

MIDSTATE COLLEGE
411 W. NORTHMOOR RD.
PEORIA, IL 61614
(309) 692-4092 (800) 251-4299
Summer Term 2018

Course Number & Name: LEG 117 -- Civil Procedure

Credit Hours: 4 Quarter Hours

Method of Delivery: Traditional/Classroom (Tuesday nights)

Course Description: This course will examine the Paralegal's role in handling civil cases and the means by which the objectives of litigation may be achieved. Strategy and mechanics of civil procedure will be explored in depth with an emphasis placed on Illinois Law. The student will be required to prepare several writing projects including a complaint, answer, discovery requests, motion, and initial appellate documents.

Prerequisite: Successful completion of LEG 100 (Introduction to Law) or permission of Department Director.

Text(s) & Manual(s): Civil Litigation (Seventh Edition)

Author(s): Peggy N. Kerley, Joanne Banker Hames, J.D., Paul A. Sukys, J.D.

Publisher: Delmar Cengage Learning (2015)

ISBN: # 978-1-285-44918-0

Materials needed for this course: Access to computer (including Internet/email).

Topics: The following topics will be covered in this course:

1. The ethical guidelines directing the Paralegal's conduct in the litigation process.
2. An examination of the court system and the litigation process, with an overview of jurisdiction and venue.
3. The pretrial litigation process (the writing and filing of initial and responsive pleadings) and the paralegal's role in this process.
4. The pretrial litigation process (preliminary considerations and investigation and interviewing techniques) and the paralegal's role in this process.
5. The pretrial litigation process (motion practice) and the paralegal's role in this process.

6. The pretrial litigation process (pretrial settlements and dismissals) and the paralegal's role in this process.
7. The Discovery Process (Interrogatories and Depositions) and the paralegal's role in this process.
8. The Discovery Process (examinations, requests for documents, and admissions) and the paralegal's role in this process.
9. The various stages and functions of Trial and the paralegal's role in the trial process.
10. Post-Trial practices/activity in litigation and the paralegal's role in the post-trial process.
11. Alternative Dispute Resolution.

Learning Objectives: Upon completion of this course, the student will be able to:

1. Identify the various stages in the litigation process (including pretrial, trial and post-trial).
2. Demonstrate knowledge of the Paralegal's role throughout the litigation process (including the ethical guidelines/considerations).
3. Demonstrate knowledge of the various techniques and processes for preliminary considerations, investigation and interviewing techniques, the writing and filing of initial and responsive pleadings, and motion practice.
4. Recognize the different methods of discovery.
5. Demonstrate an understanding of the Federal Rules of Civil Procedure, Illinois Code of Civil Procedure, and Rules of the Supreme Court of Illinois as applied to the civil litigation process.
6. Demonstrate knowledge of the methods of alternative dispute resolution.

MIDSTATE COLLEGE GRADING SCALE:

100 – 90 = A

89 – 80 = B

79 – 70 = C

69 – 60 = D

59 – 00 = F

*All students must have a 70% or better to pass this course.

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Midstate Plagiarism Policy: Plagiarism is using another person's words, either by paraphrase or direct quotation, without giving credit to the author(s). Plagiarism can also consist of cutting and pasting material from electronic sources by submitting all or a portion of work for assignment credit. This includes papers, computer programs, music, sculptures, paintings, photographs, etc. authored by another person without explicitly citing the original source(s). These actions violate the trust and honesty expected in academic work. Plagiarism is strictly against the academic policy of Midstate College. Its seriousness requires a measured, forceful response which includes consequences for inappropriate and/or no citation.

In courses containing writing assignments, the College promotes the use of an electronic resource which compares the student's writing against previously submitted papers, journals, periodicals, books, and web pages. Students and instructors can use this service to reduce the incidence of plagiarism. This electronic resource has been found to conform to legal requirements for fair use and student confidentiality. It is able to provide a report to the student indicating the parts of the assignment that match.

Student Success: The Office of Student Success is available to students seeking tutoring for individual classes or who need assistance with writing assignments. Information is also available on test taking techniques, how to take notes, developing good study skills, etc. Contact Student Success in Room 110 (in person); (309) 692-4092, extension 1100 (phone); studentsuccess@midstate.edu (email).

Assessment Portfolio Reminder: Students (depending on your program major) may be required to prepare an assessment portfolio for graduation. Keep a copy of this syllabus in the portfolio. Use the "Evidence for Success" list from your program portfolio (or consult your program Director) and instructions from the instructor to determine the assignment(s) that should be placed in the assessment portfolio.

Instructor: Cynthia Volk, Attorney
Adjunct Faculty Professor, Legal Studies

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cvolk@midstate.edu

Office Hours: Tuesday 5:00 PM – 6:00 PM in Classroom (or by appointment)

Assistant Instructor: Mark Wiltse, Legal Studies Director
mwiltse@midstate.edu

Legal Studies Department

Office: 219

Phone: (309) 692-4092, Extension 2190

Fax: (309) 692-3893

Participation Requirements: Each student is expected to participate in research/homework assignments relating to the subject materials for the week. Discussions will take place each week relating to the required weekly research/homework assignments. Attendance is mandatory in this class. Students will be deducted 10 points from participation grade for each course missed. If a student does not attend the entire class (arrives late, leaves early, etc.), partial points will be assessed from the class participation grade. See Instructor's Final Grade Determination Below. **Students that miss 30% or more of the scheduled classes will not be allowed to successfully complete this course (unless departmental approval is obtained).**

Course Policies and Procedures:

1. This course is taught from a lecture format with integrated discussion of examples and assignments. The student is encouraged to take an active role in the learning process. **Students that miss 30% or more of the scheduled classes will not be allowed to successfully complete this course (unless departmental approval is obtained).**
2. There will be 26 weekly assignments throughout the term. Each assignment is worth 10 points. Ten points will be deducted from your homework assignment grade if assignments are not turned in. Points will be deducted from your homework assignment grade if assignments are turned in late (-5 points), contain spelling/grammar errors, and/or are lacking in content/incomplete. Late assignments will only be accepted up

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to 7 days after their due dates. Any assignment turned in after this 7-day period expires will receive no credit.

3. In the event you are absent, you will need to email the assignments for the class you miss. In return, I will email the assignments you need to have completed by the following class period. If assignments are not turned-in on their due date, they will be assessed a late penalty. Late assignments will only be accepted up to 7 days after their due dates. Any assignment turned in after this 7-day period expires will receive no credit.
4. Exams must be taken on the dates scheduled by the instructor. Failure to take an exam on the scheduled date will result in a grade of "F" (0 points). Make-up exams will be given only when special circumstances are approved by the instructor. Make-up exams must be taken in the testing center. It is the student's obligation to make the appropriate arrangements to have a test administered.
5. "Pop-Quizzes" may be given throughout the term. Make-up quizzes will not be given.
6. All work must be completed by week 12 (Tuesday, August 07, 2018) at 9:00 PM.
7. Academic dishonesty (cheating / plagiarism) in any form will not be tolerated in this course and may result in the dismissal / suspension from the course / program / college.
8. Cell phones / beepers are prohibited from use in this course.
9. This is a tentative syllabus and outline and is subject to change at the discretion of the instructor.

Methods of evaluating student performance: See Instructor's Final Grade Determination Below.

Examination Information:

1. Midterm Examination – will consist of 50 points and it will cover chapters 1 – 7. It will be given in week 6.
2. Final Examination – will consist of 50 points and it will cover chapters 8 – 16. It will be given in week 12.

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Methods of evaluating student performance: See Instructor's Grading Scale Below.

Instructor's Grading Scale: Your final grade will be based on the total points accumulated on the examinations (Midterm and Final), the Initial Client Interview Essay/Project, Litigation Process Essay, Class Participation, and the Homework Assignments (study problems, discussion questions, and Timesheets) administered throughout the course. There is a total of 811 points issued for the class. The point distribution is based on the following (totaling 811 points):

1. 260 Points = Homework Assignments (study problems (includes 3 timesheet assignments) and discussions): 26 assignments x 10 points per assignment
2. 100 Points = Initial Client Interview Essay/Project
3. 50 Points = Litigation Process Essay
4. 120 Points = Attendance: 12 classes x 10 points per class for full attendance (partial points for partial attendance).
5. 55 Points = Written Weekly Summaries: 5 points for the Weekly Written Summary.
6. 96 Points = Vocabulary Quizzes (16 Quizzes x 6 points per quiz)
7. 50 Points = Midterm Examination
8. 50 Points = Final Examination

Civil Procedure -- LEG 117
Summer Term 2018
Course Outline

Week 1: Wednesday, May 22:

1. Introductions
2. Pretest

Week 1 Topics: The following topics will be covered:

1. The ethical guidelines directing the Paralegal's conduct in the litigation process.
2. An examination of the court system and the litigation process, with an overview of jurisdiction and venue.

3. The pretrial litigation process (the writing and filing of initial and responsive pleadings) and the paralegal's role in this process.
4. The pretrial litigation process (preliminary considerations and investigation and interviewing techniques) and the paralegal's role in this process.
5. The pretrial litigation process (motion practice) and the paralegal's role in this process.
6. The pretrial litigation process (pretrial settlements and dismissals) and the paralegal's role in this process.
7. The Discovery Process (Interrogatories and Depositions) and the paralegal's role in this process.
8. The Discovery Process (examinations, requests for documents, and admissions) and the paralegal's role in this process.
9. The various stages and functions of Trial and the paralegal's role in the trial process.
10. Post-Trial practices/activity in litigation and the paralegal's role in the post-trial process.
11. Alternative Dispute Resolution.

Week 1 Objectives: The objectives covered this week include:

1. Identify the various stages in the litigation process (including pretrial, trial and post trial).
2. Demonstrate knowledge of the Paralegal's role throughout the litigation process (including the ethical guidelines/considerations).
3. Demonstrate knowledge of the various techniques and processes for preliminary considerations, investigation and interviewing techniques, the writing and filing of initial and responsive pleadings, and motion practice.
4. Recognize the different methods of discovery.
5. Demonstrate an understanding of the Federal Rules of Civil Procedure, Illinois Code of Civil Procedure, and Rules of the Supreme Court of Illinois as applied to the civil litigation process.
6. Demonstrate knowledge of the methods of alternative dispute resolution.

Week 2: Wednesday, May 29:

1. Chapter 1 – Litigation and the Paralegal
2. Chapter 2 – The Courts and Jurisdiction

Week 2 Topics: The following topics will be covered:

1. The ethical guidelines directing the Paralegal's conduct in the litigation process.
2. The pretrial litigation process (preliminary considerations and investigation and interviewing techniques) and the paralegal's role in this process.
3. Alternative Dispute Resolution.

Week 2 Objectives: Upon successful completion of this week's assignments, the student will be able to:

1. Identify the various stages in the litigation process (including pretrial, trial and post trial).
2. Demonstrate knowledge of the Paralegal's role throughout the litigation process (including the ethical guidelines/considerations).
3. Demonstrate knowledge of the various techniques and processes for preliminary considerations, investigation and interviewing techniques, the writing and filing of initial and responsive pleadings, and motion practice.
4. Demonstrate an understanding of the Federal Rules of Civil Procedure, Illinois Code of Civil Procedure, and Rules of the Supreme Court of Illinois as applied to the civil litigation process.
5. Demonstrate knowledge of the methods of alternative dispute resolution.

Week 3: Wednesday, June 05:

1. Chapter 3 – Preliminary Considerations and Procedures
2. Chapter 4 – Investigation and Evidence

Week 3 Topics: The following topics will be covered:

1. The pretrial litigation process (the writing and filing of initial and responsive pleadings) and the paralegal's role in this process.

Week 3 Objectives: Upon successful completion of this week's assignments, the student will be able to:

1. Identify the various stages in the litigation process (including pretrial, trial and post trial).
2. Demonstrate knowledge of the Paralegal's role throughout the litigation process (including the ethical guidelines/considerations).
3. Demonstrate knowledge of the various techniques and processes for preliminary considerations, investigation and interviewing techniques, the writing and filing of initial and responsive pleadings, and motion practice.
4. Demonstrate an understanding of the Federal Rules of Civil Procedure, Illinois Code of Civil Procedure, and Rules of the Supreme Court of Illinois as applied to the civil litigation process.

Week 4: Wednesday, June 12:

1. Chapter 5 – The Complaint

Week 4 Topics: The following topics will be covered:

1. The pretrial litigation process (the writing and filing of initial and responsive pleadings) and the paralegal's role in this process.

Week 4 Objectives: Upon successful completion of this week's assignments, the student will be able to:

1. Identify the various stages in the litigation process (including pretrial, trial and post trial).
2. Demonstrate knowledge of the Paralegal's role throughout the litigation process (including the ethical guidelines/considerations).
3. Demonstrate knowledge of the various techniques and processes for preliminary considerations, investigation and interviewing techniques, the writing and filing of initial and responsive pleadings, and motion practice.
4. Demonstrate an understanding of the Federal Rules of Civil Procedure, Illinois Code of Civil Procedure, and Rules of the Supreme Court of Illinois as applied to the civil litigation process.

Week 5: Wednesday, June 19:

1. Chapter 6 – Responses to the Complaint
2. Chapters 7 – Motion Practice

Week 5 Topics: The following topics will be covered:

1. The pretrial litigation process (the writing and filing of initial and responsive pleadings) and the paralegal's role in this process.
2. The pretrial litigation process (motion practice) and the paralegal's role in this process.

Week 5 Objectives: Upon successful completion of this week's assignments, the student will be able to:

1. Identify the various stages in the litigation process (including pretrial, trial and post trial).
2. Demonstrate knowledge of the Paralegal's role throughout the litigation process (including the ethical guidelines/considerations).
3. Demonstrate knowledge of the various techniques and processes for preliminary considerations, investigation and interviewing techniques, the writing and filing of initial and responsive pleadings, and motion practice.
4. Demonstrate an understanding of the Federal Rules of Civil Procedure, Illinois Code of Civil Procedure, and Rules of the Supreme Court of Illinois as applied to the civil litigation process.

Week 6: Wednesday, June 26:

1. Midterm Examination (chapters 1 – 7)

Week 6 Objective: Our objective this week is to assess your knowledge of chapters 1 - 7 in Civil Litigation and the Course Objectives covered in weeks 1 – 5.

Week 7: Wednesday, July 03:

1. Chapter 8 – Overview of the Discovery Process
2. Chapter 9 – Depositions

Week 7 Topics: The following topics will be covered:

1. The Discovery Process (Interrogatories and Depositions) and the paralegal's role in this process.

2. The Discovery Process (examinations, requests for documents, and admissions) and the paralegal's role in this process.

Week 7 Objectives: Upon successful completion of this week's assignments, the student will be able to:

1. Identify the various stages in the litigation process (including pretrial, trial and post trial).
2. Demonstrate knowledge of the Paralegal's role throughout the litigation process (including the ethical guidelines/considerations).
3. Recognize the different methods of discovery.
4. Demonstrate an understanding of the Federal Rules of Civil Procedure, Illinois Code of Civil Procedure, and Rules of the Supreme Court of Illinois as applied to the civil litigation process.

Week 8: Wednesday, July 10:

1. Chapters 10 – Interrogatories
2. Chapters 11 – Physical and Mental Examinations

Week 8 Topics: The following topics will be covered:

1. The Discovery Process (Interrogatories and Depositions) and the paralegal's role in this process.
2. The Discovery Process (examinations, requests for documents, and admissions) and the paralegal's role in this process.

Week 8 Objectives: Upon successful completion of this week's assignments, the student will be able to:

1. Identify the various stages in the litigation process (including pretrial, trial and post trial).
2. Demonstrate knowledge of the Paralegal's role throughout the litigation process (including the ethical guidelines/considerations).
3. Recognize the different methods of discovery.
4. Demonstrate an understanding of the Federal Rules of Civil Procedure, Illinois Code of Civil Procedure, and Rules of the Supreme Court of Illinois as applied to the civil litigation process.

Week 9: Wednesday, July 17:

1. Chapter 12 – Request for Documents
2. Chapter 13 – Request for Admissions and the Future of Discovery

Week 9 Topics: The following topics will be covered:

1. The Discovery Process (examinations, requests for documents, and admissions) and the paralegal's role in this process.

Week 9 Objectives: Upon successful completion of this week's assignments, the student will be able to:

1. Identify the various stages in the litigation process (including pretrial, trial and post trial).
2. Demonstrate knowledge of the Paralegal's role throughout the litigation process (including the ethical guidelines/considerations).
3. Recognize the different methods of discovery.
4. Demonstrate an understanding of the Federal Rules of Civil Procedure, Illinois Code of Civil Procedure, and Rules of the Supreme Court of Illinois as applied to the civil litigation process.

Week 10: Wednesday, July 24:

1. Chapter 14 – Settlements, Dismissals, and Alternative Dispute Resolution
2. Chapter 15 – Trial Techniques

Week 10 Topics: The following topics will be covered:

1. The pretrial litigation process (pretrial settlements and dismissals) and the paralegal's role in this process.
2. The various stages and functions of Trial and the paralegal's role in the trial process.
3. Alternative Dispute Resolution.

Week 10 Objectives: Upon successful completion of this week's assignments, the student will be able to:

1. Identify the various stages in the litigation process (including pretrial, trial and post trial).

2. Demonstrate knowledge of the Paralegal's role throughout the litigation process (including the ethical guidelines/considerations).
3. Demonstrate knowledge of the various techniques and processes for preliminary considerations, investigation and interviewing techniques, the writing and filing of initial and responsive pleadings, and motion practice.
4. Demonstrate an understanding of the Federal Rules of Civil Procedure, Illinois Code of Civil Procedure, and Rules of the Supreme Court of Illinois as applied to the civil litigation process.
5. Demonstrate knowledge of the methods of alternative dispute resolution.

Week 11: Wednesday, July 31:

1. Chapter 16 – Post-Trial Practice

Week 11 Topics: The following topics will be covered:

1. Post-Trial practices/activity in litigation and the paralegal's role in the post-trial process

Week 11 Objectives: Upon successful completion of this week's assignments, the student will be able to:

1. Identify the various stages in the litigation process (including pretrial, trial and post trial).
2. Demonstrate knowledge of the Paralegal's role throughout the litigation process (including the ethical guidelines/considerations).
3. Demonstrate knowledge of the various techniques and processes for preliminary considerations, investigation and interviewing techniques, the writing and filing of initial and responsive pleadings, and motion practice.
4. Demonstrate an understanding of the Federal Rules of Civil Procedure, Illinois Code of Civil Procedure, and Rules of the Supreme Court of Illinois as applied to the civil litigation process.

Week 12: Wednesday, August 07:

1. Final Examination (chapter 8 – 16)
2. Post-Test

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Week 12 Objective: Our objective this week is to assess your knowledge of chapters 8 – 16 in Civil Litigation and the Course Objectives covered in weeks 7 – 11.