I. **Basic Course Information**

A. Course Title and Number: Advanced Litigation LEGL-123

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: Basic Litigation Procedures LEGL-120

H. Laboratory Fees: None

I. Name/Email of Coordinator: Maria M. DeFilippis, Esq.  
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II. **Catalog Description**

*Prerequisite: Basic Litigation Procedures LEGL-120.* This course builds on the skills and concepts taught in Basic Litigation Procedures for students enrolled in the Paralegal Studies Program. It is designed to prepare students to assist attorneys who specialize in or regularly handle civil litigation cases. It includes an overview of the litigation procedures necessary to take a case through trial, judgment and appeal.

III. **Statement of Course Need**

Reliance on paralegals to handle virtually all aspects of civil litigation is widespread among practicing attorneys. The legal para-professional must be well versed in the litigation process to successfully assist any litigation attorney. Therefore, this course is designed to provide students with an in-depth and more advanced understanding of the evidentiary procedural rules and litigation techniques necessary to handle contested civil cases in
both state and federal courts, as well as the ability to translate this knowledge into litigation skills such as evidence collection and presentation, witness preparation and the drafting of trial and post-trial matters.

IV. **Place of Course in College Curriculum**

A. The course is an elective 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 reviewing the basic principles of trial preparation, including the drafting of discovery documents and pleadings. It will also include an in-depth study of the categories of trial evidence, its preservation and presentation before the jury. Both N.J. and Federal Rules of Evidence will be studied in detail.

A. **Review** (3 hours)
   1. Identifying Causes of Action
   2. Drafting Pleadings
   3. Discovery Techniques

B. **Evidence**
   1. Categories of Evidence (2 hours)
      a. Relevancy and materiality
      b. Hearsay and exceptions
   2. Preservation and Use of Evidence at Trial (2 hours)
      a. Witnesses/experts
      b. Exhibits
      c. Writings
      d. Judicial notice
   3. Rules of Evidence (2 hours)
      a. Federal Rules
      b. N.J. State Rules

C. **Fact Brief** (2 hours)
   1. Case and Element Analysis
   2. Litigation Chart
   3. Preparation of Fact Brief
D. **Trial Preparation**
   1. File organization (2 hours)
      a. Indexing method
      b. Divider method
   2. Trial Chart (1 hour)
   3. Trial Notebook (1 hour)
      a. Set-up and organization
      b. Preparation of a notebook
   4. Document control (1 hour)
   5. Witness Preparation (1 hour)
      a. Subpoenas
      b. Prior testimony and statement review
      c. Expert reports

E. **Pretrial Conference** (3 hours)
   1. Scope, Purpose and Objectives
   2. Federal vs. N.J. State Rules
   3. Preparation of Pretrial Memorandum

F. **Civil Trial Process** (3 hours)
   1. Calendar Call and Continuances
   2. Jury Selection
      a. Voir dire and challenges
      b. Charges and preparation
   3. Presentation of Case
      a. Courtroom demeanor
      b. Pretrial motions
      c. Parts of trial
      d. Functions of paralegal

**UNIT II**

The second portion of the course will teach the student the necessary skills for post-trial casework such as preparation of motions, judgments, settlements and appeals. The proper role of the paralegal is collecting and executing judgments, determining the grounds for appeal and negotiating a settlement will be discussed in detail.

A. **Post Trial Motions** (3 hours)
   1. Purpose and Format
   2. Filing and Time Requirements
   3. Types
      a. judgment N.O.V.
      b. new trial
B. **Judgments**
   1. Preparation and Filing (3 hours)
   2. Enforcement of Judgments (1 hour)
   3. Transferability of Judgments (1 hour)

C. **Appeals**
   1. Federal vs. N.J. State Process (2 hours)
   2. Preparation of Appeal (2 hours)
      a. notice of appeal
      b. ordering transcript
      c. contents and preparation of brief
      d. contents and preparation of appendix
   3. Oral Argument (1 hour)
   4. Written Opinions (1 hour)

D. **Terminating the Civil Suit**
   1. Settlement (3 hours)
      a. determining case value
      b. types of settlement documents
      c. release
      d. covenant not to sue
      e. loan receipt
      f. structured settlement
      g. drafting requirements
      h. preparation of settlement documents
   2. Friendly Proceedings (1 hour)
   3. Offers of Judgment (1 hour)
      a. use and purpose
      b. federal vs. state rule
   4. Dismissals (3 hours)
      a. Consent judgments – format, preparation and filing
      b. Stipulations of dismissal – format, preparation and filing

VI. **Educational Goals and Learning Outcomes**

A. **Education Goals**

   Students will:

   1. Produce written work that reflects critical and creative thought relative to civil 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 specific legal software to create litigation documents. (GE NJ 4)

4. Analyze and evaluate ethical problems in litigation practice. (GE NJ 9)

B. Learning Outcomes

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

1. Explain litigation techniques from the point of initial client contact through pre-trial motion practice.

2. Apply the rules of evidence to both pretrial and trial practice.

3. Identify the role of the paralegal in preparing a file for trial, including preparation of witnesses, availability and preservation of evidence, and trial use of discovery.

4. Draft trial documents, such as the pretrial memorandum, the trial folder, the fact brief, charges to the jury, and formal settlement offers.

5. Explain the trial process from selection of the jury through presentation of the case, from both plaintiff’s and defendant’s perspective.

6. Identify ethical considerations in the handling of civil litigation matters.

7. Explain the procedures used in post-trial and appellate practice, including execution, collection of judgments, and rules of appellate procedure.

8. Draft various legal documents incident to enforcement of a civil judgment and appeal.

VII. Modes of Teaching and Learning

This course will employ the following methods of teaching:

A. lecture/discussion
B. group assignments  
C. computer-assisted and software specific instruction & assignments  
D. document preparation by students based on research and relevant fact patterns

VIII. Papers, Examinations, and other Assessment Instruments

This course will employ the following methods of assessment:  
A. Examinations  
B. Group work & student collaboration  
C. Document preparation assignments based on fact patterns

Class will be divided into plaintiff and defendant students. Given a set of facts, the students will draft, prepare and serve papers on their adversaries, taking the case from initial discovery through appeal in this fashion. Use of library research materials and form books will be necessary to complete the trial preparation process. Demonstration of pleadings software will be included and the use of same in assignment preparation required.

IX. Grade Determinants

Written exams, class participation and attendance, and group-developed written assignments requiring the preparation of various 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

A. Textbook: Blanchard, Litigation & Trial Practice for the Legal Assistant (Current Edition); West/Thomson Publishing.  
B. Legal specific software & other web legal sources

XI. Resources

The course will require the use of a CATT room or similar resources for the demonstration of legal drafting and specific software, as well as use of state and federal legal web sources.