

Tompkins Cortland Community College
Master Course Syllabus

Course Discipline and Number: PARA 205

Year: 2023-2024

Course Title: Civil Litigation & Procedure

Credit Hours: 3

I. Course Description: The objective of this course is to develop students' understanding of the basic concepts, rules and principles (as well as some of the basic practical applications) forming the foundation of civil procedure and practice. Topics include courts, statutes of limitation, jurisdiction, venue, parties, pleading, motions, judgments, discovery, pretrial incidents, enforcement of judgments, special proceedings, and other civil topics. The primary focus is on the laws of the State of New York, which apply generally to other states; the secondary focus is on federal rules. Prerequisites: ENGL 101; C or better grade in BUAD 201, PARA 101, and PARA 130. 3 Cr. (3 Lec.) Fall semester.

II. Additional Course Information:

1. This course will be offered online only; students must have access to a reliable computer and internet.
2. This course is required for the Paralegal A.A.S. degree.
3. Students will have free access to Westlaw & Lexis online legal research tools. Use of these resources is required.

III. Student Learning Outcomes

Upon successful completion of this course, students will be able to:

1. Describe the basic procedures for filing and responding to both state and federal legal actions.
2. Read, understand, and research topics regarding federal and state civil procedure cases, statutes, and administrative law.
3. Draft civil litigation letters, pleadings and other relevant documents, using appropriate procedures and complying with required instructions with meticulous attention to detail, demonstrating competence in computer use, online research, and use of appropriate software.
4. Discuss legal problems, distinguish between relevant and irrelevant information in legal problem situations, apply legal concepts and rules to unfamiliar as well as familiar situations, communicate legal concepts and procedures in written and practical form, and critically analyze other legal information.
5. Explain and apply both lawyer and paralegal ethics rules in a civil litigation context.

IV. Tompkins Cortland General Education & SUNY Competency Goals

☒ Critical thinking (Tompkins Cortland GE Goal; SUNY Competency)

Students will read and interpret complex legal writing (legal authority) including federal and state judicial decisions, federal and state statutes and federal and state administrative law (rules and regulations). Students will be required to apply that reading in answering assignment questions, drafting documents, and applying that content in civil litigation. Students will be presented with real-life legal situations for which they will conduct research to find applicable legal authority and draft relevant documents. Students will learn various procedural and substantive aspects of civil litigation in the role of a paralegal.

☒ Social/Global Awareness

A primary premise of our legal system is fairness and due process to all, which include laws that are intended to protect and provide opportunity to a variety of American populations and cohorts. Civil litigation is the legal tool to enforce those rights. Students will access and apply the legal authority which includes civil rights laws, voting rights laws, hate crime

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laws, and the Americans with Disabilities Act (ADA) among many other statutory provisions designed to increase equity in our society.

☒ **Information Management**

Students will be required to retrieve information using Westlaw and Lexis, the proprietary, ubiquitous, online authoritative legal research tools. The class will be offered exclusively online, requiring that students master basic personal computer skills to navigate the course hosting program. They will create documents in both word processing formats and "pdf" format. While students will primarily rely on Westlaw and Lexis, students will access other non-legal resources relating to civil litigation law and procedure, both online and in "hard-copy."

☐ This course does not address either of these Tompkins Cortland or SUNY General Education Goals.

V. Essential Topics/Themes

1. Lawyer and Non-lawyer Ethical Considerations
2. Personal Jurisdiction and Parties
3. Statutes of Limitation and Commencing Actions
4. Pleadings and Responsive Pleadings
5. Motion Practice and Accelerated Judgments
6. Venue
7. Introduction to Discovery
8. Depositions and Interrogatories
9. Evidence
10. Pretrial Procedure
11. Trial
12. Judgment and Appeals
13. Enforcement of Judgments

VI. Methods of Assessment/Evaluation

Method	% Course Grade
1. Weekly assignments (typically best 11 of 14)	40-65%
2. Exams (typically best 3 of 4)	30-40%
3. Discussion Participation/ Attendance	5-10%
4. Optional Project(s): Individual or group projects as designed by the instructor	0-10%

VII. Texts – Required

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| 1. Goldman, Hughes, Sarachan. <i>Civil Litigation Process and Procedures, NY Edition</i> . 2 nd Ed., Prentice Hall, 2012. ISBN 10: 0132374595 ISBN 13: 9780132374590 (if available) |
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OR

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| 2. Goldman, Hughes, <i>Civil Litigation Process and Procedures</i> . 4 th Ed., Prentice Hall, 2018. |
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Optional

Bender, Matthew. <i>NY Redbook-2020 CPLR</i> . Latest Edition, (or other unannotated statutes)
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Editions listed are current as of date of syllabus. More recent editions may be used.

VIII. Bibliography of Supplemental Materials

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| 1. Bevans, Neal R. <i>Civil Law and Litigation for Paralegals</i> . 2 nd Ed., Wolters Kluwer, 2016. |
| 2. McCord, James W. H. & Pamela R. Tepper. <i>The Litigation Paralegal: A Systems Approach</i> . 6 th Ed., Cengage Learning, 2016. |
| 3. Maerowitz & Mauet. <i>Fundamentals of Litigation for Paralegals</i> . 10 th Ed., Walters Kluwer, 2019 |

Editions listed are current as of date of syllabus. More recent editions may be used.

IX. Other Learning Resources

Audiovisual: None specified

Electronic: Students will need access to a reliable computer with internet access
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Other: Students will need to apply for access to Westlaw and Lexis as directed by course materials; there is no additional cost to the student for this.

Attendance Policy: *To maintain good grades, regular attendance in class is necessary. Absence from class is considered a serious matter and absence never excuses a student from class work. It is the responsibility of all instructors to distribute reasonable attendance policies in writing during the first week of class. Students are required to comply with the attendance policy set by each of their instructors. Students are not penalized if they are unable to attend classes or participate in exams on particular days because of religious beliefs, in accordance with Chapter 161, Section 224-a of the Education Law of the State of New York. Students who plan to be absent from classroom activity for religious reasons should discuss the absence in advance with their instructors. See college catalog for more information.*

Services for Students with Disabilities: *It is the College's policy to provide, on an individual basis, appropriate academic adjustments for students with disabilities, which may affect their ability to fully participate in program or course activities or to meet course requirements. Students with disabilities should contact the Coordinator of Access and Equity Services, to discuss their particular need for accommodations. All course materials are available in alternate formats upon request.*

Academic Integrity: *Every student at Tompkins Cortland Community College is expected to act in an academically honest fashion in all aspects of his or her academic work: in writing papers and reports, in taking examinations, in performing laboratory experiments and reporting the results, in clinical and cooperative learning experiences, and in attending to paperwork such as registration forms.*

Any written work submitted by a student must be his or her own. If the student uses the words or ideas of someone else, he or she must cite the source by such means as a footnote. Our guiding principle is that any honest evaluation

of a student's performance must be based on that student's work. Any action taken by a student that would result in misrepresentation of someone else's work or actions as the student's own — such as cheating on a test, submitting for credit a paper written by another person, or forging an advisor's signature — is intellectually dishonest and deserving of censure.

Several degree programs offer student learning opportunities (such as internships, field work, and clinical experiences) outside the standard classroom setting. As part of the learning process, students must understand and engage in conduct that adheres to principles guiding employment within the professional workplace. These behaviors include, but are not limited to, academic integrity, accountability, reliability, respect, use of appropriate language and dress, civility, professional ethics, honesty, and trustworthiness. Disciplinary action may be initiated for inappropriate conduct occurring while participating in any course-related project or event.