

LS 1020 Introduction to Civil Litigation Syllabus

SALT LAKE COMMUNITY COLLEGE

Instructor:

E-mail:

Office:

Phone:

Course Description: This course reviews the federal and state (especially Utah) court systems and the litigation process. By the end of the class, the student should be familiar with the various steps in litigation, including service of process, filing of pleadings and motions, discovery methods, trial preparation and post-trial motions.

Textbook: James W.H. McCord, The Litigation Paralegal, Thompson Delmar (5th ed. 2008)

Grading:

A	Excellent	93-100%
A-	Excellent	90-92%
B+	Good	86-89%
B	Good	83-85%
B-	Good	80-82%
C+	Average	76-79%
C	Average	73-75%
C-	Average	70-72%
D+	Below Average	66-69%
D	Below Average	63-65%
D-	Below Average	60-62%
E	Failing	0-59%

Grading Percentages:

- 3 online quizzes = 50%
- Final exam (online, comprehensive) = 25%
- Draft Pleadings (2) = 10%
- Class participation = 15%

Additional Policies

Withdrawal and Incomplete Grades: The last day to drop this class with a refund is listed in the official college schedule but is approximately 3 weeks after the first day of class; the last day to withdraw (without refund) is also listed in the official college schedule but is approximately 12 weeks after the first day of class. Any requests to withdraw after that date will require documentation from a physician or an employer stating that you are unable to continue in the class for health or work-related reasons. Poor performance in the class is not a legitimate reason for withdrawal. It is the responsibility of the student to drop/withdraw from this class,

not the instructor. Students who do not attend during the first week of class may be dropped at the discretion of the instructor.

Dropping the Course: If you decide for any reason to discontinue this class, you must go through the process of dropping the class with SLCC. I cannot and will not do it for you. If you stop submitting work and do not drop the class, I am required to give you a grade based on the limited amount of work you have submitted, which could result in an “E”.

Incomplete Grades: Sometimes life gets in the way for all of us to do our best. Car accidents happen – pandemics destroy our plans – things change at work. That’s why incomplete grades exist; however, awarding an incomplete grade is rarely in a student’s best interest. Most “I” grades become failing grades after the required one-year grace period expires. The school policy is that a grade of “I” (Incomplete) may be available at the instructor’s option but is only given in the most extenuating of circumstances (for example health reasons) for which there is verifiable written documentation. In order to receive an incomplete, nearly all course work must have been completed (>75%) with a passing grade. When an incomplete grade is awarded, a contract must be completed to finish the missing work.

Institutional Policies

As members of our academic community, we would like to invite you to review the Institutional Syllabus which covers important policies and procedures. This document contains important links for students on the code of student rights and responsibilities, academic integrity, and grading policies, Title IX and other important acknowledgements. By familiarizing yourself with this information, you can help us create a safe and respectful environment for everyone.

You can access the document by clicking on the following link:

<https://slcc.instructure.com/courses/530981/pages/institutional-syllabus>

Learning Support and Tutoring Services

We are pleased to offer a range of tutoring and learning support services to help you achieve your academic goals. Whether you need assistance with a specific subject or want to improve your study skills, you have many options for tutoring or other support.

To learn more about the services we offer and how to access them, please visit the Institutional Syllabus under the Tutoring and Learning Support tab:

<https://slcc.instructure.com/courses/530981/pages/institutional-syllabus>. We encourage you to take advantage of these resources to help you succeed in your studies. If you have any questions or would like to schedule a tutoring session, please don't hesitate to reach out to us. We are here to support you

Accommodations for students with disabilities: Students with medical, psychological, learning or other disabilities desiring accommodations or services under ADA, should contact the Disability Resource Center (DRC). The DRC determines eligibility for and authorizes the provision of these accommodations and services for the college. Please contact the DRC at the Student Center, Suite 244, Redwood Campus, 4600 So. Redwood Rd, 84123. Phone: (801) 957-4659, TTY: 957-4646, Fax: 957- 4947 or by drc@slcc.edu.

Academic honesty and the SLCC Student Code of Conduct: Students are both bound and protected by the SLCC Student Code of Conduct. If you are unaware of this Code and the requirements it makes of you as well as the protection it gives you, contact Student Services for a copy (of either the complete code or the

abbreviated version). Personal integrity and responsibility are requirements of this class, as are all other guidelines of the Student Code.

Plagiarism is theft. Any time you present another person's work as your own—even if that other person is a friend and/or spouse—you have plagiarized. The penalty for a first offense of academic dishonesty is no credit for the assignment, which cannot be redone. A second offense means that you fail the course and will be reported to the Division Chair and Student Advising.

Title IX Information:

20 U.S.C.A. Section 1681 (a): TITLE IX

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied benefit of, or be subjected to discrimination under any education program or activity receiving federal funds.”

Examples of violations (but not limited to):

- Sexual advances, requests for sexual favors and sexually motivated physical conduct
- Overt or subtle pressure for sexual activity
- Sexually offensive verbalization including remarks, “teasing”, slurs, and innuendo.
- Repeated inappropriate jokes or comments about sex or gender specific traits.
- Conduct that is demeaning or derisive and occurs substantially because of one's gender.
- Sexual assault
- Sexual Violence
- Gender based disparate treatment.

Violations can occur in any college environment, such as (but not limited to):

- Field Trips
- Classrooms
- Student Clubs
- Athletics
- Transportation
- On Campus Events

If you have questions or concerns regarding your rights or responsibilities, or if you would like to file a Title IX complaint please contact:

Students-: Dr. Marlin Clark, Dean of Students, 801-957-4776, STC 276 A (Redwood)

Employees or Community members: Ken Stonebrook, Title IX & Discrimination Manager, 801-957-5027, AAB 211G (Redwood)

Online Reporting Form:

<http://www.slcc.edu/eo/title-ix/complaint.aspx>

Salt Lake Community College has a strong prohibition against retaliation. The college does not tolerate acts of retaliation against anyone for engaging in filing a complaint or participating in an investigation.

Institutional Syllabus: See the Institutional Syllabus for more information about:

- Institutional Policies
- Advising
- Counseling
- Learning Support
- Tutoring Services
- DRC
- and many other support services

STUDENT LEARNING OUTCOMES

Program Learning Outcomes: Consistent with the College's learning outcomes, the Paralegal Studies program is committed to achieving the following program learning outcomes:

1. Demonstrate a clear understanding of legal concepts and terminology in several substantive areas of the law.
2. Perform professional caliber legal research and writing using legal reasoning skills in the reading and interpretation of legal materials such as statutes, court decisions and other legal documents.
3. Analyze the procedural rules in both the civil and criminal areas of the law and the relationship between procedural rules and substantive law.
4. Demonstrate effective oral and written communication.
5. Describe the ethical responsibilities of paralegals, the rules of professional conduct governing lawyers, and the application of these rules to paralegals.

Course Learning Outcomes: Consistent with the Paralegal Studies Program learning outcomes, the program is committed to achieving the following course learning outcomes for LS 1020:

Course Objectives	Activities and Assignments Used to Assess Student Achievement of course objectives.
	*Students will be assessed using one or more of the following:
Use correct terminology relating to civil litigation	Questions for study and review, p 41 #s 2, 5, 6, 8, 18, 27, 28 and 29 Quiz Chapters 1, 2 and 3
Analyze sources relating to civil litigation and applicable court rules.	Questions for study and review, p 78 #s 5, 6, 7 and 22
Draft documents used in civil litigation.	Questions for study and review, pp 176-177 #s 1, 2, 3, 6, 17 and 22 Questions for study and review, p 207 #s 3, 10, 14, 1 Questions for study and review, pp 258-259 #s 1, 5, 9, 18, 20, and 239, 29, 30, 31 and 33
Describe the role of a paralegal in assisting the supervising attorney in a civil case.	

TENTATIVE COURSE OUTLINE

This is a tentative course schedule and is subject to change based on the instructor's and students' needs.

Week	Unit	Assignments
1	Introduction/Overview	
2	Chapter 1	Watch Zoom recording for the start of Chapter 1 (through Utah state court jurisdiction — #5 below
3	Chapter 1 Welcome to the Law Office	Introduction, Case 1 (Forresters) p 2 Paralegal handbook, pp7-10 Ethical and professional responsibilities, pp 18-24 Courts and jurisdiction — Introduction, pp 25-27 Courts and jurisdiction - State courts and their jurisdiction, pp 33-34 Courts and jurisdiction - Federal courts and venue, pp 27-33, 34-39 Key terms: civil litigation, jurisdiction (geographical, personal, subject matter, general, original, limited, exclusive, supplemental, concurrent) federal question jurisdiction, diversity of citizenship jurisdiction, domicile, writ of certiorari, venue, professional ethics Questions for study and review, p 41 #s 2, 5, 6, 8, 18, 27, 28 and 29
4	Chapter 2 - The Initial Interview	Exhibit 2:1(A) and (B) - Checklist forms, pp 45-56 (review) Substantive law of negligence, pp 56-57 Appendix B - The substantive law of torts, pp A-6 to A-IO (back of book) Key terms, p 78: substantive law, procedural law, statute of limitations
5	Chapter 4 Drafting the Complaint	Introduction, pp 140-141 The complaint in detail - Caption, pp 142-145 The complaint in detail - Body of the complaint, pp 147-154 The complaint in detail - Remedies and prayer for relief, pp 154-156 Demand for jury trial, p 163

		<p>Key terms, p 177: pleadings, complaint, plaintiff, defendant, real party in interest, standing, joinder, interpleader, cause of action, damages</p> <p>(compensatory, general, special, punitive, nominal, liquidated), injunction (mandatory, prohibitive)</p> <p>Questions for study and review, pp 176-177 #s 1, 2, 3, 6, 17 and 22</p> <p>Review sample complaints.</p>
6	Complete take-home Quiz on Chapters 1, 2 and 3	
7	Chapter 5 - Filing the Lawsuit, Service of Process and Default Judgments	<p>Introduction - Purpose of the tasks, p 179</p> <p>Preparing documents for filing an action, pp 179-184 (review forms)</p> <p>Filing the lawsuit, pp 190-193</p> <p>Service of process, pp 193-197</p> <p>Obtaining a default judgment, pp 200-205</p> <p>Setting aside a default judgment, p 205</p> <p>Key terms, p 208: service of process, summons, long-arm statute</p> <p>Review Utah Rules of Civil Procedure</p> <p>Questions for study and review, p 207 #s 3, 10, 14, 19, 29, 30, 31 and 33</p>
8	Chapter 6 - Defending the Lawsuit: Motions, Answers and Other Pleadings	<p>Introduction, p 210</p> <p>Motions in general, pp 210-211</p> <p>Motion to dismiss, pp 211-217</p> <p>Other motions attacking the complaint, pp 218-221</p> <p>Removal of state action to federal court, pp 221-223</p> <p>Computation of time, pp 224-225; Rule 6 of URCP</p> <p>Drafting the Answer, Counterclaim and Cross-claim, pp 225-232</p> <p>Third party practice, pp 240-241</p> <p>Amending and supplementing the pleadings, pp 243-244</p> <p>Motion for judgment on the pleadings, p 245</p> <p>Motion for summary judgment, pp 246-247</p> <p>Summary, pp 257-258</p>

		Key terms, p 259: motion, memorandum in support, memorandum in opposition, reply memorandum, order, answer, counterclaim, cross-claim, third-party complaint Questions for study and review, pp 258-259 #s 1, 5, 9, 18, 20, and 23
9	Chapter 7 - Discovery: Overview and Interrogatories	Overview of discovery, pp 261-265 Scope of discovery, pp 266-268 Other discovery issues, pp 268-274 Interrogatories, pp 274-276, 280-282 Answering interrogatories, pp 294, 296-297 Analyzing the answer and compelling a response, p 301 Key terms, p.303: discovery, interrogatories Questions for study and review, p 303 #s 1, 2, 7, 8, 9 and 17 <u>Draft Complaint Due.</u>
10	Quiz on Chapters 4, 5 and 6	
11	Chapter 8 - Discovery: Depositions Chapter 9 - Discovery: Document Production and Control, Medical Exams, Admissions and Compelling Discovery	Depositions, pp 306-313, 316-317 Preparing for depositions, pp 317-318, 328-331, 333-335. Key terms, p 349: deposition, deponent, subpoena, subpoena duces tecum Questions for study and review, p 349 #s 1, 2, 12 and 13 Introduction, p 351 Production of documents and entry upon land, pp 351-354 Preparing for production of documents, pp 356-358, 360-364, 366-368 Production procedure, pp.368-372 Request for physical and mental examination, pp 372-375 Request for admission, pp 377-381 Objections, compelling discovery and sanctions, pp 381-383, 386 Key terms, p 394: redaction Questions for study and review, p 396 #s 1, 2, 3, 9, 15, 20, 25, 34 and 35
12	Chapter 10 - Settlement and Other Alternative Dispute Resolutions	Introduction, p 396 Settlement, pp 396-399, 405-406, 408-409, 420 Preparing for the pretrial conference, pp 420-421, 425 Settlement forms, pp 425-426, 428 Alternative dispute resolutions: Arbitration, pp 429, 431-433

		<p>Alternative dispute resolutions: Mediation, pp 438-439</p> <p>Key terms, p 447: settlement, settlement agreement, release, with prejudice, without prejudice, adjudication on the merits, arbitration, mediation</p> <p>Questions for study and review, p 447 #s 1, 2, 3, 12 and 18</p>
13	Chapter 11 - Trial Preparation and Trial	<p>Trial preparation — Exhibit 1 1 : 1, pp 447-448</p> <p>Subpoena witnesses, pp 451-452</p> <p>Jury investigation, pp 452-453</p> <p>Trial notebook, pp 460, 464, 466</p> <p>Jury selection, pp 470, 472</p> <p>Key terms, p 477: motion in limine, voir dire, peremptory challenge, challenge for cause</p> <p>Questions for study and review, p 477 1, 3 and 10</p> <p><u>Draft Answer Due</u></p>
14	Quiz on Chapters 7, 8 and 9	
15	Chapter 12 - Post-Trial Practice from Motions to Appeal	<p>Introduction, p 480</p> <p>Post-trial motions, pp 480-481</p> <p>Judgment and bill of costs, pp 481-485</p> <p>Enforcing the judgment, pp 485-489</p> <p>Obtaining the assets of the judgment debtor, pp 492-498</p> <p>Appeal, pp 498-501</p> <p>Key terms, p 510: judgment creditor, judgment debtor, judgment proof, supplementary proceedings, execution, levy, garnishment, post-trial motions</p> <p>Questions for study and review, pp 509-510 1, 2, 3, 5, 6, 9, 10, 11, 12 and 13</p>
16	Comprehensive Final Exam:	