

# PL-2560: ADVANCED LITIGATION

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## Cuyahoga Community College

### Viewing: PL-2560 : Advanced Litigation

**Board of Trustees:**

January 2024

**Academic Term:**

Fall 2024

**Subject Code**

PL - Paralegal Studies

**Course Number:**

2560

**Title:**

Advanced Litigation

**Catalog Description:**

Paralegal practice in preparation for civil litigation through the creation of trial notebooks. Perform the required tasks of mock litigation scenarios including drafting pleadings, subpoenas, motions through the trial preparation process in investigations and discovery. Gather, draft, organize and summarize trial documents and prepare for courtroom demonstration of litigation process.

**Credit Hour(s):**

3

**Lecture Hour(s):**

3

**Lab Hour(s):**

0

**Other Hour(s):**

0

## Requisites

**Prerequisite and Corequisite**

PL-1300 Civil Procedure, and PL-1401 Legal Research & Writing I.

## Outcomes

**Course Outcome(s):**

Identify the appropriate court for filing of various civil actions along with the creation of the proper pleadings to initiate and respond to a given civil action.

**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. Apply Ohio Rules of Civil Procedure in a litigation exercise.
2. Draft pleadings, including the amendments of pleadings.

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**Course Outcome(s):**

Synthesize and evaluate the various discovery tools provided by the Ohio Rules of Civil Procedure, creating various documents and motions associated with the discovery process in 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.

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. Apply Ohio Rules of Civil Procedure in a litigation exercise.
2. Obtain and review releases and authorizations forms.
3. Draft discovery documents.
4. Draft discovery motions.
5. Locate and prepare expert witnesses.
6. Interview clients and witnesses.
7. Organize a case file.
8. Summarize and index discovery documents, using both manual and computer techniques.

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**Course Outcome(s):**

Identify the appropriate motions and preparation in advance of a civil litigation trial.

**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. Prepare clients and witnesses for trial.
2. Prepare a trial notebook.
3. Gather, preserve, and organize evidence and legal documentation using both computer and manual techniques.
4. Prepare, introduce, and authenticate trial exhibits.
5. Prepare for voir dire.

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**Course Outcome(s):**

Identify and prepare trial and post-trial documents for the attorney and client.

**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. Use the trial notebook in trial, locating pertinent documents during witness examination.
2. Prepare jury instructions.
3. Draft direct and cross-examination questions for witnesses.
4. Draft opening statements and closing arguments.
5. Draft collection documents to enforce judgment entries.

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**Course Outcome(s):**

Utilize ethical laws and guidelines for paralegals from the start of the litigation process through the appealable order.

**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 Ohio Rules of Professional Conduct and various paralegal guidelines from national organizations throughout the civil litigation process.
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**Methods of Evaluation:**

1. Class Participation
2. Preparation of trial notebook
3. Midterm and final examination
4. Quizzes
5. Preparation of Complaint and Answer Assignment
6. Amendments to Pleadings Assignment
7. Pre-Trial Stipulations and Motions Assignment
8. Discovery Assignment
9. Preparation for trial Assignment
10. Trial Assignment
11. Performance at mock trial

**Course Content Outline:**

1. Review of civil procedure and evidence; beginning the trial notebook
2. Investigation and case evaluation
  - a. Client and witness interviewing
  - b. Researching substantive law for claims and defenses
  - c. Gathering medical, employment, tax, and other records
  - d. Preparing case summary documents
3. Preparing pleadings
  - a. Complaint
  - b. Answer, affirmative defenses, counterclaims, cross-claims
  - c. Joinder
  - d. Amendment
  - e. Service
4. Discovery
  - a. Interrogatories
  - b. Depositions
  - c. Motions, affidavits, and orders
  - d. Requests for admissions
  - e. Requests for production of documents and things
  - f. Stipulations
  - g. Requests for physical or mental examinations
  - h. Expert witnesses
  - i. Freedom of Information Act
5. Document management and control
  - a. Organizing case files
  - b. Reviewing, interpreting, and digesting discovery documents
  - c. Document summaries
  - d. Computer indexing
  - e. Authorizations and releases
6. Pre-trial conferences, settlement hearings, and ADR
7. Case review and final preparation
  - a. Pre-trial review
  - b. Subpoenas and subpoenas duces tecum
  - c. Witness preparation
  - d. Evidence preparation
  - e. Exhibit preparation
  - f. Trial notebook completion
    - i. voir dire questions
    - ii. opening statement

- iii. witness questions
  - iv. closing arguments
  - v. jury instructions
  - vi. trial brief
8. Trial
- a. Voir dire
  - b. Opening statements
  - c. Plaintiff's case
    - i. direct examination of plaintiff's witnesses
    - ii. submission of exhibits
    - iii. cross-examination by defense
    - iv. re-direct
  - d. Defendant's case
    - i. direct examination of defense witnesses
    - ii. submission of exhibits
    - iii. cross-examination by plaintiff
    - iv. re-direct
  - e. Closing arguments
  - f. Charge to the jury
  - g. Jury deliberations
  - h. Verdict (jury polling)
  - i. Judgment
  - j. Post-trial motions

## Resources

Marcy Fawcett-Delesandri. *Paralegal Litigation: Forms and Procedure*. Third ed. Aspen Law & Business, 2001.

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

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Peggy Kerley, Joanne Banker Hames, and Paul Sukys. *Civil Litigation*. Eighth ed. Cengage Learning, 2020.

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James W.H. McCord. *The Litigation Paralegal: A Systems Approach*. Seventh ed. Cengage Learning, 2023.

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M Pontrelli Maerowitz and T. Mauet. *Fundamentals of Litigation for Paralegals*. Tenth ed. Wolters Kluwer, 2019.

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## Resources Other

Ohio Rules of Civil Procedure

Ohio Rules of Evidence

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