

RARITAN VALLEY COMMUNITY COLLEGE
ACADEMIC COURSE OUTLINE
BASIC LITIGATION PROCEDURE LEGL-120
(REVISED)

I. Basic Course Information

- A. Course Number and Title: LEGL 120 BASIC LITIGATION PROCEDURE
- B. New or Modified Course: Modified
- C. Date of Proposal: Semester: Spring Year: 2021
- D. Effective Term: Fall 2021
- E. Sponsoring Department: Business & Public Service
- F. Semester Credit Hours: 3.0
- G. Weekly Contact Hours: Lecture: 3.0
Laboratory: 0.0
Out of class student work per week: 9.0
- H. Prerequisites/Corequisites: Role of the Paralegal LEGL-101
(This pre-requisite is for AAS students only – No pre-requisite for Certificate students)
- I. Laboratory Fees: None
- J. Name and Telephone Number or E-Mail Address of Department Chair and Divisional Dean at time of approval: Tracy Rimple, Chair Tracy.Rimple@raritanval.edu
Patrice Marks, Dean Patrice.Marks@raritanval.edu

II. Catalog Description

Prerequisite: Role of the Paralegal LEGL-101. This prerequisite is for AAS students only; no prerequisite for Certificate students. This course is an overview of the civil trial process covering the litigation of cases from initial fact-gathering stage through preparation for trial, with emphasis on the drafting of various pleadings, the mastery of litigation discovery techniques, the handling of pretrial motions and the preparation of a case for trial.

III. Statement of Course Need

- A. This class is a required course for both the Paralegal Studies A.A.S. Degree and the Paralegal Studies Certificate. It is designed to provide students with an understanding of the procedural rules governing civil litigation in both state and federal courts as well as the ability to translate those rules into litigation skills such as the drafting of pleadings, discovery and motions. Students will acquire litigation skills valued by potential

employers and widely considered to be an essential part of a paralegal's professional education.

- B. This course has no lab component.
- C. This course will transfer into 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.

IV. Place of Course in College Curriculum

- A. Free Elective.
- B. This course meets a program requirement for both the Paralegal Studies AAS Degree and the Paralegal Studies Certificate.
- C. To see course transferability: a) for New Jersey schools, go to the NJ Transfer website, www.njtransfer.org; b) for all other colleges and universities, go to the individual websites.

V. Outline of Course Content

UNIT I

The first half of the semester will be spent learning the basic principles of litigation.

OUTLINE OF UNIT I CONTENT

A. Introduction

- 1. Definition of Civil Litigation
- 2. Steps in Civil Lawsuit
- 3. Paralegal's Role in the Litigation Process

B. Attorney/Client Relationships

- 1. Federal and State Qualifications to Practice Law
- 2. State Qualifications to Practice as Paralegal
- 3. N.J. Rules of Professional Responsibility

C. Causes of Action and Remedies

- 1. Essential Elements of a Cause of Action
- 2. Specific Elements of various intentional, negligent, strict liability and contractual civil actions
- 3. Defenses to various civil causes of action
- 4. Remedies
 - a. Types of Money damages
 - b. Equitable relief

D. Affirmative Defenses

- 1. Purpose and Use
- 2. N.J. Court Rule 4:5-4
- 3. Various Specific Defenses

E. Jurisdiction and Court Organization

- 1. Jurisdiction and Venue
- 2. Federal Court Structure and Organization
- 3. N.J. Court Structure and Organization

F. Litigation Procedure

- 1. The Summons
 - a. Purpose
 - b. Form and preparation

2. Service of Process
 - a. Purpose and preparation
 - b. Methods of serving process
 - c. Differences between federal and N.J. State procedures
3. E-Filing Procedures in Federal and NJ State Courts
4. Motions
 - a. Purpose, preparation, service and filing requirements
 - b. Differences between federal and N.J. state motion practice
5. Types of Subpoenas

G. Pleadings

1. The Complaint
2. The Answer
3. Counterclaims and Reply
4. Crossclaims and Answers to Crossclaims
5. Third Party Practice
6. Default Judgments

H. Joinder of Claims and Parties

UNIT II

The second portion of the course will cover the development of the skills necessary to prepare a contested case for trial. Particular attention will be paid to federal and state court discovery rules, their similarities and differences.

OUTLINE OF UNIT II CONTENT

A. Evidence Gathering and Case Investigation

1. Evidence
 - a. Process of gathering evidence
 - b. Sources of evidence
 - c. Materiality and relevancy
 - d. Preservation of evidence
2. Case investigation
 - a. Methods of conducting an investigation
 - b. Preparation of witnesses and witness statements

B. Interrogatories

1. Purpose, Limitations and Scope
2. Preparation of/NJ Form Sets
3. Uses, Abuses and Sanctions

C. Expert Witnesses

1. Qualifications and Use of Experts
2. Discovery-expert opinions, reports, interrogatories
3. Costs

D. Depositions and Deposition Summaries

1. Purpose and Scope
2. Procedure for Scheduling
3. Preparation of Client
4. Deposition Summaries and Indexing
5. Uses and Presentation at Trial

E. Medical Examinations and Records

1. Uses and Limitations

2. Compelling and Scheduling
3. Medical Reports

F. Inspection and Copying

1. Demands for Inspections
2. Responses to Demands
3. Inspection Procedures

G. Requests for Admissions

1. Uses and Purposes
2. Preparation
3. Sanctions for Failure to Respond

H. Motions for Summary Judgments

1. Purpose and Effect
2. Burden of Proof and Standards
3. Form and Time Requirements

VI. General Education and Course Learning Outcomes

A. General Education Learning Outcomes:

At the completion of the course, students will be able to:

1. Produce written work that reflects critical and creative thought relative to litigation procedures. (GE NJ 1)
2. Develop the ability to communicate clearly and logically, utilizing both verbal and written skills, in the preparation of litigation documents. (GE NJ 1)
3. Use technology and computer-based legal research tools to research and create litigation documents. (GE NJ 4, IL)
4. Analyze and evaluate ethical issues in courtroom, law office and litigation practice. (GE-NJ ER*)

*Embedded Critical Thinking

B. Course Learning Outcomes:

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

1. Identify the paralegal's functions in a civil lawsuit as well as the ethical principles which govern these functions.
2. Identify appropriate federal and NJ court rules and their application in civil process.
3. Explain the different discovery techniques and the factors to be considered in selecting their use.
4. Assess the nature and purpose of motion practice.
5. Draft civil complaints and answers for various causes of actions, as well as ancillary pleadings such as counterclaims, crossclaims and third-party pleadings.
6. Identify ethical considerations in handling client and litigation matters.

7. Prepare various discovery devices based on fact patterns.
8. Prepare notices, affidavits and orders associated with civil litigation practice.

C. Assessment Instruments

1. Examinations
2. Legal Research
3. Homework Assignments
4. Document Preparation based on fact patterns
5. Small Group Work and Student Collaboration

VII. Grade Determinants

- A. Examinations
- B. Legal Research Assignments
- C. Homework Assignments
- D. Drafting of legal documents
- E. Teamwork and group assignments
- F. Participation

Methods for teaching and learning:

- A. lecture/discussions
- B. computer-assisted document drafting
- C. web-based legal resource instruction
- D. group assignments/student collaboration

VIII. Texts and Materials

- A. Textbook: Hart & Blanchard, *Litigation & Trial Practice for the Legal Assistant* (Current Edition); Cengage Publishing Company.
- B. Internet and Web-based legal resources

(Please Note: The course outline is intended only as a guide to course content and resources. Do not purchase textbooks based on this outline. The RVCC Bookstore is the sole resource for the most up-to-date information about textbooks.)

IX. Resources

This course will require access to the internet.

