

Vatterott College
Court Reporting Institute of Houston
13101 NorthWest Freeway STE 100
Houston TX 77040

**LGLA-1345 Civil Litigation
Course Syllabus**

Course Number: LGLA-1345

Instructor: Clyde Leuchtag

Course Title: Civil Litigation

Office Number: www.clyde.leuchtag.com

Phase: 6 Weeks

Phone Number: 713-398-0855

Extension:

Credit Hours: 4-Quarter Credit Hours

E-mail: clyde@HarrisCountyAttorney.net

Lecture: 4-Quarter Credit Hours

Lecture Clock Hours: 48

Class times: M-Thu 6-8pm?

Lab:

Clyde.Leuchtag.com

Lab Clock Hours:

Prerequisite(s): LGLA 1307 Introduction to Law
and the Legal Professions

CO-Requisites: None

Class Meets: Mon-Thurs 8-10:30pm
Rm 301

Quarter Offered:

Course Summary

This course presents fundamental concepts and procedures of civil litigation with emphasis on the paralegal's role. Students will learn how to assist counsel during the discovery, trial and post trial phases of civil litigation.

Primary Course Textbook

Instructional Materials:

Goldman, Haines, and Hughes. *Civil Litigation: Process & Procedures*. 1st edition. Prentice Hall.
ISBN: 978-0-13-159867-6

Additional Resources:

<http://Clyde.Leuchtag.com>

Web-based resources are available for the entire course.

Learning Resource Center:

All students will utilize the Learning Resource Center to expand their knowledge of civil litigation.

Course Objectives

Upon completion of this course students will be able to:

- Describe the role of the paralegal in civil litigation.
- List and describe necessary skills for a litigation paralegal.
- List and describe the tasks performed by the civil litigation paralegal.
- Explain the use of technology in the law office as it applies to civil litigation.
- Explain the ethical issues in civil litigation as they apply to members of the litigation team.
- Recognize areas of security concern in the use of the computer and the Internet in the practice of law.
- Identify and describe the sources of American law.
- Understand the need to prove the elements of a cause of action.
- Describe the various remedies available to redress civil causes of action.
- Describe the elements necessary to establish jurisdiction and venue for a particular court.
- Describe the courts in the federal and state court systems.
- Explain the importance of the initial contact with clients and witnesses.
- Explain the considerations and steps in preparing for an interview of any client or witness.
- Describe the skills needed to successfully conduct a client or witness interview.
- Explain how expert witnesses are used in litigation.
- Explain the steps in conducting an investigation of a claim.
- Explain the reasons for the use of software for managing litigation cases.
- Describe the types of specialty applications software programs used in case management and organization.
- Describe how case management programs are used.
- Explain how case management software systems can enable the legal team to collaborate on cases more efficiently.
- Describe the advantage of time lines in litigation.
- Explain the role of office management software in the operation of the law office.
- Describe resources available for conducting factual and legal research.
- Construct and complete electronic research using the Internet.
- Use the Internet to update research.
- Define *evidence*.
- Explain the reasons for not using some evidence in trial.
- Use the Federal Rules of Evidence to find relevant rules of evidence.
- Describe and distinguish admissible from inadmissible evidence.
- Distinguish between the types of tangible evidence.
- Describe witness testimony and how credibility of a witness is challenged.
- Identify types of hearsay evidence and the important exceptions to the hearsay rule.
- Describe the advantages of settling a lawsuit before trial.
- Identify and itemize the types of damages.
- Create the documents for making a demand for settlement.
- Prepare the documents for settling and formally terminating a lawsuit.
- Describe the methods of alternative dispute resolution.
- Select the appropriate court rules for preparing pleadings in civil litigation.
- Describe the impact of the statute of limitations on the commencement of a lawsuit.
- Draft a complaint and a summons.
- Determine the rules for filing and serving the initial pleadings.
- Create a time line for litigation.
- Determine when amended or supplementary pleadings may be required.
- Determine what pleadings the defendant can file in response to the complaint.
- Prepare a Federal Rules of Civil Procedure Rule 12 motion raising grounds for dismissal.
- Draft an answer to the complaint, with affirmative defenses, counterclaim, and cross claim.
- Prepare, file, and serve a third-party complaint and summons.
- Explain the result of not properly responding to the complaint.
- Define *discovery* and explain its purposes.
- Describe how the Federal Rules of Civil Procedure and Rules of Evidence define the scope of discovery in federal court.
- Describe the forms of discovery permitted under the Federal Rules of Civil Procedure.
- Explain the sequence and timing of discovery under the mandatory disclosure Rules in Federal Court.

- Define *electronic discovery*; explain how it differs from traditional paper discovery and how technology has changed the discovery process.
- Describe the court methods of ensuring compliance with discovery rules.
- Understand the issues and cost framework in electronic discovery.
- Describe the electronic discovery process.
- Identify electronic discovery resources and software solutions.
- Explain the potential penalties and remedies for spoliation of evidence.
- Discuss the court's view on cost sharing between the parties in electronic discovery.
- Understand the ethical issues in protecting confidential or privileged information.
- Define interrogatories and requests for production of documents and things and understand the best use of each.
- Be familiar with the discovery time frame and how it may be modified.
- Draft questions and answers for interrogatories.
- Prepare requests and responses to requests for production.
- Understand the new requirements related to electronic discovery.
- Identify the types of depositions.
- Understand the ways in which deposition testimony can be used.
- Schedule depositions of parties and witnesses.
- Prepare a case file, clients, and witnesses for depositions.
- Describe how to review a deposition transcript and prepare a digest of the testimony.
- Explain the purpose of and procedure for obtaining a physical or mental examination of a party to the lawsuit.
- Prepare for and attend a defense medical evaluation.
- Describe the purpose and procedure for making and responding to requests for admissions.
- Identify and distinguish between legal and factual issues for trial.
- Prepare a pretrial memorandum.
- Describe the purpose of a trial brief.
- Describe the purpose of doing a cost-benefit analysis of a lawsuit.
- Explain how to prepare clients and witnesses for trial.
- Prepare exhibits for trial presentation.
- Explain the purpose and procedure of jury investigation.
- Organize a trial notebook.
- Obtain a continuance of a trial date.
- Distinguish between evidentiary and non-evidentiary phases of a trial.
- Describe the early trial proceedings.
- Describe the presentation of evidence phase of a trial and the role of the paralegal in this phase of the trial.
- Describe the concluding phase of a trial.
- Describe the electronic courtroom.
- Understand the use of presentation graphics programs.
- Create a basic electronic presentation.
- Explain the use of trial presentation programs.
- Interact with courthouse information technologist to plan for use of equipment at trial.
- Describe the procedure and purpose of entering a judgment of record.
- Identify the types of errors made at trial.
- Describe the procedures available to seek relief from the trial court for errors made at trial.
- List the requirements for perfecting an appeal.
- Describe the appeal process in the United States Court of Appeals and the United States Supreme Court.
- Explain the terminology used and the initial timing limitations in collecting judgments.
- Describe the process in collecting and enforcing judgments.
- Explain the statutory limitations on collection efforts.
- Prepare a satisfaction document for filing when the judgment is satisfied.

Course Outline and Assignments

The following modules are planned events for each course session. Instructors will attempt to follow these planned events as closely as possible:

Week	Dates	Chapters / Content	Assessments
1.	8-10-09	The Paralegal in Civil Litigation Technology in Civil Litigation The Court System Client Interviews and Investigation in Civil Litigation Ch 1-4	Completion Grades on Weekly Quiz Class participation Homework
2.	8-17-09	Organizing and Managing Civil Litigation Evidence Settlement and Alternative Dispute Resolution Pleadings: Complaint, Summons, and Service Ch 5,7-9	Weekly Quiz Class participation Homework
3.	8-24-09	Pleadings: Responses to Complaint Introduction to Discovery Issues in Electronic Discovery Interrogatories and Request for Production Ch 10-13	Midterm Exam Class participation Homework
4.	8-31-09	Depositions Other Forms of Discovery Trial Preparation—Postdiscovery to Pretrial Ch14-16	Weekly Quiz Class participation Homework
5.	9-7-09	Trial The Electronic Courtroom and Trial Presentation Ch 17-18	Weekly Quiz Class participation Homework
6.	9-14-09	Posttrial Issues Enforcement of Judgments Ch 19-20	Projects and Final Exam

Grading

Letter Code	Numerical Percentage	Description	Included in Credits/Clock Hours Earned	Included in Credits/Clock Hours Attempted	Included in CGPA	Quality Points
A	90 – 100	Outstanding	Yes	Yes	Yes	4.00
B	80 – 89	Above Average	Yes	Yes	Yes	3.00
C	70 – 79	Average	Yes	Yes	Yes	2.00
D	60 – 69	Below Average	Yes	Yes	Yes	1.00
F	0 – 59	Failing	Yes	Yes	Yes	0.00
W	N/A	Withdrawn	No	Yes	No	N/A
WF	N/A	Withdrawn/Failure	No	Yes	No	N/A
I	N/A	Incomplete	No	Yes	No	N/A
TC	N/A	Transfer	Yes	Yes	No	N/A
TO	N/A	Test-Out	Yes	Yes	No	N/A
AU	N/A	Audit	No	No	No	N/A
CPT	N/A	Credit Previous Training	Yes	Yes	No	N/A

Application of Grades and Credits

The chart above describes the impact of each grade on a student's academic progress. For calculating rate of progress grades of F (failure), W (withdrawn), WF (withdrawal/failure) and I (incomplete) are counted as hours attempted, but are not counted as hours successfully completed. A grade of W will not be awarded after the student has completed the second week of the term. Withdrawal after the second week of the term will result in the student receiving a grade of WF.

Attendance Requirements

Class attendance, preparation, and participation are integral components to a student's academic success. Students are strongly encouraged to attend every class session and to spend an appropriate amount of time outside of class reviewing and preparing for each class session. Failure to attend class may result in reduced participation, comprehension, and/or involvement with group projects, which may have an impact upon a student's overall course performance.

A student who is absent from all classes for two consecutive weeks (8 class days) may be automatically withdrawn from the institution unless there are acceptable mitigating circumstances.

Course Requirements

Students will be required to complete the following in order to obtain a final passing grade for this course:

1. Participation in class	=	10%
2. Weekly Quizzes	=	10%
3. Daily Assignments	=	25%
4. Mid-term Exam	=	25%
5. Final Exam	=	30%

Total:	100%
--------	------

EXTRA Credit: 5% for attendance, 5% for on time attendance.

Course Examinations

The mid-term exam will be given during the 3rd week of the course. The final exam will be given the 6th week of the course. Both exams will only contain information that was covered in the course. Students should use notes, exercises, any handouts, and previous tests to study for the mid-term and final. Every student will be required to take these exams.

Testing Policy

Students will be given quizzes once a week. If a student is absent during a test day and does not make arrangements with the instructor, then the student will receive a zero for a grade. If a student is absent during a week and does not call in, then five points per day missed and/or per day left early will be deducted from that quiz.

Make-Up Work

Vatterott College may allow the student, at the discretion of the Director of Education, to perform independent student projects, to make up missed days (only up to 50%), or make up missed work. The guiding principle will be the academic progress of the student. If a student, by extra attendance or extra work, can make up his/her work, then the student will remain academically sound and maintain satisfactory progress. The Director of Education has the responsibility to determine the outcome of these exceptional situations.

General and Miscellaneous Information

The instructor uses this syllabus as a guideline for covering the required course materials and may make changes to it at any time. The instructor will follow the syllabus as closely as possible during the course session.

Students who require special accommodations are encouraged to inform the instructor on the first day of the course session start.

Court Reporting Institute of Houston

Policies & Procedures

This is in addition to the student catalog which you received during the orientation process. This is a complete overview of the rules of the catalog as well as the Syllabus that you receive from your Instructor with each section explained in detail. If you have any questions or concerns, please feel free to discuss this with your Instructor and/or Director of Education.

RESPONSIBILITIES

The Instructor and staff assume that each student is enrolled at Court Reporting Institute of Houston to learn. Learning is the students' responsibility. Directing the learning is the responsibility of the instructor. You are expected to attend all class sessions and to participate in class discussions. The student is expected to observe and abide by all requirements in the student catalog.

ACADEMIC INTEGRITY

In the tradition of Excellence in Education, CRIH supports academic integrity and will strictly enforce all established policies. All CRIH students are required to delete all tests upon completion according to Test Deletion Policy.

ATTENDANCE

Class attendance is mandatory. A student absent for more than 60 hours of day school or 230 hours of night school during any quarter will be placed on attendance probation for the following quarter. A student who exceeds 60 hours of day school absence or 25 hours of night school absence while on attendance probation shall be terminated. A student who is absent more than 75 hours of day school or 37 hours of night school during any quarter shall be terminated. Additionally, if a student is absent ten consecutive school days, his/her enrollment will be terminated.

PROFESSIONALISM/CONDUCT

Students at CRIH are preparing to enter a profession in which ethics and integrity are required. We must therefore expect that same high level of ethics and integrity from our students while in school. Students are expected not only to be honest and above reproach at all times but to avoid even the appearance of unethical conduct which might bring criticism to the school or student. Please refer to your signed copy of the **Statement of Professional Integrity** for further specifics.

I have read the above Rules and Regulations and have had it explained to me as well by the instructor. I agree to all terms listed above. By signing below, I am giving written acknowledgment to the terms expressed above.

Printed Name _____

Signed _____

Witnessed _____

Date _____