LEG 270T.01: Civil Litigation

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Fall Semester Calendar 2006  
Civil Litigation (LEG 270)  
Meeting Times: Tuesday and Thursday: 9:40 a.m. to 11:00 a.m. Room HB 08.

ACADEMIC MISCONDUCT STATEMENT: All students must practice academic honesty. Academic misconduct is subject to an academic penalty by the course instructor and/or disciplinary sanction by the University.

All students need to be familiar with the Student Conduct Code. The code is available for review online at http://www.umt.edu/SA/VPSA/index.cfm/page/1321.

INSTRUCTOR: Thomas Stanton. I can be reached at 243-7850 or e-mail me at Tom.Stanton@umontana.edu. My office is located in the Northeast corner of the Business Administration building, East Campus, Office AD 11. Although office hours are posted I can usually be reached before, between and after classes. (See schedule on office door).

COURSE DESCRIPTION: Introduction to the rules governing civil litigation involving the general nature of how lawsuits arise including client interviews and data gathering, pleading and practice from the filing of suit to file preparation for trial, and also core considerations of ethics and professionalism.

COURSE OBJECTIVES:
1. Identify sequence and nature of the rules governing civil litigation.
2. Synthesize the reasons for and the nature of the differences between various jurisdictions.
3. Become familiar with the nature of the client interview and the necessary considerations for case evaluation and strategy.
4. Draft pleadings and motions.
5. Explore the nature, scope and importance of discovery.
6. Review the reasons behind and the operation of the rules of evidence.
7. Develop litigation file organization skills.

TEXT:
Title: Fundamentals of Litigation for Paralegals, 3rd Ed.  
Author(s): Mauet and Maerowitz  
Publisher: Aspen Law & Business
Outline for Fall 2005 Semester

Week 1
Introduction and Discussion of Syllabus.
Explanation of Civil Lit Diagram and abbreviations; provide and explain pictorial representation of typical civil litigation

Week 2
Chapter 1, Introduction to Litigation; Sources of Law, the court system, the paralegal’s role, ethical considerations
End of chapter review questions

Week 3
Chapter 2, Informal Fact Gathering and Investigation; Structuring fact investigations, client interviews, exhibit acquisition, witness interviews, experts
End of chapter review questions

Week 4
Chapter 3, Case Evaluation and Strategy; attorney-client agreement terms, planning the litigation, time table estimation, prefiling requirements, intro to Chapter 8, provisional remedies
End of chapter review questions
Draft Litigation time table

Week 5
Chapter 4, Parties and Jurisdiction; Parties, Jopinder, subject matter jurisdiction, personal jurisdiction, federal and state court jurisdiction, venue, choice of law
Cases: Pennoyer v. Neff, Montana cases
End of chapter review questions
Draft Litigation witness interview checklist

Week 6
Chapter 5, Pleadings; Pleading requirements, FRCP 8, 9, 11, Elements of Complaints, FRCP 4, 5, Answers and other responsive pleadings, FRCP12, Amendments
End of chapter review questions
Draft Complaint in Civil Action

Week 7
Chapter 5 (Continued)
Draft Answer to Complaint

Week 8
Review for midterm examination
Midterm Examination
Draft Motion for Extension of Time or Motion for Continuance
Week 9
Chapter 6, Law and Motions; Motion requirements, extensions, substitutions, removal
End of chapter review questions
Review midterm examination

Week 10
Chapter 7, Motion Practice; judgment on the pleadings, summary judgment, dismissals, defaults, consolidation of trials; FRCP12, 55, 56
End of chapter review questions
Draft Motion for Default Judgment and Draft of Motion for Judgment on the Pleadings

Week 11
Chapter 8, Provisional Remedies; TRO’s, preliminary injunctions, writs of attachment, writs of possession, security interests, lis pendens
End of chapter review questions

Week 12
Chapter 9, Evidence; 3 R’s, Hearsay, exceptions to hearsay, FRE
End of chapter review questions

Week 13
Discussion Chapter 10; Interrogatories, Requests for Production of Documents and Things, Requests for Admissions, Depositions, Physical and Mental Exams, FRCP26-36

Week 14
End of chapter review questions
Draft Definitions and Instructions for Interrogatories

Week 15
Review for Final Examination

Week 16
Final Exam
GRADING

Scale:
A: 100-93%
B: 92-85%
C: 84-77%
D: 76-70%
F: below 70%

Breakdown
Exams: Count. for 90 % of final grade.
Quizzes: Quizzes may be given at any time; announced or unannounced. Some of the quizzes may be graded in class for no value. Some of the quizzes will be collected and graded for value toward final grade.
Make up quizzes may be given at the sole discretion of the instructor.
Projects: Count for 10 % of final grade. All projects are due at beginning of class. If late, automatic 50% reduction in value.

Absences: The instructor reserves the right to lower grades for excessive absences.
Extra Credit: Opportunities may arise where point credit can be given for independent projects as developed between student and instructor.
Participation: Every student is expected to participate and/or be prepared to participate in class discussions. Accordingly, class participation can positively or negatively affect the student’s grade.
Other: If any student requires special consideration for any reason, it is the responsibility of the student to contact the instructor to discuss the matter prior to any situation that might give rise to the special consideration requested.
The instructor reserves the right to alter or amend any part of this proposed outline at any time during the semester.