Software (Smith Case)	2%
	Quizzes	Unit 3 Quiz 2	1%

Unit 4: The Court System**Unit Duration:***Onsite: 1 week*

Upon completion of this unit, students are expected to:

- Describe the sources of American law.
- Discuss the significance of applying the elements of a cause of action.
- Apply remedies applicable to civil causes of action.
- Explain the requisites needed for jurisdiction and venue in the various courts.
- Identify both federal and state court systems.

READING ASSIGNMENT	GRADED ACTIVITIES / DELIVERABLES		
	Grading Category	Activity/Deliverable Title	Grade Allocation (% of all graded work)
<ul style="list-style-type: none"> ▪ Goldman, Chapter 4, pp. 71-91 ▪ ITT Tech Virtual Library > School of Criminal Justice >Databases > Lexis Nexis Academic > Search: 130 S. Ct. 2619, *177 L. Ed. 2d 216. > CITY OF ONTARIO, CALIFORNIA, et al., Petitioners v. JEFF QUON et al., No. 08-1332, SUPREME COURT OF THE UNITED STATES, 130 S. Ct. 2619, *177 L. Ed. 2d 216. 	Research Papers	Unit 4 Research Paper 1: Legal Research and Case Brief Applied to the Smith Case	5%
	Quizzes	Unit 4 Quiz 3	1%

Unit 5: Interviews and Investigation in Civil Litigation**Unit Duration:**
Onsite: 1 week

Upon completion of this unit, students are expected to:

- Discuss the importance of a good first impression with clients and witnesses.
- List the factors used to conduct an interview with a client or witness.
- Explain the types of skills required of a successful witness or client interview.
- Describe when expert witnesses are used in litigation.
- Itemize the tasks used in performing an investigation of a claim.

READING ASSIGNMENT	GRADED ACTIVITIES / DELIVERABLES		
	Grading Category	Activity/Deliverable Title	Grade Allocation (% of all graded work)
<ul style="list-style-type: none"> ▪ Goldman, Chapter 7, pp. 143-175 	Presentation	Unit 5 Presentation 1: Interviewing Role Play and Presentation (Smith Case)	10%
	Quizzes	Unit 5 Quiz 4	1%
<ul style="list-style-type: none"> ▪ ITT Tech Virtual Library > Periodicals > ProQuest (all) > Search: interviewing expert witnesses > Expert advises on interview techniques. (2004, Jun 12). <i>The Vancouver Sun</i>, pp. B.5-B5. 			
<ul style="list-style-type: none"> ▪ ITT Tech Virtual Library > Periodicals > ProQuest (all) > Search: communication skills > <i>Test and rate your writing skill prowess for better non-verbal communication</i> (2010). India, Shimla: Athena Information Solutions Pvt. Ltd. 			
<ul style="list-style-type: none"> ▪ ITT Tech Virtual Library > Periodicals > ProQuest (all) > Search: auto negligence lawsuits > Lee, S. 			

<p>(2010, Mar 02). Judge sets trucker's trial date in October. <i>Ocala Star - Banner</i>, pp. n/a.</p>			
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Unit 6: Pleadings: Complaint, Summons, and Service

Unit Duration:
Onsite: 1 week

Upon completion of this unit, students are expected to:

- Recognize correct court rules for civil litigation pleadings.
- Explain the importance of the statute of limitations when filing a lawsuit.
- Prepare a summons and complaint using rules for filing and serving.
- Assess the need for amended or supplemental pleadings.
- Recognize the appropriate pleadings a defendant may file in response to a complaint.
- Prepare an answer to a complaint accompanied by affirmative defenses, a counterclaim, and a cross claim.
- Prepare a third-party complaint and summons and ready the same for filing and service.
- Discuss the consequences of the failure to correctly respond to a complaint.

READING ASSIGNMENT	GRADED ACTIVITIES / DELIVERABLES		
	Grading Category	Activity/Deliverable Title	Grade Allocation (% of all graded work)
<ul style="list-style-type: none"> ▪ Goldman, Chapter 8, pp. 177-207; and Chapter 10, pp. 235-247 ▪ ITT Tech Virtual Library > School of Criminal Justice>Databases>ProQuest Newsstand>Search Federal court diversity jurisdiction>Roska, J. (2006, Nov 14). Laws in question determine if it is a federal case. <i>St. Louis Post - Dispatch</i>, pp. D.4-D.4. ▪ ITT Tech Virtual Library > School of Criminal Justice>Databases>ProQuest Newsstand>Search Toyota Recall>Many Toyota recalls, little Toyota recall. (2010, Feb 24). <i>The Washington</i> 	Project	Unit 6 Project: Smith Case Pleading Practice Project (PORTFOLIO)	20%
	Quizzes	Unit 6 Quiz 5	1%

<i>Post</i> , pp. A.2-A.2.			
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<p>Unit 7: Evidence</p> <p>Upon completion of this unit, students are expected to:</p> <ul style="list-style-type: none"> • Define the types of evidence. • Research relevant Federal Rules of Evidence. • Distinguish between admissible and inadmissible evidence. • Describe witness and expert testimony. • Explain hearsay and its exceptions. 			<p>Unit Duration: Onsite: 1 week</p>	
READING ASSIGNMENT	GRADED ACTIVITIES / DELIVERABLES			
	Grading Category	Activity/Deliverable Title	Grade Allocation (% of all graded work)	
<ul style="list-style-type: none"> ▪ Goldman, Chapter 6, pp. 121-141 ▪ ITT Tech Virtual Library > School of Criminal Justice > Databases > ProQuest Newsstand > Search for “evidence produced at OJ Simpson trial” Not guilty verdict reached in four hours in Simpson trial. (2007, Oct 02). <i>Lincolnshire Echo</i>, pp. 34-34 ▪ ITT Tech Virtual Library > School of Criminal Justice > Databases > ProQuest NewsStand > Search for “Evidence in Casey Anthony case” Lundy, S., & Edwards, A. L. (2009). Casey Anthony case: Experts evaluate evidence: Do the pieces in the Casey Anthony case add up? We ask legal experts. <i>McClatchy Tribune Information Services</i> ▪ ITT Tech Virtual Library > School of Criminal Justice > Databases > ProQuest 	Assignments	Unit 7 Assignment 1: Evidence for the Smith Case	2%	
			Unit 7 Assignment 2: Objections to Evidence (Smith Case)	2%
			Unit 7 Assignment 3: Hearsay Case Law and Memorandum	2%
		Quizzes	Unit 7 Quiz 6	1%

<p>NewsStand > Place the words “child witnesses” in the search engine Bell, E. (2001, May 01). New laws make testifying easier for children / courts now accommodate, protect youngest witnesses. <i>San Francisco Chronicle</i>, pp. A.1-A.1.</p>			
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<p>Unit 8: Discovery</p> <p>Upon completion of this unit, students are expected to:</p> <ul style="list-style-type: none"> Define the term “discovery” and its uses in litigation. Outline the timeline for discovery using the Federal Rules of Civil Procedure. Explain how the court rules require compliance with discovery. Prepare a set of interrogatories and request for production of documents. 			<p>Unit Duration: Onsite: 1 week</p>
<p>READING ASSIGNMENT</p>	<p>GRADED ACTIVITIES / DELIVERABLES</p>		
	<p>Grading Category</p>	<p>Activity/Deliverable Title</p>	<p>Grade Allocation (% of all graded work)</p>
<ul style="list-style-type: none"> Goldman, Chapter 5, pp. 93-120; Chapter 11, pp. 251-267; and Chapter 13, pp. 291-307 Federal Rules of Civil Procedure and Evidence (www.uscourts.gov and http://www.lexisnexis.com.proxy.itt-tech.edu/hottopics/Inacademic/) Rules 26-37 	<p>Assignments</p>	<p>Unit 8 Assignment 1: Timeline for Discovery in the Smith Case</p>	<p>2%</p>
		<p>Unit 8 Assignment 2: Interrogatories for the Smith Case</p>	<p>2%</p>
		<p>Unit 8 Assignment 3: Request for Production of Documents for the Smith Case</p>	<p>2%</p>
	<p>Quizzes</p>	<p>Unit 8 Quiz 7</p>	<p>1%</p>

<p>Unit 9: Motions</p> <p>Upon completion of this unit, students are expected to:</p> <ul style="list-style-type: none"> Discuss the use of motions. Explain when motions may be used. Prepare a motion in proper legal format. 			<p>Unit Duration: Onsite: 1 week</p>
<p>READING ASSIGNMENT</p>	<p>GRADED ACTIVITIES / DELIVERABLES</p>		

	Grading Category	Activity/Deliverable Title	Grade Allocation (% of all graded work)
<ul style="list-style-type: none"> ▪ Goldman, Chapter 9, pp. 209-233, Chapter 11, pp. 345-365, and Chapter 16, pp. 345-365 ▪ Federal Rules of Civil Procedure and Evidence (www.uscourts.gov and http://www.lexisnexis.com.proxy.itt-tech.edu/hottopics/lnacademic/) ▪ Rules 37 and 55 	Assignments	Unit 9 Assignment 1: Motion to Compel Evidence in the Smith Case	2%
		Unit 9 Assignment 2: Motion for Default in the Smith Case	2%
	Research Papers	Unit 9 Research Paper 2: Pre-trial Memorandum for the Smith Case (Draft)	5%
	Quizzes	Unit 9 Quiz 8	1%

Unit 10: Settlement and Alternative Dispute Resolution

Unit Duration:

Onsite: 1 week

Upon completion of this unit, students are expected to:

- Discuss the benefits of alternative dispute resolution.
- Identify the types of alternative dispute resolution.
- Recognize and list the types of damages.
- Prepare documents for making settlement demands, and lawsuit termination.

READING ASSIGNMENT	GRADED ACTIVITIES / DELIVERABLES		
	Grading Category	Activity/Deliverable Title	Grade Allocation (% of all graded work)
<ul style="list-style-type: none"> ▪ Goldman, Chapter 5, pp. 93-119 ▪ ITT TechVirtual Library > School of Criminal Justice > Databases > ProQuest Newsstand > Enter "Alternative Dispute Resolution" > Select Article 1 (2007). Alternative dispute resolution is an authoritative insider's perspective on best practices for resolving disputes outside of litigation. New York: Business Wire. ▪ Federal Rules of Civil Procedure and Evidence (www.uscourts.gov and 	Assignments	Unit 10 Assignment 1: Proposed Settlement Agreement for the Smith Case (PORTFOLIO)	2%
		Unit 10 Assignment 2: Demand Letter for the Smith Case	2%
	Research Papers	Unit 10 Research Paper 3: Memo for Alternative Dispute Resolution in the Smith Case	5%
	Quizzes	Unit 10 Quiz 9	1%

<p>http://www.lexisnexis.com.proxy.itt-tech.edu/hottopics/lnacademic/)</p> <ul style="list-style-type: none"> ▪ Rule 23(e) 			
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<p>Unit 11: Trial Preparation and Trial</p> <p>Upon completion of this unit, students are expected to:</p> <ul style="list-style-type: none"> • Discuss legal versus factual issues. • Assess a cost benefit analysis when bringing a lawsuit. • Explain jury investigation and its purpose. • Prepare a pre-trial memorandum and trial brief. • Describe the timeline for early trial proceedings. • Explain the paralegal’s role in the trial. 	<p>Unit Duration: Onsite: 1 week</p>
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READING ASSIGNMENT	GRADED ACTIVITIES / DELIVERABLES		
	Grading Category	Activity/Deliverable Title	Grade Allocation (% of all graded work)
<ul style="list-style-type: none"> ▪ Goldman, Chapter 17, pp. 367-385 ▪ Federal Rules of Civil Procedure and Evidence (www.uscourts.gov and http://www.lexisnexis.com.proxy.itt-tech.edu/hottopics/lnacademic/) ▪ Rule 47 	Assignments	Unit 11 Assignment 1: Questions for Potential Jurors on the Smith Case (developed during class)	2%
	Presentations	Unit 11 Presentation 2: Cost-Benefit Analysis on Smith Case Small Group Presentations (during class)	10%
	Research Papers	Research Paper 2: Pre-trial Memorandum for the Smith Case (final draft due) (PORTFOLIO)	5%
	Quizzes	Unit 11 Quiz 10	1%

Evaluation and Grading

Evaluation Criteria

The graded assignments will be evaluated using the following weighted categories:

Category	Weight
Assignments	30%
Project	20%
Presentations	20%
Research Papers	20%
Quizzes	10%
TOTAL	100%

Grade Conversion

The final grades will be calculated from the percentages earned in the course, as follows:

Grade	Percentage	Credit
A	90–100%	4.0
B+	85–89%	3.5
B	80–84%	3.0
C+	75–79%	2.5
C	70–74%	2.0
D+	65–69%	1.5
D	60–64%	1.0
F	<60%	0.0

Academic Integrity

All students must comply with the policies that regulate all forms of academic dishonesty, or academic misconduct, including plagiarism, self-plagiarism, fabrication, deception, cheating, and sabotage. For more information on the academic honesty policies, refer to the Student Handbook and the Course Catalog.

(End of Syllabus)