RARITAN VALLEY COMMUNITY COLLEGE
ACADEMIC COURSE OUTLINE

BASIC LITIGATION PROCEDURE LEGL-120

I. Basic Course Information
   A. Course Title and Number: Basic Litigation Procedure LEGL-120
   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: Role of Paralegal LEGL-101
                     (This prerequisite is for AAS students only – No prerequisite for Certificate students)
   H. Laboratory Fees: None
   I. Name/Email of Coordinator: Maria M. DeFilippis, Esq.
                  mdefilip@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
Reliance on paralegals to handle many aspects of litigation is widespread among practicing lawyers and other corporations, organizations, and agencies that handle litigation matters. Therefore, this required course 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.

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 half of the semester will be spent learning the basic principles of litigation. It will include:

A. Discussion of professional ethics and the attorney/client relationship;
B. Court jurisdiction, organization and procedures;
C. Various civil causes of actions with remedies and defenses to same; and
D. Study of numerous forms of civil pleadings.

OUTLINE OF UNIT I CONTENT

A. Introduction (3 hours)
   1. Definition of Civil Litigation
   2. Steps in Civil Lawsuit
   3. Paralegal's Role in the Litigation Process

B. Attorney/Client Relationships (3 hours)
   1. Federal and State Qualifications to Practice Law
   2. State Qualifications to Practice as Paralegal
   3. N.J. Rules of Professional Responsibility
      a. Conflicts of interest
b. Attorney/client privilege  
c. Confidentiality  
d. Fiduciary responsibilities  

C. **Causes of Action** (3 hours) and **Remedies** (2 hours)  
1. Essential Elements of a Cause of Action  
2. Specific Elements  
   a. Various intentional torts such as assault, battery, trespass, replevin, malicious prosecution, abuse of process, nuisance, invasion of privacy, defamation and interference with business.  
   b. Various negligent torts such as malpractice, professional negligence, auto negligence, slip and fall cases and dramshop cases (negligence per se).  
   c. Strict liability  
   d. Breach of contract  
   e. Fraud and misrepresentation  
   f. Defense to various causes of action  
3. Remedies  
   a. Money damages  
      1. compensatory  
      2. punitive  
      3. liquidated  
      4. nominal  
   b. equitable relief  
      1. injunction  
      2. specific performance  

D. **Affirmative Defenses** (1 hour)  
1. Purpose and Use  
2. N.J. Court Rule 4:5-4  
3. Various Specific Defenses  
   a. Accord and satisfaction  
   b. Arbitration and award  
   c. Statute of limitations  
   d. Contributory negligence  
   e. Discharge in bankruptcy  
   f. Duress  
   g. Consent  
   h. Fraud  
   i. Waiver  
   j. Estoppel  
   k. Res judicata  

E. **Jurisdiction and Court Organization** (3 hours)  
1. Jurisdiction  
   a. Territorial, subject matter, personal  
   b. Concurrent v. exclusive
c. In personam, in rem, quasi in rem
d. Venue
2. Federal Court Structure and Organization
3. N.J. Court Structure and Organization

F. Litigation Procedure (2 hours)
1. The Summons
   a. Purpose and preparation
   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. Motions
   a. Purpose, preparation, service and filing requirements
   b. Various specific motions such as motion to strike, motion for more definite statement, motion for judgment on pleadings
   c. Differences between federal and N.J. State motion practice
4. Subpoenas
   a. Duces tecum
   b. Ad testificandum

G. Pleadings (5 hours)
1. The Complaint
   a. Purpose, parts of, preparation and filing requirements
   b. Amended and supplemental complaints
2. The Answer
   a. Purpose, parts of, preparation and filing requirements
   b. Amended answers
3. Counterclaims and Reply
4. Crossclaims and Answers to Crossclaims
5. Third Party Practice
6. Default Judgments

H. Joinder of Claims and Parties (2 hours)
1. Consolidation of Claims and Cases
2. Severance of Claims
3. Intervention
4. Class Actions

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. This unit will include:

A. Evidence Gathering and Case Investigation
B. Interrogatories
C. Expert Witnesses
D. Depositions
E. Medical Examinations and Records
F. Inspection and Copying
G. Requests for Admissions
H. Motions for Summary Judgment

OUTLINE OF UNIT II CONTENT

A. Evidence Gathering and Case Investigation (3 hours)
   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 (3 hours)
   1. Purpose, Limitations and Scope
   2. Preparation of
   3. Uses, Abuses and Sanctions

C. Expert Witnesses (2 hours)
   1. Qualifications and Use of Experts
   2. Discovery-expert opinions, reports, interrogatories
   3. Costs

D. Depositions (2 hours) and Deposition Summaries (2 hours)
   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 (2 hours)
   1. Uses and Limitations
   2. Compelling and Scheduling
   3. Medical Reports
F. Inspection and Copying (2 hours)
   1. Demands for Inspections
   2. Responses to Demands
   3. Inspection Procedures

G. Requests for Admissions (2 hours)
   1. Uses and Purposes
   2. Preparation
   3. Sanctions for Failure to Respond

H. Motions for Summary Judgments (3 hours)
   1. Purpose and Effect
   2. Burden of Proof and Standards
   3. Form and Time Requirements

VI. Educational Goals and Learning Outcomes

A. Education Goals

   Students will:
   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 technological tools and legal specific software to research and create litigation documents. (GE NJ 4)
   4. Analyze and evaluate ethical issues in courtroom, law office and litigation practice. (GE NJ 9)

B. Learning Outcomes

   Upon 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, using legal specific software.

6. Identify ethical considerations in handling client and litigation matters.

7. Prepare various discovery devices such as interrogatories and requests for admissions based on fact patterns.

8. Digest and index depositions.

9. Prepare notices, affidavits and orders associated with civil litigation practice.

VII. Modes of Teaching and Learning

This course will employ the following methods of teaching:

A. lecture/discussion
B. computer-assisted & legal specialty software instruction & assignments
C. document preparation by students based on fact patterns
D. small group work & student collaboration

VIII. Papers, Examinations, and other Assessment Instruments

This course will employ the following methods of assessment:

A. Examinations
B. Document preparation assignments based on fact patterns

IX. Grade Determinants

Written exams, class participation and attendance, and written assignments requiring the drafting of various civil litigation documents from fact patterns will be used to assess the students according to the general education goals and learning outcomes listed above.

X. Text and Materials

B. Legal specific software & other web legal sources
C. Library materials will be placed on reserved and the utilization of form books will be necessary to complete assignments

XI. **Resources**

This course will require the use of a CATT room or similar resources for the demonstration of legal drafting and specific software.