

PELLISSIPPI STATE COMMUNITY COLLEGE  
MASTER SYLLABUS

**LITIGATION SKILLS II  
LAW 2220**

**Class Hours: 3.0**

**Credit Hours: 3.0**

**Laboratory Hours: 0.0**

**Revised: Fall 09**

NOTE: This course is not designed for transfer credit.

**Catalog Course Description:**

A project-oriented course designed to require students to draft pleadings and legal documents, including discovery devices, in conformity with state and federal rules of procedure as well as local state and federal court rules.

**Entry Level Standards:**

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

**Prerequisite:**

LAW 2210

**Textbook(s) and Other Course Materials:**

Mauet, Thomas A. and Marlene A. Maerowitz, *Fundamentals of Litigation for Paralegals*, 6th ed. (Gaithersburg, N.Y.: Aspen, 2009)  
*Tennessee Court Rules Annotated*, Vol. 1 (current edition)

**I. Week/Unit/Topic Basis:**

<b>Week</b>	<b>Topic</b>
1	Introduction; expectations
2	Case evaluation and strategy: litigation review ; cause of action; terms of attorney-client agreement
3	Planning the Litigation, Choosing the Court: local rules, parties, jurisdiction; issues outline
4-5	Pleadings: Getting complaint ready, requirements, alternative pleadings, format, Rule 11; Certificate of Service, summons, service of process, removal; Answer: Rule 12 responses, affirmative defenses, requirements for motions
6	Law and Motions: Summary judgment, supporting documentation for summary judgment; default judgment
7	Motion Practice: various motions available to both parties
8	Provisional Remedies: writ of possession, attachment, injunctive relief, lis pendens
9-10	Discovery: interrogatories and answers, local limitations, depositions, summarizing depositions, notice to take, subpoena duces tecum; request for production, request for

- admissions and reply; protective order and sanctions
- 11 Settlements: release, covenant not to sue; nonsuit, dismissal; offer of judgment
- 12 Trial Preparation, Trial, Appeal: exhibits, pretrial memorandum, pretrial order, jury instructions, motion in limine; appellate deadlines
- 13 Enforcement of Judgments: Abstract of Title, Liens, Execution
- 14 Review (3 hours)
- 15 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. Demonstrate an adequate understanding of personal jurisdiction. I, II, III, IV
- E. Demonstrate an adequate understanding of subject matter jurisdiction. I, II, III, IV
- F. 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
- G. Demonstrate understanding of how civil pleadings must conform to rules of procedure. I, II, III, IV, V
- H. Demonstrate understanding of various discovery devices. I, II, IV
- I. Demonstrate an adequate understanding of how a civil case moves through the process. I, II, III, IV, V
- J. Demonstrate an adequate understanding of where to obtain the necessary facts to prove the client's position. I, II, III, IV
- K. Demonstrate an adequate understanding of when and how to gather documents that may be used as evidence. I, II, III, IV
- L. Demonstrate understanding of how to use the Internet to gather facts. I, II, III, IV, V
- M. Demonstrate understanding of what pre-filing requirements should be considered. II, III
- N. Demonstrate understanding of how to develop a litigation strategy. I, II, III, IV, V
- O. Demonstrate a thorough understanding of how to draft various pleadings and documents. I, II, III, IV, V

\*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. *Active Learning Strategy, 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, Active Learning Strategy, Transitional Outcome*
3. Strengthen analytical and written presentation skills by drafting pleadings, discovery documents, and deposition summaries. *Communication Outcome, Technological Literacy Outcome, Transitional Strategy, Active Learning Strategy*
4. Examine ethical issues related to communication with adverse party, unauthorized practice of law, confidentiality, conflict of interest, etc. *Communication 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, Technological Literacy Outcome, Transitional Strategy, Active Learning Strategy*
6. Listen to guest speakers from the legal community to discover how legal professionals apply the rules of civil procedure in various stages of litigation. *Transitional Strategy*

\*Strategies and outcomes listed after instructional processes reference TBR'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 differences between civil litigation and other types of litigation. C, F, G
5. Explain where to find the law applicable to litigation matters. B, C, F
6. Identify by proper name and describe the function of federal and state courts having civil jurisdiction. C, F
7. Discuss the paralegal's role in all stages of civil litigation. B, F, G, H
8. Describe the differences between federal and state court jurisdiction. C, D, E, F, G
9. Describe how to draft pleadings in conformity with rules of civil procedure. B, C, D, E, F, G

10. Explain the general requirements for all motions. B, C, F
11. Explain when a motion for summary judgment is appropriate and describe what must be included in a motion for summary judgment. C, F
12. Explain the purpose of a motion for judgment on the pleadings. C, F
13. Identify the discovery devices available to obtain facts. C, F, H
14. Describe how computers may be used for litigation support. B, C
15. Explain how to draft different forms of discovery. C, F, H
16. Identify the time within which discovery may be conducted. C, F, H
17. Discuss the various ways to prepare a deposition summary. C, F, H
18. Explain how a civil case moves through the process. C, F, I
19. Discuss when and how to gather documents that may be used as evidence. A, C, F, J
20. Explain how to use the Internet to gather facts. H, J, K, L
21. Discuss prefiling requirements to be considered in civil cases. C, F, I, M
22. Explain how to develop a litigation strategy. C, F, I, M, N
23. Draft various pleadings and documents. A, B, C, D, E, F, G, H, I, J, K, L, M, N, O

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

## **V. Evaluation:**

### A. Testing Procedures:

Students are evaluated primarily on the basis of drafting projects. The instructor will provide full details the first week of class via a syllabus supplement.

### B. Laboratory Expectations:

N/A

### C. Field Work:

Students will complete several out-of-class skills projects.

### 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 expects students to attend all scheduled instructional activities. As a minimum, students in all courses (excluding distance learning courses) must be present for at least 75 percent of their scheduled class and laboratory meetings in order to receive credit for the course. Individual departments/programs/disciplines, with the approval of the vice president of Learning, may have requirements that are more stringent. In very specific circumstances, an appeal of the policy may be addressed to the head of the department in which the course was taken. If further action is warranted, the appeal may be addressed to the vice president of Learning. (*Pellissippi State Online Catalog*)

B. Academic Dishonesty:

Plagiarism, cheating, and other forms of academic dishonesty are prohibited. Students guilty of academic misconduct, either directly or indirectly through participation or assistance, are immediately responsible to the instructor of the class. In addition to other possible disciplinary sanctions which 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. (*Pellissippi State Online Catalog*)

C. Accommodations for disabilities:

Students who need accommodations because of a disability, have emergency medical information to share, or need special arrangements in case the building must be evacuated should inform the instructor immediately, privately after class or in her or his office. Students must present a current accommodation plan from a staff member in Services for Students with Disabilities (SSWD) in order to receive accommodations in this course. Services for Students with Disabilities may be contacted by going to Goins 127, 132, 134, 135, 131 or by phone: 539-7153 or TTY 694-6429. More information is available at [www.pstcc.edu/departments/swd/](http://www.pstcc.edu/departments/swd/).

D. Other Policies:

Computer Usage Guidelines:

College-owned or –operated computing resources are provided for use by students of Pellissippi State. All students are responsible for the usage of Pellissippi State’s computing resources in an effective, efficient, ethical and lawful manner. (*Pellissippi State Online Catalog*)

Late Work:

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

the instructor.