

# OAKLAND UNIVERSITY PARALEGAL PROGRAM SYLLABUS

## LITIGATION CEPL 25040

- Text:** Michigan Rules of Court, Current Edition  
The Litigation Paralegal---A Systems Approach, Fifth Edition, James W.H. McCord, JD
- Faculty:** Walter "Wally" Bieber  
Juris Doctor Cum Laude, Detroit College of Law(now Michigan State University School of Law)  
Bachelor of Arts With Distinction, University of Michigan
- Graduated from the University of Michigan, Ann Arbor, With Distinction, 1973; Graduated from Detroit College of Law, Cum Laude, 1976;Chartered Property Casualty Underwriter(CPCU), 1984; Certified MCR 2.404 Mediator, 2005; Community service as member and officer of Kiwanis Club of Warren, since 1985
- Contact Information:** Walter "Wally" Bieber, JD  
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- Availability:** 9am-5pm Monday-Friday by telephone or e-mail  
Meetings by appointment or other arrangements
- Schedule:** 6:30 pm – 9:30 pm, Thursdays; 14 Sessions
- Credit Hours:** 4.2 CEU
- Course Description:** Comprehensive study and application of procedure in litigation and composition of pleadings in the real world of litigation. Our goal is to provide a lively setting in which to learn, assess and apply the law in a tactical and practical manner.
- Course Requirements:** Written and oral presentation assignments, including problem solving, class participation, outside readings and Midterm and Final Examinations. Sessions further consist of Chapter Overview, Facilitation, Discussion,Oral Presentations, Arguments and Analysis. As facilitation is an integral part of the learning process, it is a factor in grading. Use of law library, internet search, MCLA and\_MCR.
- Learning Outcomes:** The following competencies should be achieved, providing the ability to apply and possess a fundamental understanding of Litigation, emphasizing the practical application of discovery and investigation, interrogatories and other discovery methods, depositions, motions, ADRs, expert witnesses, and

preparation for trial. Enhancement of organizational skills, legal ethics, critical thinking, and written and oral communication proficiencies.

**Academic Honesty:** Plagiarism is a serious academic offense that will not be tolerated and may result in failure for individual projects, course failure, and/or dismissal from the University. Submit work that represents your original words or ideas. Using another's work or idea without acknowledgement or permission, or cheating in any form, is a serious violation. For Academic Conduct Policy see <http://wwwp.oakland.edu/pace/policies-procedures>.

**Attendance:** Attendance is a factor in awarding CEUs with 3 absences allowed per course.

**Course Standards:** It is the responsibility of each student to be prepared for each session. All assignments must be submitted on their due date. Students are expected to complete reading assignments prior to the scheduled class. It is required that students actively involve themselves in class discussions. Missing class, being late or unprepared will affect the Class Participation portion of a grade. All documents are to be computer generated, 8½ x 11, 12pt type, stapled in the upper left-hand corner, and comply with University standards. Students are responsible for arranging with a classmate to obtain missed notes, materials, and/or assignments.

No cell phone or other related electronic use in class. Set phones to vibrate, and leave class if a response is necessary.

<b>Evaluation Methods:</b>	Written Assignments & Presentations	30%
	Mid-Term	20%
	Final Exam	35%
	Class Participation*	15%
		100%*

\* Your final grade may be adjusted according to class participation, competency in oral presentations, improvement through the course, and performance on the final exam.

3.6 to 4.0= A	92-100= 4.0	80-85= 3.0	68-69= 1.8
3.0 to 3.5= B	90-91= 3.6	78-79= 2.8	66-67= 1.5
2.0 to 2.9= C	88-89= 3.5	76-77= 2.5	60-65= 1.0
1.0 to 1.9= D	86-87= 3.3	70-75= 2.0	0-59= 0.0
0.0 to 0.9= No credit/CEU			

1	<p>OVERVIEW OF COURSE</p> <p>A. Description of Course</p> <ol style="list-style-type: none"> <li>1. Civil not Criminal; surprise quizzes</li> <li>2. Headings, dates, texts</li> <li>3. Grades &amp; Attendance</li> </ol> <p>B. Litigation</p> <ol style="list-style-type: none"> <li>1. Define &amp; Purpose</li> <li>2. Other Means</li> <li>3. Fee Agreements—3 types</li> <li>4. Settlement—2 documents</li> </ol> <p>C. Litigation Systems--Magistrates</p> <ol style="list-style-type: none"> <li>1. Federal <ol style="list-style-type: none"> <li>a. Jurisdiction</li> <li>b. District, Court of Appeal, Supreme</li> <li>c. Social Security; Regulatory Commissions</li> </ol> </li> <li>2. State—Subchapter 4 of MCR <ol style="list-style-type: none"> <li>a. District/Small Claims, Circuit/Probate, Court of Appeals, Supreme</li> <li>b. Jurisdiction</li> <li>c. Work Comp; DLAD &amp; other “Boards”</li> </ol> </li> </ol> <p>D. Ethics---Notary, Advice, Solicitation etc</p>	<p><u>Due Session 2</u></p> <p>Reading Materials: Ch 1 p18-24, 33-39; Ch 2 p43-77; Ch 10 p425-429</p> <p>MCR 1.101-1.109, 2.001</p>
2	<p>THEORIES OF LIABILITY</p> <p>A. Common Law Contract</p> <ol style="list-style-type: none"> <li>1. Statute of Limitations &amp; Agreement</li> <li>2. Note &amp; Misc</li> <li>3. Mortgage/Lien</li> <li>4. Account Stated</li> </ol> <p>A. Common Law Tort---Battery, Assault, Malpractice, Product Liability</p> <p>B. Common Law Tort Plus</p> <ol style="list-style-type: none"> <li>1. Negligence</li> <li>2. Premises Liability—Public sidewalk, Black Ice, Rentals</li> <li>3. Governmental Immunity</li> <li>4. Michigan Auto No Fault Act---Third &amp; First Party Claims</li> <li>5. Statutes---Dramshop, Owner Liability, Dogbite</li> </ol>	<p><u>Due Session 3</u></p> <p>Reading Materials: Ch 1 p25-40; Ch 3 p80-136</p>
3	<p>INVESTIGATION &amp; RECORDS</p> <p>A. Initial Client Interview</p> <p>B. Statements Types—3</p> <p>C. Police Investigation</p> <p>D. Other Government Agencies</p> <p>E. Medical or Damage Records</p> <p>F. Employment Records</p> <p>G. Photos, Physical Evidence &amp; Experts</p> <p>H. Settlement Brochures—Must highlight exhibits</p>	<p><u>Due Session 4</u></p> <p>Reading Materials: MCR 2.221-2.223, 2.603, 2.101-2.108 Ch5 p200-205</p> <p>Due Session 5**** Writing Assignment 1-SB</p>
4	<p>LAW, POWER &amp; THE COURTHOUSE</p> <p>A. Jurisdiction---personal &amp; subject matter</p> <p>B. Venue</p> <ol style="list-style-type: none"> <li>1. Contract</li> <li>2. Tort Statute(s)—Proper Priority &amp; Convenience</li> </ol> <p>C. Law</p> <ol style="list-style-type: none"> <li>1. Procedural---MCR &amp; statutes</li> <li>2. Substantive—Statutes, Case Law, Ordinances, Regs</li> </ol> <p>D. Service of Process—Personal &amp; Order for Alternate Service</p> <p>E. Defaults &amp; Default Judgments</p>	<p><u>Due Session 5</u></p> <p>Reading Materials: Ch4 p140-176; Ch5 p178-194</p> <p>Writing Assignment 1-SB</p>

5	<p>PLEADINGS &amp; STATUTES OF LIMITATIONS(SOL)</p> <p>A, Miscellaneous---General Civil not Family Law; SCAO; Bench or Jury Trial</p> <p>A. Describe Complaints &amp; Various Claims</p> <ol style="list-style-type: none"> <li>1. Jurisdiction</li> <li>2. Notice Pleading</li> <li>3. Elements of Cause of Action &amp; Damages</li> <li>4. Relief &amp; Jury Demand</li> </ol> <p>C, Answer &amp; Defenses</p> <p>D, Court Procedure</p> <ol style="list-style-type: none"> <li>1. At Issue then Discovery or Pretrial Order</li> <li>2. Discovery &amp; Motions</li> <li>3. Case Evaluations</li> </ol> <p>F. Trial—Dismissal Order or Judgment; Settle Any Time</p>	<p><u>Due Session 6</u></p> <p>Reading Material: MCR 3.201-3.203, 3.205(A-C), 3.206-3.208(A-B), 3.211, 3.216</p> <p>Due Session 7**** Writing Assignment 2- Complaint &amp; Answer</p>
6	<p>DIVORCE CASES A/K/A FAMILY LAW/DOMESTIC RELATIONS-- Subchapter 3.200 of MCR</p> <p>A. Jurisdiction/Venue: 180/10 days</p> <p>B. Miscellaneous: Buzz Words, Family Court, FOC</p> <p>C. No Fault Divorce; Complaint With or Without Minor Children</p> <p>D. General Issues</p> <ol style="list-style-type: none"> <li>1. Property Settlement</li> <li>2. Minors from Marriage: Parenting Time, Child Support, Custody</li> <li>3. Spousal Support/Alimony</li> <li>4. Retirement Benefits: QDRO, EDRO</li> </ol> <p>E. Mediation &amp; Trial---MCR 3.216</p>	<p><u>Due Session 7</u></p> <p>Reading Material: Ch7 p274-302 Ch6 p209-211 Ch8 p305-348</p> <p>MCRs in Session 7</p> <p>Writing Assignment 2- Complaint &amp; Answer</p>
7	<p>DISCOVERY METHODS—Advantages &amp; Disadvantages</p> <p>A. Define and Distinguish: Investigation and Discovery—2.302</p> <p>B. Notice to Produce—2.310</p> <p>C. Record Copy Services—2.314; 2.506 (I)</p> <p>D. Medical Exams—2.311</p> <p>E. Examine Physical Evidence—2.310</p> <p>F. Interrogatories-2.309</p> <p>G. Request to Admit—2.312</p> <p>H. Depositions(Deps)</p> <ol style="list-style-type: none"> <li>1. Define and Describe—2.303—2.308</li> <li>2. When, by Whom, How and Purpose—2.306</li> <li>3. Scope of Examination</li> <li>4. Subpoena for Taking Depositions—2.305, 2.506</li> <li>5. Preparation of Client</li> <li>6. Person before whom Depositions may be taken—2.304</li> <li>7. Effect of error in Depositions—2.308(C)</li> <li>8. Motion to terminate or limit examination—2.306(D)</li> <li>9. Protective Orders—2.302(C)</li> <li>10. Use of Depositions—2.308(A)</li> <li>11. Expert Witnesses-Video—2.315</li> </ol>	<p><u>Due Session 8</u></p> <p>Study for Midterm</p> <p>Read MCRs in Session 8</p>

8	<p>MIDTERM plus Miscellaneous</p> <ul style="list-style-type: none"> <li>A. Midterm</li> <li>B. Case Workup-File Setup, Outline Transcripts, Outline Records</li> <li>C. Motions <ul style="list-style-type: none"> <li>1. Purpose and Definition—2.119, 2.113—2.114</li> <li>2. Docs Needed &amp; E-filing</li> <li>3. Entry of Orders—2.602</li> </ul> </li> </ul>	<p><u>Due Session 9</u></p> <p>Reading Materials: Ch 6 pgs 209-211</p> <p>MCRs in Session 9</p>
9	<p>DISCOVERY AND OTHER MOTIONS</p> <ul style="list-style-type: none"> <li>A. Motion for Change of Venue—2.221—2.226</li> <li>B. Motion for Intervention—2.209: Contract, Statute, Property Rights</li> <li>C. Motion for More Definite Statement or to Strike Pleadings—2.115</li> <li>D. Motion to Compel Answers to Interrogatories—2.309(C)</li> <li>E. Motion to Produce—2.310</li> <li>F. Motion to View Property—2.513</li> <li>G. Motion for Rehearing or Reconsideration—2.119(F)</li> <li>H. Motion for Sanctions—2.313</li> <li>I. Motion for Adjournment—2.503</li> <li>J. Offer of Judgment—2.405</li> </ul>	<p><u>Due Session 10</u></p> <p>Writing Assignment 3— Prepare a Motion then Argue Motions</p> <p>Reading Materials: MCRs in Session 10</p>
10	<p>ORAL ARGUMENTS &amp; SUMMARY DISPOSITION MOTION</p> <ul style="list-style-type: none"> <li>A. Argue For &amp; Against Motions</li> <li>B. Motion for Summary Disposition---2.116, 2.119(B)</li> </ul>	<p><u>Due Session 11</u></p> <p>Reading Material: MCRs in Session 11</p>
11	<p>CASE EVALUATION</p> <ul style="list-style-type: none"> <li>A. Purpose</li> <li>B. Definition—2.403, 2.404</li> <li>C. Evaluation Summary</li> <li>D. Procedure</li> </ul>	<p><u>Due Session 12</u></p> <p>Reading Materials: Ch 10 pgs 429-443</p> <p>Writing Assignment 4-CES for Defendant</p>
12	<p>ARBITRATION OR TRIAL PREPARATION</p> <ul style="list-style-type: none"> <li>A. Define and Distinguish: Evaluation, Mediation/Facilitation, Arbitration—3.602; MCLA 600.5001</li> <li>B. ADR Procedure Summary in General &amp; Other Organizations</li> <li>C. When You Cannot Settle the Case; Settlement Conference(time &amp; trial brief)</li> <li>D. Trial Prep <ul style="list-style-type: none"> <li>1. Bench or Jury</li> <li>2. Jury Questionnaires</li> <li>3. Subpoena Witnesses</li> <li>4. Outline Exams</li> <li>5. Standard Jury Questions: MCivJI</li> <li>6. Prepare Trial Briefs</li> </ul> </li> </ul>	<p><u>Due Session 13</u></p> <p>Reading Materials: Ch 11 and 12 pgs 479-498</p> <p>MCRs in Session 13</p>

13	<p>DUTIES AT TRIAL; TRIAL &amp; POST JUDGMENT</p> <ul style="list-style-type: none"> <li>A. Outline Trial Steps: #1 Job---assist your attorney <ul style="list-style-type: none"> <li>1. Preliminary Matters</li> <li>2. Jury Selection or Voir Dire</li> <li>3. Opening Statements</li> <li>4. Plaintiff's Proofs/Deps &amp; Video</li> <li>5. Defendant's Proofs/Deps &amp; Video</li> <li>6. Closing Arguments then Deliberation</li> </ul> </li> <li>B. Witnesses and Hospital Subpoena—2.506(I)</li> <li>C. Trial Motions &amp; Settlement <ul style="list-style-type: none"> <li>1. Motions for Directed Verdict—2.515</li> <li>2. Motion for Entry of Judgment vs Motion for JNOV(2.610) or in the Alternative for New Trial(2.611-2.612)</li> </ul> </li> <li>D. Execution or Appeal</li> <li>E. Review since Midterm; Envelopes for Grades</li> </ul>	<p><u>Due Session 14</u></p> <p>Study for Final Exam</p>
14	<p>FINAL EXAM</p> <ul style="list-style-type: none"> <li>A. Review Any Remaining Material; Questions &amp; Answers</li> <li>B. Course Evaluations</li> <li>C. FINAL EXAM</li> </ul>	

NOTE: ASSIGNMENT SCHEDULE IS SUBJECT TO CHANGE

The information provided in this Syllabus, Class, Online, or Program may not be relied upon as legal advice.