I. Basic Course Information

A. Course Title and Number: Role of the Paralegal LEGL-101
B. New or Modified Course: Modified
C. Date of Proposal: Spring 2011
D. Sponsoring Department: Business & Public Service
E. Semester Credit Hours: 3
F. Weekly Contact Hours: Lecture: 3  
Lab: 0
G. Prerequisites: None
H. Laboratory Fees: None
I. Name/Email of Coordinator: Maria M. DeFilippis, Esq. 
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II. Catalog Description

This course will introduce students to the paralegal profession and the basic ethical principles which control those working in the law. An examination of the legal system, with emphasis on New Jersey court structure, is included. Students will be introduced to the law library, become familiar with sources of legal authority, legal analysis and writing as well as the specific functions and duties of the paralegal within the law office.

III. Statement of Course Need

This class is the initial course for both the Paralegal Studies A.A.S. degree and the Paralegal Studies Certificate. It provides students with a broad-based introduction into the field of paralegalism. Upon completion, the successful student will have an understanding of the legal system, as well as the proper role of the paralegal within that system and in the law office.
IV. **Place of Course in College Curriculum**

A. The course is required in the following programs: Paralegal Studies, AAS Degree and Certificate.

B. This course will transfer to any school with a Paralegal Studies four year degree, which includes Montclair, Thomas Edison, and St. Elizabeth College in New Jersey. It will also transfer to any four year institution offering an ABA approved paralegal program of study.

V. **Outline of Course Content**

**Unit I:** The first section of the course will introduce students to the paralegal profession, its growth and its development.

A. **Introduction** (3 hours)
   2. History and Development of the Profession
      a. Educational training and requirements
      b. Types of educational programs
   3. Professional Associations
      a. ABA
      b. NALA; NFPA
      c. N.J. State Bar Association
      d. Local N.J. associations

B. **Legal Assistant Career** (3 hours)
   1. Employment Opportunities
      a. Categories of employment
      b. Finding a job
      c. Preparing a resume and cover letter
      d. Employment interview
   2. Job Realities
      a. The law office environment
      b. Paralegal tasks and functions

**Unit II:** The next section of the course will introduce the students to the judicial system. It will include an in-depth study of both the Federal and N.J. court systems. Special emphasis will be placed on the process of handling both civil and criminal cases within the N.J. court system.

A. **American Legal System** (2 hours)
   1. Development of Law
   2. Forms of Law
3. Classification of Law
   a. Substantive vs. procedural
   b. Law vs. equity
   c. Criminal vs. civil

4. Objectives of Law

B. **Court Structure** (3 hours)
   1. Jurisdiction
      a. Courts of original jurisdiction
      b. Courts of appellate jurisdiction
      c. Courts of limited jurisdiction
   2. Federal Courts
      a. U.S. Supreme Court
      b. U.S. District Courts
      c. U.S. Circuit Courts of Appeal
      d. U.S. Court of Claims
   3. N.J. State Courts
      a. N.J Supreme Court
      b. N.J. Superior Court
         1. Law Division
         2. Chancery Division
         3. Appellate Division
      c. Municipal Courts
      d. Tax court and surrogate
   4. Court Officers and Their Functions
      a. Judge
      b. Jury
      c. Attorneys
      d. Sheriff
      e. Court clerk

C. **Initiating a Civil Court Case** (4 hours)
   1. Instituting Suit
      a. Types of pleadings
      b. Selecting jurisdiction and venue
      c. Filing the complaint
      d. Service of process
      e. Answers and default judgments
   2. Pretrial Discovery
      a. Function and scope
      b. Types of discovery
         1. depositions
2. interrogations
3. production and inspection
4. physical and mental exams
5. requests for admissions
c. Pretrial conference
d. Settlement offers
e. Role of legal assistant in discovery process

3. Pretrial Motions
   a. Purpose, format and filing requirements
   b. Various types
      1. to dismiss complaint
      2. change of venue
      3. discovery
      4. summary judgment

4. Parts of a Trial
   a. Voir dire and jury challenges
   b. Opening statements
   c. Presentation of evidence
   d. Summations
   e. Verdict and burden of proof
   f. Role of legal assistant in trial preparation and at trial

5. Attacking the Verdict
   a. Voluntary and compulsory non-suit
   b. Directed verdict
   c. Motion for new trial
   d. Judgment N.O.V.
   e. Appeal

6. Judgment and Execution
   a. Form and entry of judgment
   b. Execution
      1. warrant to satisfy judgment
      2. writ of execution
      3. vs. real and personal property
      4. vs. income

D. **Initiating a Criminal Court Case** (3 hours)
   1. Identification and Grading of N.J. Crimes and Offenses
   2. Municipal Court
      a. Jurisdiction
      b. Initiating cases
         1. traffic violations
         2. disorderly and petty disorderly person offenses
         3. ordinance violations
      c. trial process
   3. Superior Court
      a. Jurisdiction
b. Initiating cases
   1. complaints
   2. accusations
   3. indictments by grand jury

c. Pretrial process
   1. arraignment
   2. setting and purpose of bail
   3. role of the prosecutor
   4. role of legal assistant

d. Pretrial discovery
   1. scope and comparison to civil court cases
   2. demand for alibi

e. Pretrial motions
   1. purpose, format and filing requirements
   2. various types
      a. to dismiss indictment
      b. for protective order
      c. to suppress evidence
      d. to sever indictments and defendants

f. Trial process
   1. voir dire
   2. parts of trial
   3. role of legal assistant in trial preparation and at trial

g. Sentencing
   1. court options under code
   2. presentence report
   3. presumptive terms
   4. parole stipulations and Parole Board

4. Appeals of Criminal Cases
   a. Purpose, form and filing requirements
   b. Limitations on types of appeal

E. **Administrative Hearings** (1 hour)
   1. History and Development of Agencies
   2. Agency Powers
      a. Licensing
      b. Rule making
      c. Adjudication
      d. Prosecution
   3. Agency Law in N.J.
      a. Division of Administrative Law
         1. creation and functions
         2. administrative law judges
      b. N.J. Administrative Procedure Act
         1. hearing process
2. appeals of administrative decisions

Unit III: The next section of the course will introduce the student to the basic concepts of legal research and writing. It begins with fact analysis of legal issues, includes learning the basics of library research and ends with application of these principles through preparation of a case brief and a memorandum of law. Students will be introduced to the RVCC law library and assignments will include hands-on use of the legal collection.

A. Legal Analysis (2 hours)
   1. Fact vs. Legal Issues
   2. Reading Statutes
      a. Elements
      b. Application to fact hypotheticals
   3. Reading Case Law
      a. Elements
      b. Application to fact hypotheticals

B. Legal Research (3 hours)
   1. Primary Sources for Research
      a. Constitution
      b. Statutes
         1. U.S. Code
         2. N.J. Statutes Annotated
      c. Case Reporters
         1. U.S. Supreme Court Reporters
         2. Federal Reporters
         3. Regional Reporters
         4. N.J. State Reporters
      d. Court rules
      e. Digests
         1. national digests
         2. federal digests
         3. regional digests
         4. N.J. State digests
      f. Administrative codes
         1. Code of Federal Regulations
         2. N.J. Administrative Code
      g. Other sources
         1. A.L.R.
         2. Legal encyclopedias
         3. legal dictionaries
         4. restatements
         5. treatises
         6. horn books
         7. form books
2. Citators
   a. Shepards
   b. The Blue Book
3. Library Research Exercises

C. Legal Writing (3 hours)
   1. Authority
      a. Primary vs. secondary
      b. Mandatory vs. persuasive
   2. Case Briefs
      a. types
      b. structure
      c. preparation
   3. Memorandums
      a. types
      b. structure
      c. preparation

Unit IV: The next section of the course will introduce students to the function and duties of the paralegal within the law office. Legal interviewing, investigation of cases, gathering of evidence and litigation techniques will be explored.

A. Legal Interviewing (3 hours)
   1. Purpose
   2. Types of Interviews
   3. Fact Gathering and the Intake Memo
   4. Methodology and Interviewing Principles

B. Legal Investigation (3 hours)
   1. Purpose
   2. Types of Investigation
   3. Process
   4. Taking a Witness Statement

C. Gathering Evidence (3 hours)
   1. Types of Evidence
      a. Testimonial
      b. Demonstrative
   2. Relevant Evidence
      a. Direct
      b. Circumstantial
   3. Competency of Witnesses
   4. Opinion Evidence
      a. Experts
      b. Uses at trial
5. Hearsay Evidence
   a. Definition
   b. Exceptions to the rule

6. Privilege
   a. Definition and use
   b. Various types of privilege

D. Litigation Assistantship (3 hours)
1. Five Stages of Litigation
   a. Agency stage
   b. Pretrial stage
   c. Trial stage
   d. Appeal stage
   e. Enforcement stage

2. Uses and function of Paralegal at Each Stage

3. Alternatives to Litigation
   a. Arbitration
   b. Mediation
   c. Hybrids

UNIT V: The final portion of the course will introduce students to the ethical principles that guide the legal profession. It will include a discussion of current regulation of the paralegal profession and trends for the future.

A. Regulation of Legal Assistants (3 hours)
1. Licensure
2. Certification
3. ABA Model Guidelines for Utilization of Legal Assistants
4. N.J. Supreme Court Committee on Unauthorized Practice of Law
5. N.J. Advisory Committee on Professional Ethics
6. N.J. Advisory Committee on Paralegal Education and Regulation

B. Legal Ethics (3 hours)
1. Rules of Professional Court
   a. Who is subject to rules
   b. Sanctions for non-compliance
2. Fundamental Obligations
   a. Confidentiality
   b. Conflicts of interest
   c. Honesty
3. Duties to Client
4. Fees and Record Keeping
VI. **Educational Goals and Learning Outcomes**

A. **Education Goals**

Students will:

1. Produce written work that reflects critical and creative thought relative to legal scenarios. (GE NJ 1)

2. Develop the ability to communicate clearly and logically, utilizing both verbal and written skills, in the researching and preparation of memorandums and case briefs. (GE NJ 1)

3. Assess, collect and organize information, utilizing technology and computer-based legal research to solve client problems and to create legal documents. (GE NJ 4)

4. Recognize, analyze and evaluate the ethical principles which guide the legal profession and the behavior of paralegals. (GE NJ 9)

B. **Learning Outcomes**

Upon completion of this course, students will be able to:

1. Identify the trends and issues facing the paralegal profession.

2. Evaluate the appropriate relationship between the paralegal, the attorney and the client.

3. Analyze the range of ethical principles which guide the legal profession and the behavior of paralegals, including those tasks which a paralegal may and may not ethically perform.

4. Develop competency and a working knowledge of the legal system, its operation and development.

5. Describe the structure and jurisdiction of both the Federal and the N.J. court systems, and classify jurisdiction in given fact situations for each N.J. court level from municipal court through State Supreme Court.
6. Identify and explain the pleading and pretrial discovery stages of both civil and criminal suits, with special emphasis on the role of the paralegal in each stage.

7. Differentiate between the trial stages of a lawsuit including competency and preparation of witnesses, evidence and its exclusion, trial motions, case presentation to the jury, jury instructions and verdict and be able to relate the role of the paralegal in each stage.

8. Explain the process and procedure of case appeals.

9. Locate various legal resources in a law library; read and comprehend statutes and case opinions.

10. Recognize legal issues and formulate conclusions using legal authority in briefs and memoranda.

VII. Modes of Teaching and Learning

This course will employ the following methods of teaching:
   A. lecture/discussion
   B. law library research instruction & assignments
   C. document preparation by students based on fact patterns

VIII. Papers, Examinations, and other Assessment Instruments

This course will employ the following methods of assessment:
   A. Examinations
   B. Legal research & writing assignments based on fact patterns

IX. Grade Determinants

Exams, class participation and attendance, and written assignments will be used to assess the students according to the general education goals and learning outcomes listed above.

X. Text and Materials

   A. Textbook: Statsky, Introduction to Paralegalism (Current Edition); West Publishing Co.
   B. web & legal research sources
XI. Resources

The course will require a classroom with internet capability to demonstrate and use various legal sources. Students will need to access the RVCC law library collection both in class and for out of class legal research assignments.