



Civil Litigation Program Overview

BCI's Civil Litigation course contains a balanced mix of legal theory and practical legal skills designed to inform and challenge students. It addresses the skills needed to become an effective paralegal from the first contact with the client, through trial and post-judgment. Gain a deeper understanding of the litigation process, including the relevant rules and procedures, and the role a paralegal plays in a litigation trial. The e-textbook, *Fundamentals of Litigation for Paralegals* contains information on social media in litigation, recent supreme court cases and developments intertwined with the presentation of procedural rules, and realistic examples of motions, pleadings, and discovery requests. You will receive information on the legal terms of litigation, tips on drafting documents commonly used in litigation, and read about popular alternatives to litigation.

Objectives

- To describe the basic civil litigation process.
- To identify skills of a litigation paralegal and tasks performed by a litigation paralegal.
- To describe the various courts within the federal and state court systems.
- To define and identify types of jurisdiction.
- To identify the paralegal's role in the case investigation and the gathering of evidence.
- To define and describe the responses to the initial pleading.
- To outline the steps involved in drafting, serving, and amending the complaint.
- To explain the procedures for making and opposing a motion.
- To describe the paralegal's role in the discovery process.
- To compare and contrast the different types of depositions.
- To describe the advantages and disadvantages of interrogatories.
- To describe the duties a litigation paralegal might perform regarding settlement.
- To describe the litigation paralegal's function at trial.
- To explain how to draft the appellate brief.

Program Outline

Lesson 1: Introduction to Litigation and Investigating

Chapter 1: Introduction to Litigation

Chapter 2: Informal Fact Gathering and Investigation

Lesson 2: Planning the Litigation

Chapter 3: Case Evaluation and Strategy

Chapter 4: Parties and Jurisdiction

Lesson 3: Pretrial Litigation Part 1

Chapter 5: Pleadings

Chapter 6: Law and Motions

Chapter 7: Motion Practice

Chapter 8: Provisional Remedies

Lesson 4: Pretrial Litigation Part 2

Chapter 9: Evidence

Chapter 10: Discovery

Lesson 5: Settlement, Trial and Post-Trial Part 1

Chapter 11: Settlement

Chapter 12: Trial Preparation, Trial, and Appeal

Lesson 6: Settlement, Trial and Post-Trial Part 2

Chapter 13: Enforcement of Judgments

Chapter 14: Alternative Dispute Resolution

Chapter 15: Social Media in Litigation



Lesson 1

Introduction to Litigation and Investigating

Chapter 1: Provides an overview of the structure of the court system, the sources of law, the differences in the various types of litigation, and the paralegal's role in the process. Also covers ethical considerations..

Chapter 2: Covers how to conduct an initial fact investigation, where to locate witnesses, interviewing techniques, and how to prepare for and conduct a client interview.



Lesson 2

Planning the Litigation

Chapter 3: Discusses the business aspect of litigation and how the terms of the attorney-client relationship are established. Includes steps for planning the litigation and developing a litigation strategy. Prefiling requirements are discussed in addition to other prefiling matters, such as a lis pendens, attachment, and TRO.

Chapter 4: Introduces jurisdiction and venue; explains parties to an action and how to determine whether a joinder of parties and claims is necessary or permissible; provides a step-by-step breakdown of the factors for analyzing subject matter jurisdiction, personal jurisdiction and venue.



Lesson 3

Pretrial Litigation Part 1

Chapter 5: Discusses pleading in detail, including complaints, answers, counterclaims, and appropriate responses to a complaint under Rule 12 of the Federal Rules of Civil Procedure. Covers impleader, interpleader and intervention. Discusses the law with respect to each type of pleading and how to draft the various pleadings.

Chapter 6: Provides an overview of the requirements for all motions. Examines the various laws relating to motions that may be made by the parties after a complaint is filed, but before trial begins.

Chapter 7: Introduces the various types of pretrial motions, concentrating on the more common motions that paralegals are asked to draft. Discusses dismissals and default judgments, as well as the concepts of consolidation and separate trials.

Chapter 8: Covers the various provisional remedies that should be considered after the complaint is filed, but before trial. Explains the various provisional remedies that are available, and the general requirements for each.



Lesson 4

Pretrial Litigation Part 2

Chapter 9: Presents the rules of evidence as used in federal and state courts. Covers the difference between relevant and irrelevant evidence, as well as the hearsay rule and exceptions to the hearsay rule. Also examines issues that arise with respect to the competency of witnesses to testify, the impeachment of witnesses, how to authenticate documents, and when judicial notice is appropriate.

Chapter 10: Covers the different discovery devices and the rules and requirements for propounding discovery and responding to discovery. Provides an overview of the types of discovery, a discussion of the scope of discovery, and an approach for responding to the discovery. Covers discovery motions that a paralegal may be asked to draft.



Lesson 5

Settlement, Trial and Post-Trial Part 1

Chapter 11: Discusses the different types of settlement agreements, and how to draft each type of settlement. Covers each of the various types of settlement contracts, including releases, covenants not to sue, and loan receipts. Also presents a review of the evidentiary rules relating to offers of settlements, and how to enforce a settlement contract.

Chapter 12: Discusses assisting a lawyer in preparing for trial and conducting trial. Examines the purpose of pretrial conferences and how paralegals can assist in drafting a pretrial memorandum. Provides specific steps for organizing the files and trial materials, preparing witnesses and marking the trial exhibits. Discusses the general order in which a trial proceeds and discusses the paralegal's role. Also explores the appellate process.



Lesson 6

Settlement, Trial and Post-Trial Part 2

Chapter 13: Introduces the terminology used in enforcing judgments and teaches the steps to take to obtain recovery on the judgment. Covers a number of easy and inexpensive techniques that can be used to enforce against a judgment debtor. Suggests ways to obtain information about the assets of the debtor.

Chapter 14: Introduces the two primary alternatives to dispute resolution: mediation and arbitration. Focuses primarily on arbitrations administered through the American Arbitration Association (AAA).

Chapter 15: Explores the use of social media in the discovery process, as well as how to use social media to gather evidence, explaining ethical limitations. Covers a paralegal's ethical obligations, such as keeping client information confidential.

