

OAKLAND UNIVERSITY PARALEGAL PROGRAM SYLLABUS

CEPL 25240 Litigation

Text: Civil Law and Litigation for Paralegals, Second Edition by Neal R. Bevans.
[Optional: Michigan Rules of Court (2018)]

Faculty: Karen Liddle, JD
Juris Doctor, University of Detroit
Bachelor of Arts, Michigan State University

Professional experience as a litigation attorney in State and Federal Courts; Judicial Attorney for Wayne County Circuit Court Judge David Allen; Member of Oakland University Paralegal Program Board; Member of Detroit Bar Association/Past Member of Oakland County Bar Association; Member of Detroit Bar Association Judicial Evaluation Committee; Member of Wayne County Circuit Court Jury Services Committee.

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Availability: Monday-Friday by telephone or e-mail.
Meetings by appointment.

Schedule: Thursday (6:30-9:30 p.m.) 14 Sessions = 42 Hours

Credit Hours: 4.2 CEU **Prerequisites:** None

Course Description: Comprehensive study and application of litigation procedures and composition of pleadings in real legal work environments. Our goal is to provide a lively setting in which to learn, assess and apply the law in a practical manner.

Course Requirements: Written and oral presentation and 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. Use of law library, internet search, MCLA and MCR.

Learning Outcomes: Upon completion of this course each student must have completed the following:

1. Demonstrate an understanding of the court systems and discovery processes.
2. Prepare basic discovery documents.
3. Understand the procedures followed in a civil jury trial.
4. Exhibit the ability to effectively interview witnesses and others relevant to the case.
5. Demonstrate proficiency with the post-trial processes.
6. Demonstrate your understanding of the role of the paralegal as a member of the litigation team before, during and after trial.

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 www.oakland.edu/pace/paralegal - [Policies & Procedures](#)

Attendance: Attendance is a factor in awarding CEUs with 2 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.

Evaluation Methods:	Written Assignments & Presentations	55%
	Mid Term Exam	15%
	Final Exam	20%
	Class Participation	<u>10%</u>
		100%*

- *-Above ratings could be affected, as course grade may be adjusted one level, based on class participation, oral arguments, discussion board, class scenario, final exam, extra credit and late assignments.
- A .5 is added to the total points for each Extra Credit.
- Late assignments are marked down .25 for each week late.
- All assignments must be satisfactorily completed for course credit.

3.8 to 4.0= A	94-100= 4.0	80-85= 3.0	68-69= 1.8
3.4 to 3.7= A-	90-93= 3.6	78-79= 2.8	66-67= 1.5
3.3 to 3.6= B+	88-89= 3.5	76-77= 2.5	60-65= 1.0
3.0 to 3.2= B	86-87= 3.3	70-75= 2.0	0-59= 0.0
2.7 to 2.9= B-			
2.3 to 2.6= C+			
2.0 to 2.2= C			
1.7 to 1.9= C-			
1.3 to 1.6= D+			
1.0 to 1.2= D			
0.0 to 0.9= F			

All Sessions include Chapter Overview, Facilitation, Discussion, Oral Presentation, Argument and Analysis. Supplement Assignments with Internet Searches. Go online to Moodle for Assignment Details.

Session	Detailed Topic Outline	Activities/Assignments
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Session	Detailed Topic Outline	Activities/Assignments
1	<p>Introduction and Overview of Course</p> <p>A. Introduction-Faculty & Class B. Description of Course C. Course Materials-Text, Michigan Court Rules and Court Forms (SCAO) D. An Overview of the “Chumley” Plaintiff Factual Summary</p>	<p><u>Due Session 1</u></p> <p>Introduction</p>
2	<p>Introduction to the Court System (Chapter 1)</p> <p>A. Civil Law B. Sources of Legal Authority in United States C. Jurisdiction D. Federal and State Court Systems</p>	<p><u>Due Session 2</u></p> <p>Reading Materials:</p> <ul style="list-style-type: none"> • Chapter 1
3	<p>The Participants in the Legal System (Chapter 2)</p> <p>A. Judges B. Attorneys C. Legal Professionals D. Law Offices E. Paralegals F. Clients G. Courthouse Personnel</p>	<p><u>Due Session 3</u></p> <p>Reading Materials:</p> <ul style="list-style-type: none"> • Chapter 2 <p>Writing Assignment:</p> <ul style="list-style-type: none"> • Select 6 different professionals who work in/around a courthouse and provide a brief description of each person’s role.
4	<p>Bringing a Legal Action (Chapter 3)</p> <p>A. Evaluating a Civil Case B. Investigating the Claim</p>	<p><u>Due Session 4</u></p> <p>Reading Materials:</p> <ul style="list-style-type: none"> • Chapter 3 <p>Writing Assignment:</p> <ul style="list-style-type: none"> • Draft Chumley case summary
5	<p>Civil Complaints (Chapter 4)</p> <p>A. Parties B. Jurisdictional Issues in Civil Suits C. Capacity and Standing D. The Elements of a Complaint E. Complaint Attachments and Exhibits F. Summons and Service of Process</p>	<p><u>Due Session 5</u></p> <p>Reading Materials:</p> <ul style="list-style-type: none"> • Chapter 4-portion relating to complaints • MCR 2.101-2.108 <p>Writing Assignment:</p> <ul style="list-style-type: none"> • Draft Chumley Complaint

Session	Detailed Topic Outline	Activities/Assignments
6	Defendant's Responsive Pleadings (Chapter 5) <ul style="list-style-type: none"> A. The Answer B. Defenses C. Failure to State a Claim Motions D. Cross-Claims E. Third-Party Claims F. Class Actions 	<u>Due Session 6</u> Reading Materials: <ul style="list-style-type: none"> • Chapter 5 Writing Assignment <ul style="list-style-type: none"> • Draft Answer to Complaint Study for MidTerm Exam
7	Evidence (Chapter 6) and MIDTERM EXAM <ul style="list-style-type: none"> A. What is Evidence B. The Role of Evidence C. Types of Evidence D. Specific Evidentiary Rules MIDTERM EXAM	<u>Due Session 7</u> Reading Materials: <ul style="list-style-type: none"> • Chapter 6 Writing Assignment <ul style="list-style-type: none"> • Witness Interviews <ul style="list-style-type: none"> ❖ Questions ❖ Summary
8	Discovery (Chapter 7) <ul style="list-style-type: none"> A. Purpose of Discovery B. Short History of Discovery C. Discovery Methods D. Objections to Discovery Requests E. Failure to Respond to Discovery Requests F. Compelling Discovery G. Software that Assists in Discovery 	<u>Due Session 8</u> Reading Materials: <ul style="list-style-type: none"> • Chapter 7 Writing Assignment <ul style="list-style-type: none"> • Outline a discovery motion for the Chumley case/Outline a discovery response for the Chumley case
9&10	Motions Practice (Chapter 8) <ul style="list-style-type: none"> A. Bringing a Motion B. Issues that can be Addressed in a Motion C. The Judge's Role in considering Motions D. Using Motions to Clarify Issues in Litigation E. Pre-Trial, Trial and Post-Trial Motions 	<u>Due Sessions 9 and 10</u> Reading Materials: <ul style="list-style-type: none"> • Chapter 8 Writing Assignment <ul style="list-style-type: none"> • Draft Motion on Chumley case (Except for a Motion for Summary Disposition)
11	Trial (Chapter 9) and Damages (Chapter 10) <u>Trial</u> <ul style="list-style-type: none"> A. Preparing Tools for the Trial B. Preparing Witnesses for the Trial C. Preparing for the Trial: Role of the Paralegal D. Mock Trials E. Phases of the Trial 	<u>Due Session 11</u> Reading Materials: <ul style="list-style-type: none"> • Chapter 9 • Chapter 10

Session	Detailed Topic Outline	Activities/Assignments
	<p><u>Damages</u></p> <p>A. Types of Damages B. Proving Damages C. Equitable Remedies D. Evaluating Potential Damages</p>	
12	<p>Arbitration, Mediation and Settlement (Chapter 11)</p> <p>A. Arbitration B. Mediation C. Settlement</p>	<p><u>Due Session 12</u></p> <p>Reading Materials:</p> <ul style="list-style-type: none"> • Chapter 11 <p>Writing Assignment</p> <ul style="list-style-type: none"> • Draft one of these for the Chumley case: <ul style="list-style-type: none"> ➤ Demand Letter ➤ Offer of Judgment ➤ Release
13	<p>Appeals (Chapter 12)</p> <p>A. Starting an Appeal B. Changing Courts C. Briefs D. The Powers of the Appellate Courts E. The State Supreme Court F. The U.S. Supreme Court</p> <p>*Finish Course Review for Final Exam</p>	<p><u>Due Session 13</u></p> <p>Reading Materials:</p> <ul style="list-style-type: none"> • Chapter 12 <p>Study for Final Exam</p>
14	<p>Course Summation and FINAL EXAM</p> <p>A. Review Any Remaining Material; Questions & Answers B. Course Evaluations C. FINAL EXAM</p>	<p>FINAL EXAM</p>

NOTE: ASSIGNMENT SCHEDULE IS SUBJECT TO CHANGE

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