

LEX 141 Civil Litigation

COURSE DESCRIPTION:

Prerequisites: LEX 140

Corequisites: None

This course covers advanced topics in the civil litigation process. Topics include motions, discovery, and trial and appellate procedures. Upon completion, students should be able to assist an attorney in preparing and organizing documents for trial, settlement, and post-trial practice.

Course Hours Per Week: Class, 2. Lab, 2. Semester Hours Credit, 3.

LEARNING OUTCOMES:

Upon completing requirements for this course, the student will be able to:

1. Understand the purpose of discovery and the types of discovery used in civil litigation.
2. Draft and amend pleadings, subpoenas, motions, memoranda, and discovery orders.
3. Prepare a notebook for settlement documentation, arbitration/mediation, case analysis, trial preparation, and transcripts.
4. Identify, collect, preserve and summarize physical and documentary evidence.
5. Authenticate exhibits for evidentiary use in court.
6. Attend and provide assistance to trial attorney at depositions, hearings, witness/client interviews, and trials.
7. Understand post-trial procedures and issues involved with the enforcement of judgments and appeal.

OUTLINE OF INSTRUCTION:

- I. Overview of discovery
- II. Interrogatories
 - A. The purpose of interrogatories
 - B. Answering Interrogatories
 - C. Analyzing the answer and compelling responses
- III. Depositions
 - A. The scope of depositions
 - B. Types of depositions
 - C. Preliminary tasks
 - D. Digesting depositions and other documents.
- IV. Document production and control, medical exams, and compelling discovery.
 - A. Production of documents and things and entry upon land for inspection.
 - B. Preparing documents for production of documents and things
 - C. Production procedure.
 - D. Request for physical and mental examination.
 - E. Reviewing and interpreting medical record and other technical documents.
 - F. Request for admissions under Rule 36
 - G. Objections, compelling discovery, and sanctions.
 - H. Freedom of Information Act
- V. Settlement and alternative dispute resolution
 - A. Preparing for settlement.
 - B. Role of insurance paralegal.
 - C. Preparing for pre-trial conference

- D. Settlement Conference
 - E. Settlement forms
 - i. Releases and settlement agreements
 - ii. Stipulation and order for dismissal
 - iii. Consent decree and order
 - iv. Settlement distribution statement
 - F. Alternative dispute resolutions
 - i. Arbitration
 - ii. Mediation
 - iii. Early case assessment
 - iv. Summary jury trial
 - v. Role of paralegal in alternative dispute resolution
- VI. Trial preparation and trial
- A. Introduction and trial preparation checklists
 - B. Subpoena witnesses
 - C. Jury investigation
 - D. Preparing demonstrative evidence
 - E. Trial notebook
 - F. Preparing the client and witness for trial
 - G. Additional preparations
 - H. Assistance at trial
 - i. Jury selection
 - ii. Shadow jury
 - iii. Witness control
 - iv. Documents and Exhibits
 - v. Exhibit and witness logs
 - vi. Trial notes
 - vii. Trial day review meetings
 - viii. Polling the jury
- VII. Post-trial practice and procedure
- A. Post-trial motions
 - B. Judgment and bill of costs
 - C. Enforcement of the judgment
 - i. Locating the assets of the judgment debtor
 - ii. Obtaining the assets of the judgment debtor
 - D. Appeal
 - i. Introduction to the appellate process
 - ii. Appellate procedure checklist
 - iii. Assisting in appeals

REQUIRED TEXTBOOK AND MATERIAL:

The textbook and other instructional material will be determined by the instructor.