

**MIDSTATE COLLEGE**  
**411 W. NORTHMOOR RD.**  
**PEORIA, IL 61614**  
**(309) 692-4092      (800) 251-4299**  
**Summer Term 2019**

**Course number & Name:** LEG 203— Discovery and Investigation

**Credit Hours:** 4 Quarter Credit Hours

**Method of Delivery:** On-Campus Night (N): Tuesday Nights

**Course Description:** Students will gain a working knowledge of the Illinois and federal court systems, the sources of law, the stages of civil litigation (including pre- and post-trial procedures), alternative dispute resolution, the rules of civil procedure, subject matter jurisdiction, personal jurisdiction, venue, statute of limitations, parties, and pleadings. Students will learn investigation skills in gathering information and evidence in a civil lawsuit. Students will gain a thorough understanding of the discovery process and will be able to prepare discovery devises and respond to discovery requests. Students will be required to draft complaints, answers, and motions. Students will be encouraged to develop a trial notebook and a settlement brochure.

**Prerequisite:** Successful completion of LEG 100—Introduction to Law and LEG 117 Civil Procedure or permission of Department Director

**Text(s) & Manual(s):**

1. Fundamentals of Litigation for Paralegals, 9<sup>th</sup> Edition
  - Authors: Marlene A. Maerowitz and Thomas A. Mauet
  - Publisher: Aspen Publishing Company, 2017
  - ISBN – 13: 978-1-4548-7338-9

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

**Topics:** The topics covered in this course include:

1. The litigation process and alternative dispute resolution.
2. Informal fact gathering and investigation techniques for obtaining evidence and the legal issues surrounding admissible evidence (including evidence protected by the attorney-client privilege).
3. The court system (structure and duties).
4. Establishing the attorney/client relationship (determining the parties involved in litigation and jurisdiction).

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5. The drafting and filing of the various pleadings
6. The drafting and filing of the various motions.
7. The different methods of discovery used in litigation.
8. Provisional remedies considered by the parties, the settlement process and preparing for trial.
9. The legal methods available for enforcing a judgment of the court.

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

1. differentiate the sources of law (including the hierarchy and powers of the courts in the state and federal systems).
2. identify the stages of litigation (including the legal assistant's role in pretrial, trial, post-trial, and appellate procedures and the ethical considerations affecting the legal professional).
3. discuss and demonstrate fact gathering and investigation techniques in gathering information and evidence in a civil lawsuit.
4. compose appropriate discovery documents and respond to discovery requests.
5. demonstrate file organization and document control techniques through homework assignments and examinations.
6. evaluate the Rules of Civil Procedure and the Federal Rules of Evidence pertaining to the litigation process.
7. discuss and demonstrate the format and purpose of pleadings to commence civil litigation (including complaint, summons, answer, cross claim, counterclaim, third party complaints, motions, and court orders).
8. illustrate the various techniques used in the settlement process prior to the commencement of trial.
9. compare the alternative dispute resolution methods of mediation and arbitration.

**Midstate Grading scale:**

- 90 - 100    A  
80 – 89    B  
70 – 79    C

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60 – 69    D

0 - 59     F

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

**Academic Integrity:**

Academic integrity is a basic principle of the College's function. Midstate College students are expected to maintain a high level of academic honesty. Contrary actions may result in penalties such as failure of the assignment(s), a lesser grade on assignment(s), failure of the course and/or suspension from the College. The course instructor will review all submitted documents and supporting evidence in connection to the infraction. The course instructor will also review the student's personal file for other notifications of academic dishonesty before determining the level of action to be applied. The course instructor will complete the Academic Dishonesty Report form to document and describe the incident and actions taken, then kept on file. The student may appeal the decision to administration, whose decision will be final.

The following (**plagiarism, cheating, deception, sabotage, computer misuse and copyright infringement**) are included in the actions Midstate College considers behavior contrary to the academic integrity policy; however, the policy is not limited to these examples. Further discussion of consequences regarding academic dishonesty are addressed in the Student Handbook.

**Plagiarism:**

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

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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 Turnitin 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 and Tutoring:**

Contact Student Success: Room 110; (309) 692-4092, ext. 1100;  
studentsuccess@midstate.edu;

The Office of Student Success offers help in the following areas:

- Tutoring: Tutoring is encouraged for students who are doing their best to complete assignments yet still are experiencing difficulty in this course. Tutoring may be provided by the instructor outside of scheduled class times or through the office of Student Success.
- Writing assignment assistance: This may include learning how to conduct research; using proofreading tools such as Turnitin; outlining a topic; and applying MLA/APA standards.
- Math, accounting, and computer skills (including file management).
- Test-taking techniques.
- Note-taking skills development.
- Study skills development.
- Time management.

**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

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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:**

Ashley Miller, Attorney  
National Labor Relations Board  
Adjunct Faculty Professor, Legal Studies  
[ammiller4@midstate.edu](mailto:ammiller4@midstate.edu)

**Assistant Instructor:**

Mark Wiltse, Legal Studies Director  
[mwiltse@midstate.edu](mailto:mwiltse@midstate.edu)  
Legal Studies Department  
Office: 219  
Phone: (309) 692-4092, Extension 2190  
Fax: (309) 692-3893

Legal Studies Department  
Office: 219  
Phone: (309) 692-4092, Extension 2190  
Fax: (309) 692-3893

**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. All assignments in this course must have a professional appearance (submitted in typewritten form, using 12-point Times New Roman font, double spaced, with proper grammar/spelling/structure).
3. There are 15 vocabulary assignments/quizzes, each worth a maximum of 6 points. There are 11 weekly Summaries, each worth 10 points. There are 28 Study Questions (including drafting assignments), each worth 10 points.

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There are 7 Discussion questions, each worth 10 points. Ten points will be deducted from your homework assignment grade if assignments are not turned in. Five points will be deducted from your homework assignment grade if assignments are turned in late, contain spelling/grammar errors, and/or are lacking in content/incomplete.

4. Late assignments will only be accepted up to 7 days after their due dates (for late credit). Any assignment turned in after this 7-day period expires will receive no credit.
5. In the event you are absent, you will need to e-mail the assignments for the class you miss. In return, I will e-mail 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.
6. This is a tentative syllabus and outline and is subject to change at the discretion of the instructor.
7. 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.
8. "Pop-Quizzes" covering assigned readings may be given throughout the term. Make-up quizzes will not be given.
9. All work must be completed by **August 06, 2019** at 9:00 p.m.
10. 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.
11. Cell phones / beepers are prohibited from use in this course.

**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

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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).**

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

**Examination Information:**

1. Examination #1 - will consist of 50 points and it will cover chapters 1 – 4.  
Exam #1 will be given in week 4.
2. Examination #2 - will consist of 50 points and it will cover chapters 5 – 10.  
Exam #2 will be given in week 9.
3. Examination #3 - will consist of 60 points and it will cover chapters 11 – 15.  
Exam #3 will be given in week 12.

**Instructors Final Grade Determination:** Final Grade Based on 1006 points:

1. 50 Points = Examination #1
2. 50 Points = Examination #2
3. 60 Points = Examination #3
4. 90 Points = 15 Vocabulary Assignments/Quizzes (6 Points Each)
5. 270 Points = 27 Study Problems (including drafting assignments) worth 10 points: each.
6. 70 Points = 7 Discussion Questions worth 10 points: each.
7. 110 Points = 11 Weekly Summary Assignments worth 10 points: each.
8. 50 Points = Mediation/Arbitration Project
9. 36 Points = Mediation/Arbitration In Class Role-Play Activity (Week 11)
10. 100 Points = Videotaped Participation in Initial Client Interview (week 10)
11. 120 Points = Class Participation: 12 classes x 10 points per class for full attendance (partial points for partial attendance).

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

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Discovery and Investigation - LEG 203

**Summer Term 2019**

**Course Outline**

**Week 1:**

Tuesday, May 21: 1. Pretest

2. Introduction to Discovery and Investigation and Course Goals

Topics Covered in Week 1:

1. The litigation process and alternative dispute resolution.
2. Informal fact gathering and investigation techniques for obtaining evidence and the legal issues surrounding admissible evidence (including evidence protected by the attorney-client privilege).
3. The court system (structure and duties).
4. Establishing the attorney/client relationship (determining the parties involved in litigation and jurisdiction).
5. The drafting and filing of the various pleadings
6. The drafting and filing of the various motions.
7. The different methods of discovery used in litigation.
8. Provisional remedies considered by the parties, the settlement process and preparing for trial.
9. The legal methods available for enforcing a judgment of the court.

Objectives Covered in Week 1:

1. differentiate the sources of law (including the hierarchy and powers of the courts in the state and federal systems).
2. identify the stages of litigation (including the legal assistant's role in pretrial, trial, post-trial, and appellate procedures and the ethical considerations affecting the legal professional).
3. discuss and demonstrate fact gathering and investigation techniques in gathering information and evidence in a civil lawsuit.
4. compose appropriate discovery documents and respond to discovery requests.

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5. demonstrate file organization and document control techniques through homework assignments and examinations.
6. evaluate the Rules of Civil Procedure and the Federal Rules of Evidence pertaining to the litigation process.
7. discuss and demonstrate the format and purpose of pleadings to commence civil litigation (including complaint, summons, answer, cross claim, counterclaim, third party complaints, motions, and court orders).
8. illustrate the various techniques used in the settlement process prior to the commencement of trial.
9. compare the alternative dispute resolution methods of mediation and arbitration.

**Week 2:**

Tuesday, May 28: 1. Chapter 1, Introduction to Litigation  
2. Chapter 2, Informal Fact Gathering and Investigation

Topics Covered in Week 2:

1. The litigation process and alternative dispute resolution.
2. Informal fact gathering and investigation techniques for obtaining evidence and the legal issues surrounding admissible evidence (including evidence protected by the attorney-client privilege).
3. The court system (structure and duties).
4. Establishing the attorney/client relationship (determining the parties involved in litigation and jurisdiction).

Objectives Covered in Week 2:

1. differentiate the sources of law (including the hierarchy and powers of the courts in the state and federal systems).
2. identify the stages of litigation (including the legal assistant's role in pretrial, trial, post-trial, and appellate procedures and the ethical considerations affecting the legal professional).
3. discuss and demonstrate fact gathering and investigation techniques in gathering information and evidence in a civil lawsuit.

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**Week 3:**

Tuesday, June 04: 1. Chapter 3, Case Evaluation and Strategy  
2. Chapter 4, Parties and Jurisdiction

Topics Covered in Week 3:

1. Informal fact gathering and investigation techniques for obtaining evidence and the legal issues surrounding admissible evidence (including evidence protected by the attorney-client privilege).
2. The court system (structure and duties).
3. Establishing the attorney/client relationship (determining the parties involved in litigation and jurisdiction).

Objectives Covered in Week 3:

1. differentiate the sources of law (including the hierarchy and powers of the courts in the state and federal systems).
2. identify the stages of litigation (including the legal assistant's role in pretrial, trial, post-trial, and appellate procedures and the ethical considerations affecting the legal professional).
3. demonstrate file organization and document control techniques through homework assignments and examinations.
4. evaluate the Rules of Civil Procedure and the Federal Rules of Evidence pertaining to the litigation process.

**Week 4:**

Tuesday, June 11: 1. Examination #1, Chapters 1 – 4

Objectives Covered in Week 4:

1. Our objective this week is to assess your knowledge of chapters 1 - 4 in Fundamentals of Litigation for Paralegals and the course/learning objectives covered in weeks 2 and 3.

**Week 5:**

Tuesday, June 18: 1. Chapter 5, Pleadings  
2. Supplemental: E-filing demonstration

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Topics Covered in Week 5:

1. The drafting and filing of the various pleadings

Objectives Covered in Week 5:

1. differentiate the sources of law (including the hierarchy and powers of the courts in the state and federal systems).
2. identify the stages of litigation (including the legal assistant's role in pretrial, trial, post-trial, and appellate procedures and the ethical considerations affecting the legal professional).
3. evaluate the Rules of Civil Procedure and the Federal Rules of Evidence pertaining to the litigation process.
4. discuss and demonstrate the format and purpose of pleadings to commence civil litigation (including complaint, summons, answer, cross claim, counterclaim, third party complaints, motions, and court orders).

**Week 6:**

- Tuesday, June 25: 1. Chapter 6, Law and Motions  
2. Chapter 7, Motion Practice

Topics Covered in Week 6:

1. The drafting and filing of the various motions.

Objectives Covered in Week 6:

1. differentiate the sources of law (including the hierarchy and powers of the courts in the state and federal systems).
2. identify the stages of litigation (including the legal assistant's role in pretrial, trial, post-trial, and appellate procedures and the ethical considerations affecting the legal professional).
3. evaluate the Rules of Civil Procedure and the Federal Rules of Evidence pertaining to the litigation process.
4. discuss and demonstrate the format and purpose of pleadings to commence civil litigation (including complaint, summons, answer, cross claim, counterclaim, third party complaints, motions, and court orders).

**Week 7:**

- Tuesday, July 02: 1. Chapter 8, Provisional Remedies

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2. Chapter 9, Evidence

Topics Covered in Week 7:

1. Informal fact gathering and investigation techniques for obtaining evidence and the legal issues surrounding admissible evidence (including evidence protected by the attorney-client privilege).

Objectives Covered in Week 7:

1. differentiate the sources of law (including the hierarchy and powers of the courts in the state and federal systems).
2. identify the stages of litigation (including the legal assistant's role in pretrial, trial, post-trial, and appellate procedures and the ethical considerations affecting the legal professional).
3. discuss and demonstrate fact gathering and investigation techniques in gathering information and evidence in a civil lawsuit.
4. evaluate the Rules of Civil Procedure and the Federal Rules of Evidence pertaining to the litigation process.
5. discuss and demonstrate the format and purpose of pleadings to commence civil litigation (including complaint, summons, answer, cross claim, counterclaim, third party complaints, motions, and court orders).

**Week 8:**

Tuesday, July 09:

1. Chapter 10, Discovery
2. E-Discovery: Supplemental Materials: Our discussion on e-discovery will focus on social media (Facebook, etc.), emails, and voice messages. We will also address e-discovery requests (drafting document requests involving social media), the Illinois/federal rules of evidence, admissibility and ethical/privacy concerns with e-discovery. Finally, the paralegal's role in e-discovery and e-filing (state and federal) will also be addressed/demonstrated.

Topics Covered in Week 8:

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1. Informal fact gathering and investigation techniques for obtaining evidence and the legal issues surrounding admissible evidence (including evidence protected by the attorney-client privilege).
2. The different methods of discovery used in litigation.

**Objectives Covered in Week 8:**

1. differentiate the sources of law (including the hierarchy and powers of the courts in the state and federal systems).
2. identify the stages of litigation (including the legal assistant's role in pretrial, trial, post-trial, and appellate procedures and the ethical considerations affecting the legal professional).
3. discuss and demonstrate fact gathering and investigation techniques in gathering information and evidence in a civil lawsuit.
4. compose appropriate discovery documents and respond to discovery requests.
5. evaluate the Rules of Civil Procedure and the Federal Rules of Evidence pertaining to the litigation process.
6. discuss and demonstrate the format and purpose of pleadings to commence civil litigation (including complaint, summons, answer, cross claim, counterclaim, third party complaints, motions, and court orders).

**Week 9:**

Tuesday, July 16: 1. Examination #2, Chapters 5 – 10

**Objectives Covered in Week 9:**

Our objective this week is to assess your knowledge of chapters 5 - 10 in Fundamentals of Litigation for Paralegals and the course/learning objectives covered in weeks 5 through 9.

**Week 10:**

Tuesday, July 23: 1. Chapter 11, Settlements  
2. Chapter 12, Trial Preparation, Trial, and Appeal  
3. VIDEOTAPE: Initial Client Interview

**Topics Covered in Week 10:**

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1. The litigation process and alternative dispute resolution.
2. Provisional remedies considered by the parties, the settlement process and preparing for trial.

**Objectives Covered in Week 10:**

1. identify the stages of litigation (including the legal assistant's role in pretrial, trial, post-trial, and appellate procedures and the ethical considerations affecting the legal professional).
2. discuss and demonstrate fact gathering and investigation techniques in gathering information and evidence in a civil lawsuit.
3. demonstrate file organization and document control techniques through homework assignments and examinations.
4. evaluate the Rules of Civil Procedure and the Federal Rules of Evidence pertaining to the litigation process.

**Week 11:**

- Tuesday, July 30:
1. Chapter 13, Enforcement of Judgments
  2. Chapter 14, Alternative Dispute Resolution
  3. Chapter 15, Social Media in Litigation
  4. Mediation/Arbitration in class role-play.

**Topics Covered in Week 11:**

1. The litigation process and alternative dispute resolution.
2. The legal methods available for enforcing a judgment of the court.

**Objectives Covered in Week 11:**

1. identify the stages of litigation (including the legal assistant's role in pretrial, trial, post-trial, and appellate procedures and the ethical considerations affecting the legal professional).
2. evaluate the Rules of Civil Procedure and the Federal Rules of Evidence pertaining to the litigation process.
3. compare the alternative dispute resolution methods of mediation and arbitration.

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**Week 12:**

- Tuesday, August 06:      1. Final Exam, Chapters 11 – 15  
   2. Post-Test

Our objective this week is to assess your knowledge in the Course Objectives covered in weeks 1 - 11.

Topics Covered in Week 12:

1. The litigation process and alternative dispute resolution.
2. Informal fact gathering and investigation techniques for obtaining evidence and the legal issues surrounding admissible evidence (including evidence protected by the attorney-client privilege).
3. The court system (structure and duties).
4. Establishing the attorney/client relationship (determining the parties involved in litigation and jurisdiction).
5. The drafting and filing of the various pleadings
6. The drafting and filing of the various motions.
7. The different methods of discovery used in litigation.
8. Provisional remedies considered by the parties, the settlement process and preparing for trial.
9. The legal methods available for enforcing a judgment of the court.

Objectives Covered in Week 12:

1. differentiate the sources of law (including the hierarchy and powers of the courts in the state and federal systems).
2. identify the stages of litigation (including the legal assistant's role in pretrial, trial, post-trial, and appellate procedures and the ethical considerations affecting the legal professional).
3. discuss and demonstrate fact gathering and investigation techniques in gathering information and evidence in a civil lawsuit.
4. compose appropriate discovery documents and respond to discovery requests.
5. demonstrate file organization and document control techniques through homework assignments and examinations.

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6. evaluate the Rules of Civil Procedure and the Federal Rules of Evidence pertaining to the litigation process.
7. discuss and demonstrate the format and purpose of pleadings to commence civil litigation (including complaint, summons, answer, cross claim, counterclaim, third party complaints, motions, and court orders).
8. illustrate the various techniques used in the settlement process prior to the commencement of trial.
9. compare the alternative dispute resolution methods of mediation and arbitration.