

# PL-1300: CIVIL PROCEDURE

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## Cuyahoga Community College

### Viewing: PL-1300 : Civil Procedure

**Board of Trustees:**

December 2021

**Academic Term:**

Fall 2022

**Subject Code**

PL - Paralegal Studies

**Course Number:**

1300

**Title:**

Civil Procedure

**Catalog Description:**

Examine Rules of Courts which govern civil lawsuits, with emphasis on the Ohio Rules of Civil Procedure. Analyze and apply Ohio laws and rules pertaining to commencement of action, service, motion practice, and discovery issues (including rules pertaining to e-Discovery). Distinguish between federal rules, Ohio rules, and county local rules. Students begin portfolio of legal documents developed throughout program of study, including the creation of an electronic case file.

**Credit Hour(s):**

3

**Lecture Hour(s):**

3

**Lab Hour(s):**

0

**Other Hour(s):**

0

## Requisites

**Prerequisite and Corequisite**

ENG-1010 College Composition I, or ENG-101H Honors College Composition I; and PL-1001 Introduction to Paralegal Profession or concurrent enrollment.

## Outcomes

**Course Outcome(s):**

Recognize and apply appropriate jurisdiction and venue considerations to civil litigation.

**Essential Learning Outcome Mapping:**

Critical/Creative Thinking: Analyze, evaluate, and synthesize information in order to consider problems/ideas and transform them in innovative or imaginative ways.

**Objective(s):**

1. Analyze the factual nature of claims, the parties of the claim, and the appropriate rules and laws governing actions to determine the subject matter jurisdiction.
  2. Analyze the factual nature of claims, the parties of the claim, and the appropriate rules and laws governing actions to determine personal jurisdiction.
  3. Analyze the factual nature of claims, the parties of the claim, and the appropriate rules and laws governing actions to determine venue.
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**Course Outcome(s):**

Identify, track, and apply the rules of court from client intake to entry of judgment, including pre-trial, trial, post-trial procedures, and collection on a judgment.

**Essential Learning Outcome Mapping:**

Critical/Creative Thinking: Analyze, evaluate, and synthesize information in order to consider problems/ideas and transform them in innovative or imaginative ways.

**Objective(s):**

1. Create formal and informal legal documents pertaining to client intake, witness statements, and reports, from initiation of the civil action to post-trial procedures.
2. Identify and restate the sequence of events in a case from client intake to judgment entry.
3. Determine the legal options for collecting on a judgment, including garnishment, personal property liens, and real property liens.

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**Course Outcome(s):**

Apply service requirements for pleadings and motions utilizing the Ohio Rules of Civil Procedure.

**Essential Learning Outcome Mapping:**

Critical/Creative Thinking: Analyze, evaluate, and synthesize information in order to consider problems/ideas and transform them in innovative or imaginative ways.

**Objective(s):**

1. Identify the procedure for service requirements for the original complaint.
2. Identify the procedure for service requirements for all pleadings and motions subsequent to the complaint.

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**Course Outcome(s):**

Draft legal documents necessary to initiate and to respond to civil litigation, including default judgments.

**Essential Learning Outcome Mapping:**

Critical/Creative Thinking: Analyze, evaluate, and synthesize information in order to consider problems/ideas and transform them in innovative or imaginative ways.

Written Communication: Demonstrate effective written communication for an intended audience that follows genre/disciplinary conventions that reflect clarity, organization, and editing skills.

**Objective(s):**

1. Draft a complaint, answer, counterclaim, cross-claim and third-party complaint.
2. Draft instructions for service and designation forms.
3. Track the default judgment mechanism from the service of the complaint until judgment is journalized.

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**Course Outcome(s):**

Draft various discovery requests, subpoenas, and motions, applying their purpose and significance to civil litigation situations.

**Essential Learning Outcome Mapping:**

Written Communication: Demonstrate effective written communication for an intended audience that follows genre/disciplinary conventions that reflect clarity, organization, and editing skills.

**Objective(s):**

1. Draft discovery documents, including interrogatories, requests for production of documents, requests for admissions, along with supporting discovery motions, including a motion for a physical or mental examination.
2. Draft and apply the intended use, including demonstrating the use of timeframes and compliance with form requirements in the creation of motions to compel, motions for summary judgment, and other procedural motions.
3. Draft and utilize subpoenas for non-party testimony and evidence.

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**Course Outcome(s):**

Identify and apply the Ohio Rules of Civil Procedure governing amended complaints, class actions, and the form of pleadings, motions, and other legal documents.

**Essential Learning Outcome Mapping:**

Critical/Creative Thinking: Analyze, evaluate, and synthesize information in order to consider problems/ideas and transform them in innovative or imaginative ways.

**Objective(s):**

1. Draft a complaint, answer, counterclaim, cross-claim and third-party complaint.
2. Identify and apply the rules governing class actions.
3. Identify and apply the rules governing amended complaints.

**Course Outcome(s):**

Identify and apply the Ohio Rules of Civil Procedure governing discovery, including depositions, interrogatories, requests, motions, and the rules of court pertaining to e-Discovery.

**Essential Learning Outcome Mapping:**

Critical/Creative Thinking: Analyze, evaluate, and synthesize information in order to consider problems/ideas and transform them in innovative or imaginative ways.

**Objective(s):**

1. Apply the procedural requirements for electronic discovery, including rules regarding privilege, as defined by the Ohio Revised Code and the Ohio Rules of Court.
2. Identify and apply the rules governing discovery.

**Course Outcome(s):**

Create and maintain a client case file, in both manual and electronic form, containing all documents pertinent to the case.

**Objective(s):**

1. Create a sharable folder that contains all the formal and informal documents pertaining to a claim.
2. Organize and populate the case folder in the proper order for attorney productivity.

**Methods of Evaluation:**

1. Class Participation
2. Case Studies
3. In-class assignments
4. Out of class assignments
5. Portfolio
  - a. Create and maintain an orderly file in both manual and electronic form, containing a Client Intake Form, the original complaint, the answer, an additional pleading, interrogatories, production of document materials, and motions.
6. Quizzes
7. Projects
  - a. Summary of Facts Project. Student will define a civil litigation action, identifying parties, causes of action, timeframes, and location of injury.
  - b. Client Intake Form Project. Student will create a Client Intake Form which will identify jurisdiction, venue, causes of action, time frames, addresses of parties, and elements of the action.
  - c. Complaint Project. Student will create a Complaint, Instructions for Service, and Designation Form suitable for filing in Cuyahoga County, using the Ohio Rules of Civil Procedure.
  - d. Answer Project. Student will create an Answer, along with Certificate of Service, using the Ohio Rules of Civil Procedure.
  - e. Local Rules Project. Student will identify distinctions between the Ohio Rules of Civil Procedure and local county rules.
  - f. Production of Documents Project. Student will identify documents and information which must be included in a Party's initial disclosure and subsequent discovery, as defined by the Ohio Rules of Civil Procedure, along with the creation of a subpoena to obtain a document from a non-party, utilizing the Ohio Rules of Civil Procedure. Student will identify possible situations regarding privilege, use of protective orders, defenses of undue burden and expense, and the relevance rule as applied through the doctrine of proportionality.
  - g. Interrogatory Project. Student will create interrogatories for a party, including the Definition and Instructions sections, as defined by the Ohio Rules of Civil Procedure.
  - h. Motion Project. Student will create motions applicable to their civil litigation cause of action, utilizing the Ohio Rules of Civil Procedure.
8. Examinations

**Course Content Outline:**

1. The court system
  - a. Jurisdiction (Ohio & Federal Constitution)
  - b. Venue (Ohio Civil Rule 3; US Code)
  - c. The state court system
2. Civil trial preparation
  - a. Ethical considerations
    - i. Conflict of interest
    - ii. Confidentiality
    - iii. Privilege
    - iv. Unauthorized practice of law
  - b. Initiating a civil action (Fed. Rule 3; Ohio Rule 3)
    - i. Drafting complaints (Ohio Rules 7-11; Cuyahoga County Rule 8)
    - ii. Parties, capacity, and standing (Ohio Rules 7-9 & 17-25) and service of process (Ohio Rules 4-6)
    - iii. Counterclaims, cross-claims, third party claims (Ohio Rules 10-14)
    - iv. Interpleader actions, class action suits, and intervention (Ohio Rules 22-24)
  - c. Responses to a civil suit
    - i. Drafting answers (Ohio Rules 7-13)
    - ii. Defenses (Ohio Rules 7-9)
    - iii. Default judgment (Ohio Rule 55)
  - d. Incorporating writing skills in drafting
  - e. Legal interviewing techniques
3. Discovery
  - a. Purposes of discovery
  - b. Rules of discovery (Ohio Rules 26-37)
  - c. E-Discovery (Ohio Rules 26 & 34)
  - d. Interrogatories/answers (Ohio Rule 33)
  - e. Paralegal's role in depositions (Ohio Rules 26-32)
  - f. Requests for production; inspection of tangible property and lands (Ohio Rule 34)
  - g. Physical and mental examinations (Ohio Rule 35)
  - h. Requests for admission (Ohio Rule 36)
  - i. Subpoenas (Ohio Rule 45)
4. Pre-trial practice
  - a. Pre-trial motions (Ohio Rule 6, 8, & 16)
    - i. Purposes
    - ii. Structure
    - iii. Briefs, memos, affidavits
  - b. Types of pre-trial motions
    - i. Motion for procedural defects (Ohio Rule 12)
    - ii. Motion for summary judgment (Ohio Rule 56)
  - c. Pretrial conferences, stipulations, dismissals (Ohio Rule 16 & 41)
5. Trial
  - a. Trial motions
    - i. Motion for a directed verdict (Ohio Rule 50)
  - b. Post-trial motions
    - i. Judgment NOV (Ohio Rule 50)
    - ii. Motion for new trial (Ohio Rules 58-60)
6. Judgments, execution of judgment, and stays (Ohio Rules 54, 57-62)
  - a. Garnishments
  - b. Personal property liens
  - c. Real property liens

**Resources**

Kerley, Peggy. *Civil Litigation*. 8th ed. Clinton Park, NY: Delmar Cengage, 2020.

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Thomas F. Goldman and Alice Hart Hughes. *Civil Litigation Process and Procedures*. 4th ed. Pearson Publishing Company, 2019.

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James W. H. McCord. *Litigation Paralegal: A Systems Approach*. 6th ed. Cengage Learning, 2016.

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Herbert G. Feuerhake. *Basic Civil Litigation*. 4th ed. Aspen Publishing, 2011.

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**Resources Other**

Ohio State Supreme Court, Ohio Rules of Civil Procedure, <http://www.supremecourt.ohio.gov/LegalResources/Rules/civil/CivilProcedure.pdf>.

Cornell University Law School, Federal Rules of Civil Procedure, <http://www.law.cornell.edu/rules/frcp> (<http://www.law.cornell.edu/rules/frcp/>).

Ohio State Supreme Court, Ohio Rules of Appellate Procedure, <http://www.sconet.state.oh.us/LegalResources/Rules/appellate/AppellateProcedure.pdf>.

Cornell University Law School, Federal Rules of Appellate Procedure, <http://www.law.cornell.edu/rules/frap> (<http://www.law.cornell.edu/rules/frap/>).

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