

Pellissippi State Community College  
Master Syllabus

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**LITIGATION SKILLS I**  
**LAW 2210**

Class Hours: 3.0  
Laboratory Hours: 0.0  
Credit Hours: 3.0  
Revised: July, 2010

Instructor:  
Office:  
Phone:  
E-mail:

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**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 LAW 1060

**Corequisites:** None

**Textbooks and Other Supplies:**

Textbooks:

- Maerowitz, Marlene A. and Thomas A. Mauet, Fundamentals of Litigation for Paralegals, 6th Ed., 2009.
- Tennessee Code Annotated Court Rules, Vol. 1 current edition.

**I. WEEK/UNIT/TOPIC BASIS:**

| <u>Week</u> | <u>Unit</u>                                | <u>Topic</u>  |
|-------------|--|---|
| 1           | Chapter 1<br>Handout<br>(Court<br>Systems) | Overview of litigation process and importance of law office skills (1 hour); paralegal's role and professionalism (.5 hour), ethical considerations (.5 hour)<br>Sources of law: structure of state and federal court systems (1 hour)  |
| 2           | Chapter 3                                  | Attorney-client agreements (1.5 hours); demand letter (.75 hour); planning litigation (.75 hour)  |
| 3-5         | Handout<br>(Interview<br>Hypotheticals)    | Communication: Effectively speaking and listening (1.5 hours); types of communication and the importance of each (1 hour); distinguishing between facts and inference (.5 hour); Interviewing clients, witnesses, experts (1 hour); Interviewing role play (3 hours); Investigation: objectives of civil investigation (.5 hours); public sources of information (.25 hour); how to access information from the Federal government, FOIA (.25 hour); accessing records from state and local governments (.25 hour); accessing private sources of information (.25 hour); locating witnesses (.25 hour); collecting investigation (.25 hour) |
| 6-9         | Chapter 9<br>Evidence Rules                | Evidence: What is evidence? (.5 hour); the rules of evidence (1 hour); types of evidence (2 hours); privileges (.5 hour); hearsay (3 hours); exceptions to the hearsay rule (3 hours); evidence: the whole picture (2 hours)  |

|       |  |   |
|-------|--|---|
| 10-11 | Chapter 4                              | Identifying parties to a lawsuit (1 hour); subject matter jurisdiction: federal question (1 hour); diversity of citizenship (1.5 hour) ; personal jurisdiction (1.5 hour); removal (1 hour);  |
| 12-14 | Chapter 5 TCA Rules of Civil Procedure | Pleadings: Rule 11 (1 hour); Rule 4 service of process (1.5 hour); Rule 6 time (1 hour); how to draft a complaint and answer (1 hour); Rule 12 responses (1 hour); counterclaims, cross- claims, third party claims, (1.5 hour); intervention, (.5 hour); class actions (.5 hour); amendment of pleadings (.5 hour); supplemental pleadings (.5 hour) |
| 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. 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 the rules of 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

## III. INSTRUCTIONAL PROCESSES:

The student 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 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. Communication 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. 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. Participate in role-playing interview exercises. Communication 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. Transitional Strategy
8. Develop investigative skills using the Internet, library, and governmental agency resources to find relevant information. Technological Literacy Outcome, Transitional Strategy, Active Learning Strategy

#### **IV. EXPECTATIONS FOR STUDENT PERFORMANCE:**

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 the 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 that 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 re-cross 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)

## **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
- Information collection exercise
- Drafting pleadings
- Rule-based research
- Memorandum summarizing application of law to fact situation

### **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 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 class and laboratory meetings in order to receive credit for the course. [NOTE: No differentiation is noted for excused/unexcused absences. These will be treated as an absence.] (Pellissippi State 2008-2010 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 2008-2010 Online Catalog)

### C. **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 2008-2010 Online Catalog)

### D. **Accommodation 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 134 or 126 or by phone: 694-6751(Voice/TTY) or 539-7153. More information is available at [www.pstcc.edu/departments/swd/](http://www.pstcc.edu/departments/swd/)