

PELLISSIPPI STATE TECHNICAL COMMUNITY COLLEGE
MASTER SYLLABUS

**LITIGATION SKILLS I
LAW 2210**

Class Hours: 3.0

Credit Hours: 3.0

Laboratory Hours: 0.0

Revised: Spring 03

NOTE: This course is not designed for transfer credit.

Catalog Course Description:

Introduction to civil litigation procedures and practices in federal and state courts; focus on practical law office skills, interviewing techniques and investigation strategies; evidence; emphasis on the paralegal's role in civil litigation.

Entry Level Standards:

College-level competencies in logic, reading, and English are required.

Prerequisites:

LAW 1050 and 1060

Textbook(s) and Other Course Materials:

Mauet, Thomas A. and Marlene A. Maerowitz, *Fundamentals of Litigation for Paralegals*, 3d ed. (Gaithersburg, N.Y.: Aspen, 1999)
Tennessee Court Rules Annotated, Vols. 1 and 2, 2002

I. Week/Unit/Topic Basis:

Week	Topic
1	Introduction to litigation; litigation process (.5 hour); remedies (.5 hour) paralegal's role (.5 hour), ethical considerations (.5 hour) Handout (Court Systems), Sources of law: structure of state and federal court systems (1 hour)
2	Case evaluation and strategy - Planning litigation: attorney-client agreement (1 hour); client authorizations (1 hour); declining representation (1 hour)
3-4	Communication (1 hour); Interviewing – client and role play (2 hours); Interviewing - witness, experts and role play (2 hours)
4-6	Investigation (1 hour); public sources of information; how to access information from the Federal government (1.5 hours); accessing records from state and local governments (1.5 hours); accessing private sources of information (3 hours)
7-10	Evidence: Introduction to evidence (2 hours); TRE; “The Rule;” presentation of evidence, objections, rulings on evidence (1 hour); relevance; testimonial evidence; competency; types of evidence; privileges (2 hours); hearsay (3 hours); exceptions to the hearsay rule (3 hours); evidence: the whole picture (1 hour)
11-12	Parties and Jurisdiction: parties to a lawsuit (1 hour); subject matter jurisdiction: federal question (1 hour); diversity of citizenship (1 hour) ; ancillary jurisdiction (1 hour); personal jurisdiction (1 hour); removal (1 hour)

- 13-15 Pleadings: due process; Rule 4 service of process (3 hours) venue; general requirements for pleadings: how to draft a complaint (2 hours) ; answer: Rule 12 responses (1 hour) Rule 6 time (1 hour); counterclaims, cross-claims, third party claims, intervention, class actions, amendment of pleadings, supplemental pleadings (2 hours)
- 16 Final Examination

II. Course Objectives*:

- A. Demonstrate a complete and thorough understanding of legal ethics. I, III
- B. Demonstrate a complete and thorough understanding of the paralegal's role in civil litigation. I, II, IV
- C. Demonstrate understanding of legal vocabulary with respect to civil procedure. I, II, III, IV
- D. Exhibit an adequate understanding of interviewing strategies. I, II, III, IV
- E. Exhibit an adequate understanding of investigating strategies. I, II, III, IV, V
- F. Exhibit an adequate understanding of legal evidence. I, II, III
- G. Demonstrate a complete and thorough understanding of the importance of distinguishing between fact and inference. II, III, IV
- H. Exhibit an adequate understanding of the application of law to the facts. I, II, III, IV
- I. Acquire enhanced understanding of legal terminology. I, II, IV
- J. Develop a litigation plan. I, II, III, IV, V
- K. Demonstrate understanding of the general requirements for pleadings. I, II, III, IV, V
- L. Demonstrate understanding of the procedures by which civil litigation is conducted at pre-trial, trial, and appellate stages in the state and federal systems. I, II, III

*Roman numerals after course objectives reference goals of the Paralegal Studies program.

III. Instructional Processes*:

Students will:

1. Practice elements of the work ethic such as professionalism, preparedness, punctuality, honesty, cooperation, dependability, contribution, effectiveness, good manners, etc. *Personal Development Outcome, Cultural Diversity and Social Adaptation Outcome, Transitional Strategy*
2. Refine reading skills and expand legal vocabularies through completion of weekly guided reading exercises that allows more effective communication with lawyers and legal professionals. *Communication Outcome, Transitional Strategy*
3. Strengthen analytical skills by locating court cases and statutes in the Educational Resources Center and on Westlaw to determine the application of the rules of law to specific facts. *Information Literacy Outcome, Problem Solving and Decision Making Outcome, Cultural Diversity and Social Adaptation Outcome, Technological Literacy Outcome, Transitional Strategy, Active Learning Strategy*
4. Examine ethical issues related to legal representation, unauthorized practice of law, confidentiality, duty of legal professional to provide legal services, etc. *Personal Development Outcome, Cultural Diversity and Social Adaptation Outcome, Transitional Strategy, Active Learning Strategy*

5. Perform course assignments such as team discussions, team case studies, experiential exercises, oral and written presentations, Internet and law-based technology research, etc. that help develop critical thinking, problem solving, goal setting and planning skills. *Communication Outcome, Personal Development Outcome, Cultural Diversity and Social Adaptation Outcome, Problem Solving and Decision Making Outcome, Information Literacy Outcome, Technological Literacy Outcome, Transitional Strategy, Active Learning Strategy*
6. Participate in role-playing interview exercises. *Personal Development Outcome, Cultural Diversity and Social Adaptation Outcome, Problem Solving and Decision Making Outcome, Transitional Strategy, Active Learning Strategy*
7. Listen to guest speakers from the legal community to learn the demands for paralegal litigation skills in the work world. *Personal Development Outcome, Problem Solving and Decision Making Outcome, Transitional Strategy*
8. Develop investigative skills using the Internet, library, and governmental agency resources to find relevant information. *Problem Solving and Decision Making Outcome, Information Literacy Outcome, Technological Literacy Outcome, Transitional Strategy, Active Learning Strategy*

*Strategies and outcomes listed after instructional processes reference Pellissippi State's goals for strengthening general education knowledge and skills, connecting coursework to experiences beyond the classroom, and encouraging students to take active and responsible roles in the educational process.

IV. Expectations for Student Performance*:

Upon successful completion of this course, the student should be able to:

1. Recognize and avoid acts that constitute the unauthorized practice of law. A
2. Recognize and avoid acts that constitute the breach of client confidentiality. A
3. Recognize potential and actual conflict of interest situations. A
4. Explain the nine Canons of ethical conduct as set out in the Code of Professional Responsibility. A
5. Describe what kind of skills are employed during the interviewing process. D,G,I
6. Describe how to prepare for an interview with a client or witness. D,G,I
7. Describe an effective interview setting. A,D
8. Describe the purpose for an interview checklist. D,F,I
9. Identify behaviors which promote confidence in the interviewee. D
10. Identify and respond appropriately to client/witness concerns during the interview. A,D
11. Describe useful techniques for interviewing witnesses. A,D,F
12. Discriminate between hearsay and personal knowledge furnished by the interviewee. D,F,I
13. Explain how the following factors affect the quality and effectiveness of communication between people: D,G
 - a. language
 - b. trauma
 - c. psychosocial aspects
 - d. psychological factors
 - e. sociological factors

14. Identify strategies for overcoming the obstacles to effective communication listed above. D
15. Describe how to produce an interview summary. D,F,G,I
16. Identify relevant and irrelevant information as it applies to a specific case. F,G
17. Identify admissible and inadmissible evidence. F,I
18. Summarize how to create an investigation plan. A,E,I
19. Explain some basic principles that guide legal investigators. E,F
20. Identify sources for locating information or witnesses. E
21. Describe the following types of evidence: F,G,I
 - a. direct v. circumstantial
 - b. real
 - c. demonstrative
 - d. testimonial
 - e. documentary
22. Explain the Best Evidence Rule. F,I
23. Describe the Dead Man's Statute. F,I
24. Describe direct, cross, redirect and recross examination. F,I
25. Identify who the courts have determined are competent witnesses. F,I
26. Identify exceptions to the hearsay rule. F,I
27. Describe privileged communications. F
28. Explain the differences between fact and inference. G
29. Describe when inferences may be drawn by the finder of fact. F,G
30. Identify legal issues presented by facts. G,H,I
31. Discuss the paralegal's role in all stages of civil litigation. B, F, G, H
32. Explain the differences between civil litigation and other types of litigation. C, F, G
33. Explain where to find the law applicable to litigation matters. B, C, F
34. Properly identify and describe the function of federal and state courts having civil jurisdiction. C, F
35. Describe the differences between federal and state court jurisdiction. C, D, E, F, G
36. Describe how to draft pleadings in conformity with rules of civil procedure. B, C, D, E, F, G
37. Explain the general requirements for all motions. B, C, F
38. Identify the discovery devices available to obtain facts. C, F, H
39. Describe how computers may be used for litigation support. B, C

*Letters after performance expectations reference the course objectives listed above.

V. Evaluation:

A. Testing Procedures:

Students are evaluated primarily on the basis of tests.

B. Laboratory Expectations:

N/A

C. Field Work:

Students will complete several out-of-class skills projects. These may include:

Interview checklist

Interview summary

Investigation exercises

Memorandum summarizing application of law to fact situation

Information collection exercise

Drafting pleadings

Rule-based research

D. Other Evaluation Methods:

1. Class participation, group work, and homework will also comprise the final grade for the course. The instructor will provide full details the first week of class via a syllabus supplement.
2. All tests and papers will be graded for spelling and English usage in addition to content and format.
3. Any student encountering academic difficulty during the term is strongly encouraged to meet with the instructor to discuss options and solutions.

E. Grading Scale:

A	93-100
B+	88- 92
B	83- 87
C+	78- 82
C	73- 77
D	65- 72
F	64 and below

VI. Policies:

A. Attendance Policy:

Pellissippi State Technical Community College expects students to attend all scheduled instructional activities. As a minimum, students in all courses must be present for at least 75 percent of their scheduled classes and laboratory meetings in order to receive credit for the course. (*Pellissippi State Catalog*).

B. Academic Dishonesty:

Plagiarism, cheating and other forms of academic dishonesty are prohibited. A student guilty of academic misconduct, either directly or indirectly through participation or assistance, is immediately responsible to the instructor of the class. In addition to other possible disciplinary sanctions that may be imposed through the regular Pellissippi State procedures as a result of academic misconduct, the instructor has the authority to assign an F or a zero for the exercise or examination or to assign an F in the course.

C. Other Policies:

Late papers will not be accepted nor will make-up tests be given without specific approval of the instructor.

