

Paralegal  Course Outlines

TITLE: Civil Procedure I
(PARA 310)

- OBJECTIVES:
1. To learn the rules of procedure in civil litigation.
 2. To study the history and development of our civil law system.
 3. To apply the theories in the rules to hypothetical cases.
 4. To prepare the students for Civil Procedure II and Personal Injury.

CREDITS: 3 semester credit hours

INSTRUCTION: Lecture; small group discussion of case problems

EVALUATION: Tests; comprehensive project applying rules

OUTLINE:

	<u>Time</u>
<p>I. Introduction and overview</p> <ul style="list-style-type: none"> A. Definitions B. History and evolution of civil procedure C. Court systems D. Outline of a civil lawsuit 	4 hours
<p>II. Jurisdiction and venue</p> <ul style="list-style-type: none"> A. Definitions B. Subject matter jurisdiction <ul style="list-style-type: none"> 1. Federal courts <ul style="list-style-type: none"> a. Diversity of citizenship b. Federal question 2. State courts C. Personal jurisdiction <ul style="list-style-type: none"> 1. State courts <ul style="list-style-type: none"> a. Plaintiff voluntary submission b. Residence or presence c. Consent d. Minimum contacts 	9 hours

	2. Federal courts	
D.	Venue	
	1. State court	
	2. Federal court	
III.	Pleadings	1 hour
	A. Purpose and general policy matters	
	B. Allowable pleadings under the rules	
IV.	Commencement of a civil lawsuit	4 hours
	A. Summons	
	B. Complaint	
	C. Service of process	
	1. Original process	
	2. Service of subsequent pleadings	
V.	Defendant's responses	6 hours
	A. Answers	
	B. Motions	
	1. Rule 12 motions	
	C. Time limitations	
	D. Optional responses	
	E. Objections and defenses	
	1. How raised—answer or motion	
	2. When raised	
	3. Effect of failure to raise them	
VI.	Amendment of pleadings	1 hour
VII.	Joinder of claims and parties	4 hours
	A. Permissive nature of joinder	
	B. Effect of improper joinder	
	C. Counterclaims	
	1. Compulsory	
	2. Permissive	
	D. Cross-claims	
VIII.	Parties to an action	2 hours
	A. Capacity to sue and be sued	
	B. Real party in interest	
	C. Necessary and indispensable parties	
	D. Intervention	
	E. Third party actions	
	F. Class actions	
IX.	Discovery	3 hours
	A. Types of discovery	

- B. Scope and purpose of discovery
 - C. Depositions
 - D. Interrogatories
 - E. Request for production of documents
 - F. Request for physical or mental examination
 - G. Requests for admissions
 - H. Controls and sanctions in discovery
- X. Disposition without trial 1 hour
- A. Settlement
 - B. Judgment on the pleadings
 - C. Default judgment
 - D. Summary judgment
- XI. The trial 3 hours
- A. Note of Issue and Certificate of Readiness
 - B. Steps in the trial
 - C. The jury
 - 1. Demand and waiver
 - 2. Selection
 - 3. Size of jury
 - 4. Challenges
 - a. For cause
 - b. Peremptory
 - D. Burden of proof at trial
 - 1. Burden of production
 - 2. Burden of persuasion
 - E. Relationship between judge and jury
 - 1. Motion for directed verdict (judgment as matter of law)
 - F. Types of verdict
 - 1. General
 - 2. Special
 - 3. General with interrogatories
- XII. Post-verdict procedures 4 hours
- A. Motion for new trial
 - B. Judgment notwithstanding the verdict (renewal of motion for judgment as matter of law)
 - C. Motion for amended findings
 - D. Motion for relief from judgment under Rule 60 (b)
 - E. Appeals
 - 1. Notice of Appeal
 - 2. Designation and transmission of the record on appeal
 - 3. Briefs
 - 4. Appellate court's options

5. Scope of review

XIII. Res judicata and collateral estoppel

3 hours