

**CIVIL LITIGATION I**  
**LAH 210**  
**Fall 2002**  
**Wednesday 7:45 - 9:45 p.m.**

Instructor: Deborah D. Boyle, Registered Paralegal

**REQUIRED TEXTS:**

Civil Litigation (3<sup>rd</sup> Edition), Kerley, Hames and Sukys

Connecticut Rules of Court (2002)

Numerous other handouts provided in class.

**SUMMARY OF COURSE:** The purpose of this course is to introduce students to the civil litigation process. Students will learn about both federal and state procedural rules regarding case litigation. Students will also review interviewing techniques and the role of the paralegal in the interviewing process, investigative methods, evidence gathering and preservation and the drafting of documents such as complaints, motions and discovery. Prerequisite: LAH 100 – Introduction to the Legal System.

**COURSE OBJECTIVES:** Upon successful completion of this course, the student will be able to:

1. Utilize and perform research in the Federal Rules of Civil Procedure and the Connecticut Practice Book as they apply to civil litigation;
2. Demonstrate an understanding of the role of the paralegal in the civil litigation process, including the ethical obligations associated with that role;
3. Apply skills in conducting initial interviews; doing preliminary investigations; drafting motions and pleadings relating to civil litigation including pre-trial motions, discovery motions, complaints, and answers; drafting letters to obtain information; and organizing and preparing litigation files.
4. Orally present factual and legal issues related to their case files.

**COURSE OUTLINE:**

Class 1      **Litigation and the paralegal**  
Introductions; the role of the paralegal in civil litigation; overview of the stages of civil litigation and the paralegal's role at each stage.  
Assignment: Read Chapter 1

Begin forms file binder (page 25 Chapter Projects)

- Class 2      **The Courts and Jurisdiction**  
State of CT Court System vs. the Federal Court System, Jurisdiction – subject matter jurisdiction (and the need for federal issue/question to have smj in federal court), personal jurisdiction, in rem jurisdiction; Venue.  
In class: review charts of CT J.D.s and G.A.s and Federal Court circuits; review CT long-arm statute.  
Assignment: Read Chapter 2
- Class 3      **Preliminary Considerations**  
Cause of action and the elements of the tort of negligence; Statute of Limitations, tracking statute of limitations with tickler/diary systems; other preliminary matters – conflicts of interest check and fee agreements.  
In class: review of handout on the various CT Statute of Limitations and Contingency Fee Agreement.  
Assignment: Read Chapter 3
- Class 4      **Informal Fact Gathering and Investigation**  
Fact gathering – the initial client interview; gathering of relevant documents and materials, identification and interviewing of witnesses.  
In class: role play and discuss interview questions of client.  
Assignment: Read Chapter 4  
Collaborative Learning Group 1 to make presentation.  
Prepare formal interview questions for client who is seeking to retain an attorney to represent her in an automobile accident, **due Wed., Sept. 18<sup>th</sup> by 8am in Blackboard Digital Drop Box** because the assignment will be part of the class discussion.
- Class 5      **The Initial Pleadings**  
Overview of pleadings; parties to the action; the Summons and Complaint.  
In class: review sample complaints.  
Assignments: Read Chapter 5  
Collaborative Learning Group 2 to make presentation.  
Locate complaint form for dog bite case in the CT Practice Book Volume 2 (forms) located in the Butterworth Library behind the reference desk.  
Prepare summary memorandum of interview with client to include additional questions to client and create list of sources of investigation.
- Class 6      **Responses to the Initial Pleadings**  
Pleadings continued; responses to the complaint, answer and defenses, 3<sup>rd</sup> party actions; failure to appear and answer.  
In class: review sample responses.  
Assignment: Read Chapter 6  
Collaborative Learning Group 3 to make presentation.

Prepare Complaint and Summons for client – save a copy of your complaint in that you will need it for the next assignment – your graded complaint will not be returned until after your Answer is graded.

Class 7

**Motion Practice and MID TERM EXAM**

Motion practice – preparation in accordance with the CT Practice Book and short calendar.

In class: **Midterm Exam** and review handout of CT Short Calendar.

Assignment: Read Chapter 7

Prepare Appearance, Answer and Jury Claim to Complaint.

Class 8

**Motion Practice continued**

Order of pleadings; motions to dismiss; request to revise, motions to strike, motion for summary judgment.

In class: Review of sample motions and affidavits, review Case Detail from CT Judicial website.

Assignment: Read Chapter 7; locate Case Detail from CT Judicial website and bring to class for analysis and discussion (if possible, bring case you will analyze for academic express assignment).

Collaborative Learning Group 4 to make presentation.

Class 9

**Discovery; Interrogatories and Request for Production**

Overview of discovery (formal fact gathering) process and the role of the paralegal; standard interrogatories and request for production in CT; requests for non-standard discovery; service; responses; organization of responses.

In class: Review of d&p summary; medical chronology/summary.

Assignment: Read Chapters 8, 10 & 12; Prepare Motion for Default for Failure to Appear; Motion for Default for Failure to Answer and Short Calendar reclaim.

Collaborative Learning Group 5 to make presentation.

Class 10

**Discovery continued; Depositions**

Depositions, deposition digest vs. deposition summaries.

In class: Review of deposition summary; notice of deposition and subpoena.

Assignment: Read Chapter 9; hand-in CT Standard Interrogatories and Request for Production that a DEFENDANT WOULD SERVE ON THE PLAINTIFF and answer the Interrogatories only (obviously you do not have documents to attach in response to the request for production), your answers on behalf of client will be

based on the information provided to you in the fact pattern.  
Collaborative Learning Group 6 to make presentation.  
Guest Speaker: Joseph Z. Gersten, Esq. of O'Connell, Flaherty & Atmore

- Class 11      **Discovery continued; The IME – or Request for Physical and Mental Examinations and Requests for Admissions**  
Use of the IME; the paralegal's role in setting up the IME; plaintiff's objections to the IME; the use of requests for admissions; Disclosure of Expert Witnesses. In class: Review sample IME requests and sample Requests for Admission.  
Assignment: Read Chapters 11 and 13; Prepare deposition digest of deposition transcript that was provided to you.  
Collaborative Learning Group 7 to make presentation.
- Class 12      **Pre-trials and Settlements, etc.**  
Pre-trials; Settlements and closing documents required after settlements; the release.  
In class: Review demand letter from plaintiff and standard general release.  
Assignment: Read Chapter 14
- Class 13      **Trial and post trial**  
Trial preparation and the trial notebook; joint trial report; preparation of jury instructions; post trial motions and filing of appeals.  
In class: prepare trial summary sheet for case.  
Assignment: Read Chapters 15 and 16; Prepare Plaintiff's Pre-trial Memorandum based on information provided to you in the fact pattern; Hand-in forms file binder for review.  
Guest Speaker: Heidi Tibbitts of Robinson & Cole
- Class 14      **Oral Presentations on Academic Express Assignments**  
Assignment: Hand-in Academic Express Assignments.
- Final Exam

Academic Express: This is an Academic Express course requiring 7 hours to be added to the class. The 7 hours will be accomplished by each student attending a scheduled tour of the Hartford Superior Court and preparing a court file review and analysis. Additional information to be handed out in class.

Collaborative Learning Assignment: Each student will be assigned to a group of three students. Each group will be assigned one litigation topic to present on a given class night. Additional information to be handed out in class.

<b>GRADING:</b>	Class Participation/Discussion Board	10%
	Homework Assignments	20%
	Mid-Term Examination	20%
	Academic Express Assignment	15%
	Collaborative Learning Assignment	15%
	Final Examination	20%

### **INSTRUCTIONAL METHODS:**

Methods will include: brief lectures, class discussions, small group projects and presentations, role playing, videos, individual presentations, guest speakers, written assignments, internet assignments and blackboard discussions.

### **RULES OF THE COURSE:**

1. Students are expected to attend all class sessions. Please see me immediately if you cannot attend all sessions. If more than one class session is missed it will be reflected in the student's final grade.
2. Reading assignments are expected to be completed before the class meets that day. All written assignments are due at the beginning of the class and must be typed and in the proper form as described in class. Assignments turned in late, without my prior consent, will be graded down one full grade and assignments turned in more than one week late shall be graded down two full grades.
3. Students should be familiar with the honor code at Hartford College for Women and any other academic honor standards at the University. **STUDENTS MAY NOT WORK TOGETHER ON PROJECTS UNLESS SPECIFICALLY AUTHORIZED BY THE PROFESSOR.** Plagerism or other violations of the code may result in failing the course.
4. If you have any special learning needs I should be aware of, please let me know at the beginning of the course.
5. Tape recording of class sessions is permitted although guest speakers must be given the option as to whether or not they allow taping.

**Changes may be made to this syllabus at the instructor's discretion.**

