

Online Instructor's Manual with Testbank
for

CIVIL LITIGATION
Process and Procedures

Fourth Edition

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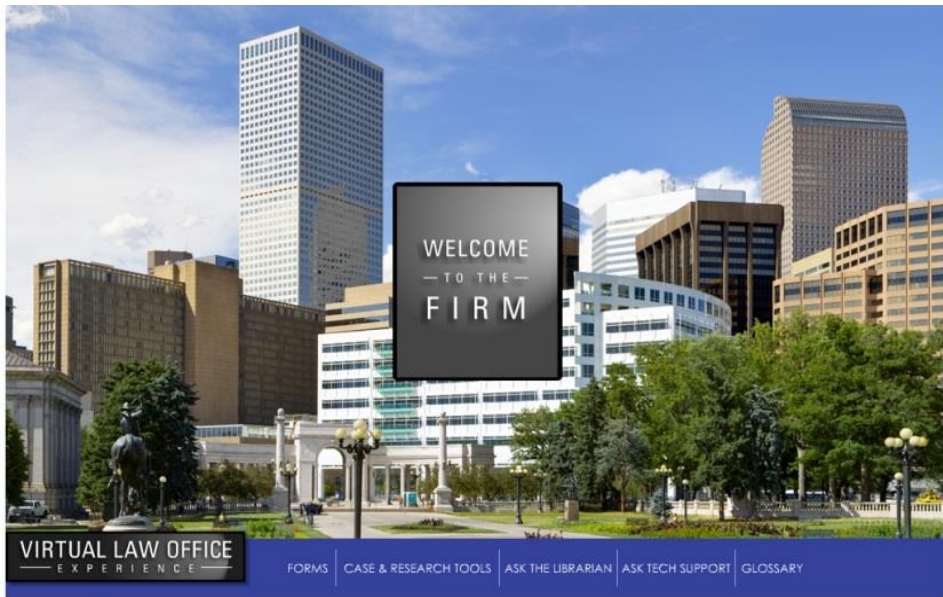
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OVERVIEW OF THE VIRTUAL LAW OFFICE EXPERIENCE



A MESSAGE TO FACULTY

My creative team of paralegals, lawyers, and paralegal educators has created a series of real-life law office scenarios based upon our years of practice working with clients and trying cases.

Each of the scenarios follows a client's case from the initial interview with the supervising attorney through completion of the tasks necessary to assist a client in resolving their legal issues. The paralegal intern is invited to sit in on the initial client interviews and attend various meetings with the attorney, with opposing counsel, and in chambers with the trial judges. Where appropriate, the intern is also present in court as the attorneys present their cases in opening statements, direct and cross examination, and closing arguments. In these videos, we have tried to take some of the mystery out of what goes on behind the closed doors of lawyers' offices, law firm conference rooms, and judges' chambers.

In creating these scenarios, we have called upon our collective experiences, as well as reported cases from around the country. This method offers the intern a level of realism not otherwise obtainable in a virtual learning environment. Contemporary Internet resources may also be used to search out information about the locations, as might be assigned in an actual law office environment.

Unlike the real world, where the paralegal would not have an opportunity to see both sides of the case, we allow the intern to observe the case from the opposing side to better understand how each side may address the issues in the case. Since attorneys and paralegals normally may not represent parties on both sides of a dispute, cautionary instructions about conflicts of interest are provided.

It is hoped that these realistic, real-world scenarios and assignments will give the student who is unable to complete a formal paralegal internship in a bricks-and-mortar office exposure to some of the same learning experiences. Students have the opportunity to create a comprehensive portfolio of documents frequently used in civil litigation. Emphasis is placed on the preparation of

documents and pleadings, with the goal of creating a portfolio that will demonstrate the student's knowledge and skills, and help them secure employment in the paralegal field.

The virtual law office also includes realistic materials that students can use to create their portfolio documents. Videotaped depositions are provided with written transcripts for students to make deposition digests or summaries. Images and video simulations are also provided for use in preparing PowerPoint and trial presentations using extended demo versions of software actually used by law firms around the country.

The Virtual Law Office Experience (VLOE) may be used in-class, as part of a hybrid course, or completely online. Individual modules are linked to chapters of the related text, which may be selected for assignment.

Thomas F. Goldman, Esquire
Creator and Executive Producer
The Virtual Law Office Experience

TEACHING OPTIONS

The VLOE has been designed to be flexible to meet different teaching styles. It may be used as a primary tool, a supplement, or a combination of both.

IN-CLASS OPTIONS:

1. Assign the complete module for use outside of class. Evaluation is based on the written submission.
2. Assign the reading related to the pre-video assignment for completion outside of class. Then view the video in class with a follow-up discussion. The student can then prepare the written submission as an out-of-class assignment.
3. Use the videos as a guide for in-class role playing by students. First, discuss the core concept to give the students an understanding of the nature of the client's issue. Then, ask them to use a case they have been involved with as the fact pattern. Students may take turns playing the role of lawyer or paralegal to demonstrate their interviewing skills. Alternatively, assign the reading of one of the National Transportation Safety Board (NTSB) cases. Use the case as the script for role-playing and document drafting. Additional National Transportation Safety Board case studies are available on the Technology Resources web site at http://media.pearsoncmg.com/ph/chet/chet_goldman_techresources_2/pages/index.html

HYBRID COURSE OPTIONS:

1. Assign specific modules as supplemental after-class assignments to assess each student's ability to apply the related course content.
2. Use the videos as the focal point for class discussion of legal concepts, skills, or local practice and procedure.
3. Use the case facts and video as a guide to in-class role playing.

ONLINE COURSE OPTIONS:

The VLOE is a part of a complete learning experience. The modules are coordinated with related chapters in the text.

The VLOE modules may then be used to demonstrate the ability to apply the underlying concepts in the real world. Written assignments may be used as part of the student's portfolio of work, and as a means to assess their learning.

“HOW TO SUCCEED” VIDEOS

Students are provided with a set of “how to succeed” videos on various topics to help orient them to the Virtual Law Office Experience.

These include:

- How to Succeed in Your Virtual Law Office
- How to Create a Portfolio Binder
- How to Create Individual Case Files
- How to Use the Ask the Law Librarian Videos
- How to Use the Forms and Case Resource Files
- How to Use Ask Tech Support and the Legal Software Video Tutorials
- How to Locate and Use Local Court Rules

PEDAGOGY AND FEATURES

STUDENT ORIENTATION

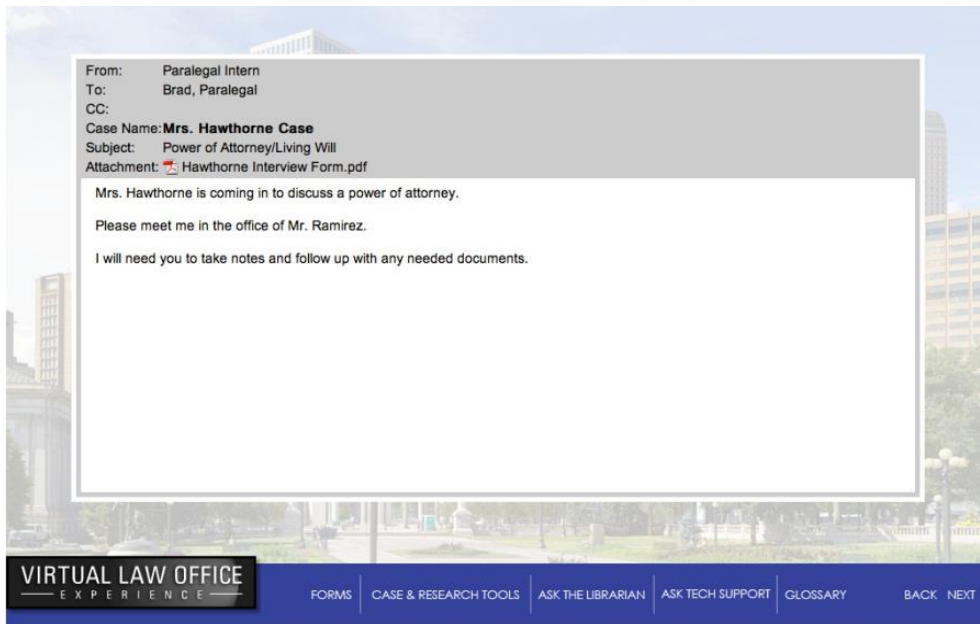
Students are initially welcomed to the law firm by the supervising attorney to whom they will be reporting. The orientation includes a brief discussion of the nature of the practice and some of the issues involved, including a brief discussion of ethical obligations.

Students are then introduced to certain law office responsibilities, such as preparing a personal calendar and maintaining time records of their activities using actual law office software.

Detailed instructions are provided for the student to access the law office software and install it on their personal computers. Additional tutorials are provided on the use of the applications to avoid spending valuable class time on instructor-led training.

NOTE: You may ask students to keep detailed time records to document that they have spent the required time on task as part of their internship or practicum. A link to software for time keeping such a Clio is available on the Goldman Resources Online website.

LEARNING MODULES



Assignments in each chapter are provided in the form of an email from the supervising attorney. Basic forms, documents, and cases are provided on-line in the VLOE, when necessary.



Where appropriate, students will be asked to view a video as if they were a participant in a meeting or court proceeding.

ASSIGNMENT REVIEW

ASSIGNMENT INSTRUCTIONS:

1. Open a client file in the office management system (AbacusLaw) and enter client information.
2. Research any statutes in your state on the use of power of attorney, living wills, and springing powers of attorney. Does the statute provide any particular required or suggested forms?
3. Prepare a fee agreement for client (my rate is \$200/hour).
4. Prepare a power of attorney.
5. Prepare a living will.
6. Prepare a letter for my signature, enclosing the documents prepared for the client, explaining the purposes of a complete power of attorney, and the purposes of a living will.

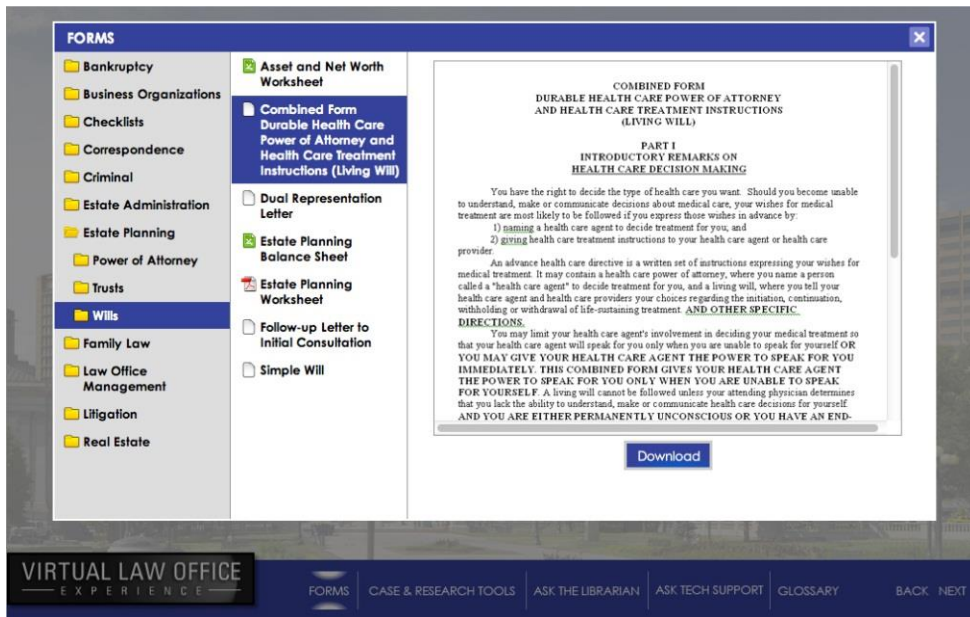
UPLOAD TO SUBMISSIONS OR AS DIRECTED BY YOUR INSTRUCTOR:

1. Fee agreement
2. Power of attorney
3. Living will
4. Letter enclosing documents and explaining purposes of power of attorney and living will

Assignments and submissions are repeated to clarify them.

SUPPLEMENTAL MATERIALS

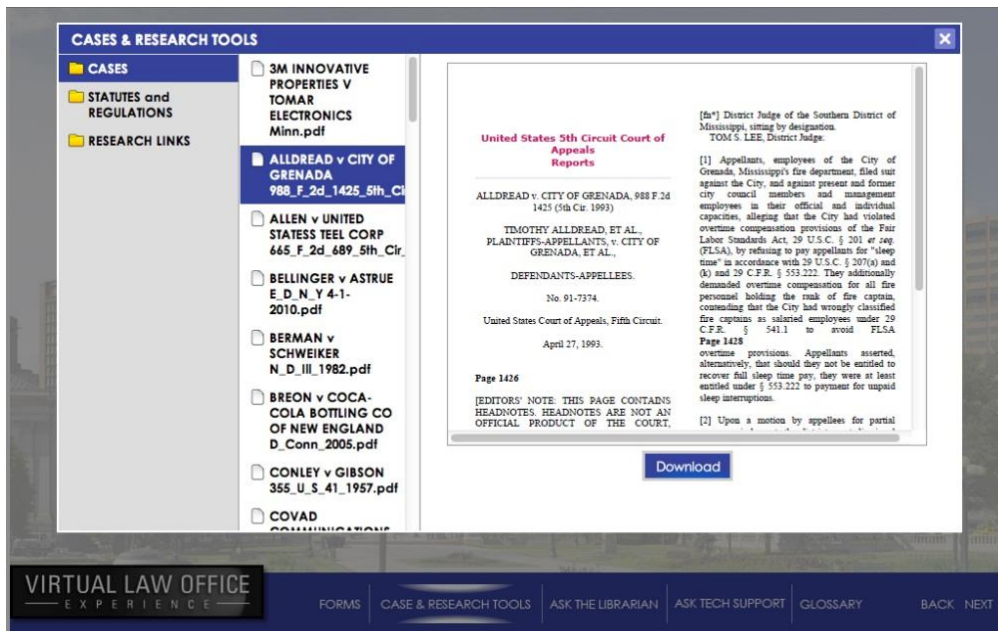
FORMS



A comprehensive collection of sample forms is provided in each subject area to use as guides and templates. Some state-specific forms are also provided, where available.

NOTE: Students are asked to identify the appropriate form within the FORMS feature as a means of demonstrating their ability to apply the facts to the applicable assignment.

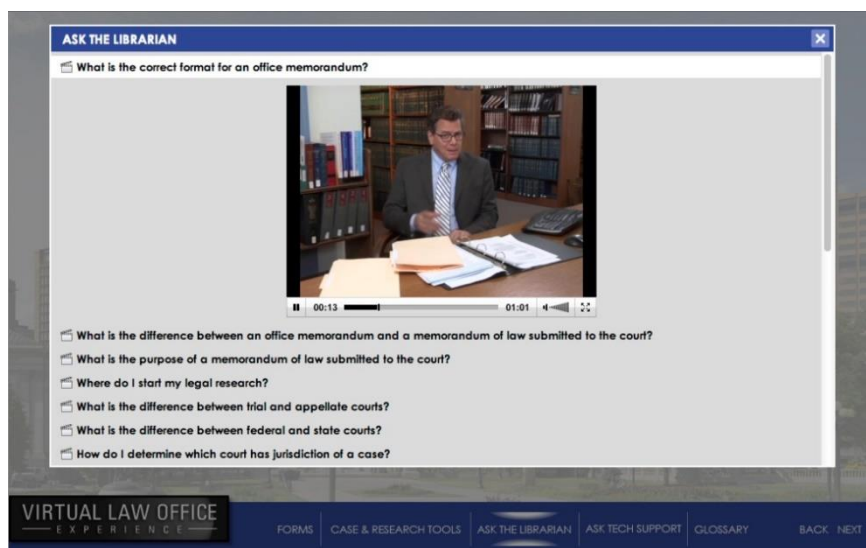
CASES AND RESOURCES



A collection of appropriate federal and state cases are provided as research tools for completion of assignments, where required.

NOTE: One of the learning goals is for students to update cases and statutes before making a presentation or submission. The timeliness of their citations may be a factor in determining their final grade.

ASK THE LIBRARIAN



A series of individual videos provide answers to questions frequently asked of law librarians, such as how to format assignments, or how to locate relevant material and updates. The following videos are provided to respond to questions frequently asked of librarians:

1. Setup for an Office Memorandum.
2. Difference Between an Office Memorandum and Memoranda of Law Submitted to the Court
3. Memorandum of Law Submitted to the Court
4. How to Start Legal Research
5. Difference Between Trial and Appellate Courts
6. Difference Between Federal and State Courts
7. Determining Which Court Has Jurisdiction
8. Types of Authority Used to Support Client's Legal Position
9. Conducting Legal Research Without a Fee-Based Research Service
10. Difference Between Primary and Secondary Sources
11. When Secondary Authority May Be Used
12. Breaking Law into its Elements
13. Finding Proper Citation Format
14. Why Legal Encyclopedias Cannot Be Used to Prepare a Memorandum Of Law
15. Creating a List Of Words and Phrases to Construct a Search Query
16. Pocket Parts
17. Difference Between Annotated and Un-annotated
18. Using Headnotes to Write Legal Memoranda
19. Relationship Between the United State Code and the Code Of Federal Regulations
20. Memorandum IRAC Format
21. Updating Cited Material in Legal Writing
22. Can a Paralegal Sign Letters?
23. Format for Interview Notes
24. Forms for Drafting an Advanced Directive Document
25. Rules About Unauthorized Practice of Law

TECHNICAL RESOURCES

GoldmanResourcesOnline

Demo Software Resources	Multimedia Software Tutorials	Student Resources
<p>DO NOT DOWNLOAD ANY SOFTWARE UNTIL DIRECTED BY YOUR INSTRUCTOR.</p> <p>AbacusLaw Office and Case Management Software</p> <p>Tab3 Office and Case Management Software</p> <p>LexisNexis LexisNexis CaseMap 10</p> <p>LexisNexis LexisNexis CaseMap 11</p> <p>LexisNexis LexisNexis TimeMap</p> <p>LexisNexis Concordance</p> <p>sanction Trial Presentation Software</p> <p>SmartDraw Visual Presentation Software</p> <p>TrialDirector Trial Presentation Program</p> <p>CaseMap E-discovery document analysis software</p> <p>HotDocs Document Assembly Software</p> <p>WordPerfect Word Perfect Table of Authorities Creator</p> <p>Microsoft Microsoft Office Suite</p> <p>WinZip Zip Utility Software</p> <p>WinZip Courier Email Compression and Encryption Software</p> <p>NUANCE Power PDF</p> <p>NUANCE PaperPort Professional</p> <p>LawToolBox Case Management Software</p> <p>Clio Case Management Software</p> <p><small>* This site contains some links to pages that are not owned or maintained by Pearson. We cannot take responsibility for any content issues or broken links on these pages.</small></p>	<p>AbacusLaw Download and Install Setting User Preferences Verifying Your Information Adding Contacts Adding Events</p> <p>Tab3 Using Tab3 Clients & Contacts Transaction Billing Statements</p> <p>LexisNexis Case Map TimeMap Sanction</p> <p>To download the free Cisco Webex Viewer to watch these webinars click here.</p> <p>Webinar Categories: Introductory and Basic Training Introductory and Basic Training What's New Product Overviews Advanced Topics Adobe Acrobat and CaseMap CaseMap for LNCs Integration & "Send to CaseMap" Webinars Litigation Best Practices</p> <p>CaseMap Exercises Standalone Exercises for Concordance Video of Clustering</p> <p>SmartDraw Printable SmartDraw Tutorial</p> <p>LawToolBox Setup Free Trial Support Manual Setup Cases Generic Matters Share Cases Using Forms</p> <p>WordPerfect Word Perfect Office Tutorials</p> <p>NUANCE Videos</p> <p>Using Intake Forms Time Charges Time Reports Time Tickets Backing Up AbacusLaw</p> <p>Tab3 Reports Integration</p> <p>Sanction Case Map TimeMap Sanction Printable Sanction Tutorial Sanction Demo Files</p> <p>CaseMap Video of Visualization Video of Predictive Coding</p> <p>Printable SmartDraw PDF</p> <p>Getting Started Logging On Editing Deadlines View Reports Reminders</p>	<p>Software Overview Videos Authors Video Introduction to Office Management Authors Video Introduction to Case Management Authors Video Introduction to Graphic and Presentation Software How to Succeed in Your Paralegal Studies How to Create a Portfolio Binder How to Locate and Use Local Court Rules</p> <p>Tutorials Printable SmartDraw Tutorial Printable Spreadsheet Tutorial Printable PowerPoint Tutorial Download Word Tutorial Download Compare Documents 1 Download Compare Documents 2</p> <p>Case Study Materials: NTSB Case Reports Mountainburg Arkansas School Bus - Truck Central Bridge, N.Y. School bus dump truck Illinois Semi-Tractor trailers and passenger vehicle Arlington Virginia School bus trash truck</p> <p>Note: opening files in a compressed file format requires that you have an unzip program such as WinZip installed on your computer.</p> <p>Instructor Resources Download Software Availability Information Teaching with Technology Video Part 1 Teaching with Technology Video Part 2 Download Federal Rules of Civil Procedure Updates (2015)</p> <p>Books by Thomas F. Goldman The Paralegal Professional, 5e (NEW EDITION AVAILABLE) The Paralegal Professional: The Essentials, 5e (NEW EDITION AVAILABLE) Technology in the Law Office, 4e Civil Litigation: Process and Procedures, 3e Litigation Practice: E-Discovery and Technology, 1e Real Estate Law Fundamentals, 1e AbacusLaw: Hands-On Tutorial and Guide, 1e</p>

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Access is provided to extended demonstration versions of software used in actual legal practice. This software may be used by students to complete assignments.

NOTE: Video and print tutorials are provided for the most commonly used software to enable students to proceed on their own without the need for class instruction or training.

PORTFOLIO OVERVIEW

Students should understand the value of the portfolio in the employment interview process. The portfolio should be emphasized as an important method of demonstrating their knowledge of the course objectives. The portfolio may consist of the students' own work, as well as a collection of useful forms, procedures, and other information they will use in the actual working environment.

In addition to electronic copies kept on removable storage media, students may also keep printed copies of the portfolio items organized in a three-ring binder. This binder may be shown to prospective employers during the interview process. Documents may be set up under individual tabs or folders for each chapter or case, with sub-tabs or sub-folders for specific items such as forms, procedures, policy guidelines, and other resources.

A video, How to Create a Portfolio Binder, is available on the Technology Resources web site at http://media.pearsoncmg.com/ph/chet/chet_goldman_techresources_2/pages/index.html

Suggest the following tabs for the three ring binders (and folders for computer files):

- CIVIL LITIGATION
- CONTRACT LAW
- CRIMINAL LAW
- FAMILY LAW
- LEGAL RESEARCH AND WRITING
- PARALEGAL PROFESSIONAL
- REAL ESTATE LAW
- TECHNOLOGY IN LAW OFFICE
- TORT LAW
- WILLS, TRUSTS & ESTATES
- TIME RECORDS

Within each of the above subject areas, suggest the following sub-tabs and sub-folders:

- Client Files
- Communications
- Documents and Forms
- Memoranda of Law
- Miscellaneous
- Pleadings
- Policies and Procedures
- Fee Agreements
- Cover Letters

BUILDING YOUR PROFESSIONAL PORTFOLIO

(Reproduced from Civil Litigation: Process and Procedures, Fourth Edition, by Thomas F. Goldman, Esq. and Alice Hart Hughes, Esq.)

Over time, experienced members of the litigation team accumulate reference information; policy issues, like password policies; forms, like checklists for filing pleadings; procedural issues, like statute of limitation information; and contacts, like the phone numbers of the technology support person in the local

courthouse. Many also add samples of pleadings and sample letters that can be used as references in the future.

The Building Your Professional Portfolio Exercises are designed to help you create your own personal law office and litigation practice reference manual. The main heading: POLICY, FORMS, PROCEDURES, and CONTACTS AND RESOURCES are starting points. You may wish to further subdivide these by area of law or alphabetically to make finding a desired item easier. There are many different formats for the contents themselves. Policy statements may be in the form of formal or informal memos, and they may follow a specified format used by an organization. Forms may follow court requirements, or they may be a checklist of your own design. Contacts and resources may use the format of address books, computerized contact formats, or preprinted forms. Additional formats for templates of memos and contacts may be downloaded from the samples provided in computerized office suites such as Microsoft Office or Corel WordPerfect.

Initially, set up a binder with a tab for each general category:

POLICY
FORMS
PROCEDURES
CONTACTS AND RESOURCES

You may also want to set up an electronic file folder entitled PORTFOLIO, with subfolders for the tab categories, on your computer or a removable storage device. For example:

Portfolio

- Policy
- Forms
- Procedures
- Contacts and Resources

Most chapters suggest items to add to your portfolio. Add additional items that you may want to have for future reference.

Creating the Portfolio

Information included in the portfolio will come from a variety of sources, such as the Internet, library reference materials, and textbooks. One of the most widely used sources of information today is the Internet. In some cases, the same website may be a source of information on a number of topics; for example, the American Bar Association website, www.abanet.org, contains a copy of the model rules of professional responsibility and links to individual state legal resources. The website of the Cornell University Law School, www.LII.edu, has online copies of cases, rules, and legal reference material. An invaluable part of any portfolio is a current list of websites that provide necessary information. Be sure to add these Internet addresses (URL) to your list of favorites or bookmarks on your computer and to keep a current list with you when your personal computer is not available. When you copy material from the Internet, always include the source in the same document and in your portfolio.

This way, you can refer back to it when you want to update or confirm the information, such as when your colleague or a judge asks, “Where did you get that information?”

Your learning objective in doing the portfolio exercises in each chapter is to give you real world experience finding information frequently needed in litigation. With practice, the ability to locate desired information and complete assigned tasks becomes easier, helping you become the “go to person” that everyone relies on for answering legal questions.

When completing the assignments, use the text as your guide and starting point, but do not limit yourself to a single source. Think outside the box.

Policy

A policy is a set of guidelines; they may be voluntary or mandatory, formal or informal, such as everyone is asked to cover their coffee cup when walking in the halls; or, no one may bring any food or drinks into the courtroom.

Forms

Forms may include helpful checklists for completing tasks or for obtaining information, such as a new client interview form or a checklist to obtain documents needed to open the new case. They also may be a mandated form required to file documents, such as a new case coversheet required to file a complaint in federal or state court.

Procedures

Procedures are the required methods of completing tasks. Procedures include the required time frames for taking action, such as the procedural time limits within which to file an appeal, as well as the required documentation required to file an appeal.

Contacts and Resources

Contacts and resources include everyone you will or may need to contact during any phase of the processing of a case, such as obtaining a client, setting up the case, investigating the facts, and trying the case in court.

GRADING RUBRIC

The following is offered as a guide or template for the development of a grading system for the course, and for individual assignments. Each instructor may use different values for the individual elements of each portfolio assignment, depending on the instructor's teaching style and the content of the course and assignments. Some values may be less important at the beginning of the semester, but become more important as the semester proceeds and the skills of the student improve.

Grading	The student's final grade will be determined using the following criteria:											
	Class Participation:									___%		
	Project:									___%		
	Written Assignments (each):									___%		
	Quizzes:									___%		
	Midterm Examination:									___%		
	Final Examination:									___%		
	Other (use as required):									___%		
									Total: 100%			
Grade Scale	A=91-100 B=82-90 C=75-81 D=70-64 F=<70											
PORTFOLIO	Value per item	#1.1	#2.1	#3.1	#4.1	#5.1	#6.1	#7.1	#8.1	#9.1	#10.1	#11.1
Submitted On Time	___%											
Analysis of Facts	___%											
Research Skill: Applicable Case(s)	___%											
Research Skill: Applicable Statute(s)	___%											
Research Skill: Applicable Regulation(s)	___%											
Research Skill: Applicable Court Rule(s)	___%											
Legal Writing-Citation Format	___%											

Legal Writing-Spelling	__%											
Legal Writing-Grammar	__%											
Legal Writing-Citation Format	__%											
Computer Skill: Word Processing	__%											
Computer Skill: Word, Special Features	__%											
Computer Skill: Spreadsheets	__%											
Computer Skill: Word, Presentation	__%											
Organization and Presentation	__%											
Other	__%											
TOTAL	100%											

STUDENT PORTFOLIO ITEMS CREATED IN THE COURSE

CHAPTER 1	The Paralegal in Civil Litigation
	Table of Contents for operations manual for small law firm.
CHAPTER 2	Ethics and Professional Responsibility
	<ol style="list-style-type: none"> 1. Talking points issues on the law in the student's home state on UPL, including penalties, citations, cases, and ethical opinions. 2. Attorney client privilege obligation.
CHAPTER 3	Litigation Management and Technology
	<ol style="list-style-type: none"> 1. Summary of interview for the case file 2. Litigation timeline, assuming the suit is filed in federal court and in our local court 3. Memo regarding local court rules on permissible contingent fees in cases involving minors 4. Fee agreement and cover letter
CHAPTER 4	The Court System, Settlement, and Alternative Dispute Resolution
	<ol style="list-style-type: none"> 1. File memo identifying the potential jurisdictions. 2. Office memo on use of criminal convictions as proof of negligence. 3. Stipulation to admit exhibits, photographs and videos.
CHAPTER 5	Causes of Actions and Litigation Strategies
	<ol style="list-style-type: none"> 1. File memorandum of the meeting.
	<ol style="list-style-type: none"> 1. Office memo detailing the procedure we need to follow in an AAA arbitration 2. Completed forms necessary to proceed with this case before the AAA 3. Office memo describing the other methods of alternative dispute resolution in your jurisdiction
CHAPTER 6	Evidence
	Office memo on meet and confer meeting of attorneys.
CHAPTER 7	Interviews and Investigation in Civil Litigation
	<ol style="list-style-type: none"> 1. Complete summary of interview 2. List of additional investigation and information that is necessary 3. A time summary report of your activity
	<ol style="list-style-type: none"> 1. Complete summary of client interview 2. Memo listing additional investigation and information that is necessary 3. A time summary report of your activity
	Memo on propriety of paying a fact witness
CHAPTER 8	Pleadings: Complaint, Summons, and Service
	<ol style="list-style-type: none"> 1. Complaint 2. Summons, if required in your jurisdiction 3. Notice of service 4. Notice to defend 5. Waiver of service
CHAPTER 9	
	<ol style="list-style-type: none"> 1. Motion to compel 2. Suggested order for the judge to sign 3. Cover letter to opposing counsel 4. Summary of motion court hearing
	<ol style="list-style-type: none"> 1. Motion to extend time to respond 2. Proposed order granting time to respond 3. Notice of motion to opposing party 4. Transmittal letter to opposing counsel
	<ol style="list-style-type: none"> 1. Motion for sanctions

	2. Trial brief in support of motion for sanctions
CHAPTER 10	Pleadings: Responses to Complaint
	1. Answer to the complaint 2. Acceptance of service 3. Letter of representation, including a notice of retention by the insurance company and explanation of right to secure personal representation
CHAPTER 11	Introduction to Discovery
	1. Case timeline with deadlines 2. Federal report to judge of meet and confer 3. Litigation hold letters to opposing counsel 4. List of follow-up items from the meet and confer
CHAPTER 12	Issues in Electronic Discovery
	1. A list of potential sources of the ESI 2. A set of potential search queries to discover the ESI that we can take to the next meet and confer 3. Draft letter to client regarding who should attend the next meet and confer 4. Office memo on the court rules and case law on spoliation of evidence 5. Litigation hold letters to the brake manufacturing company and the trucking company
CHAPTER 13	Interrogatories and Requests for Production
	Interrogatories addressed to the defendant truck driver
	1. Office memo on the ethical duty to provide negative information to opposing counsel 2. Office memo on the duty to answer interrogatories completely
	Trial brief in support of motion to exclude evidence of criminal conviction at trial
CHAPTER 14	Depositions
	1. Notice of deposition 2. Deposition subpoena for Natalie Smith 3. Deposition summary
	1. Deposition digest for the expert witness 2. Deposition digest for the treating physician
	1. Memorandum on the use of a fact witness as an expert on causation 2. Memorandum on qualifications necessary to be accepted as an expert 3. Motion to exclude use of Dr. Lee's testimony as an expert witness 4. Brief in support of excluding the testimony of a fact witness as an expert witness
CHAPTER 15	Other Forms of Discovery
	1. Request for admissions addressed to the trucking company 2. Request for admissions addressed to the brake manufacturing company
	Memo providing summary of meeting with judge on motion to exclude the use of Dr. Lee's testimony as an expert witness
CHAPTER 16	Trial Preparation: Postdiscovery to Pretrial
	1. Office memo regarding the requirements to obtain punitive damages 2. Office memo on allowable attorney's fees in a contingent fee case involving a minor
	1. Summary of the pretrial conference 2. Pretrial memorandum 3. Memorandum of law on admissibility of graphic photos of injured children 4. List of questions for witnesses to be used at trial
	Talking points memo for client and witness preparation

	<ol style="list-style-type: none"> 1. Forms to have the Wilkenson case listed for arbitration 2. Notices of arbitration for opposing counsel 3. Exhibits for arbitration and stipulation for presentation of exhibits. 4. Memo providing summary of arbitration hearing
CHAPTER 17	Trial
	<ol style="list-style-type: none"> 1. Notes on the responses to <i>voir dire</i> 2. Notes on preliminary instructions 3. Notes of the salesman's testimony 4. Notes of the other witness's testimony 5. Notes on the judge's instructions
	Notes on the closing argument
CHAPTER 18	Electronic Courtroom and Trial Presentation
	PowerPoint presentation for use in the opening statement and closing argument at trial
CHAPTER 19	Posttrial Procedures
	<ol style="list-style-type: none"> 1. Notice of appeal 2. Timeline for appeal and documentation required by the appellate court
	Memo providing notes on appellate argument
CHAPTER 20	Enforcement of Judgments
	Letter opinion to client on setting aside the corporation limitation of liability (piercing the corporate veil), and using personal assets of shareholders to satisfy a corporate liability
	Memo on the rules for collecting a judgment against a corporation, its assets, and the assets of its owners.
	<ol style="list-style-type: none"> 1. Entry of judgment and related forms 2. Office memo on renewing judgments
OPTIONAL If time keeping assigned	<ol style="list-style-type: none"> 1. Activity showing total cumulative hours 2. Separate billing summaries for each matter.

CHAPTER ASSIGNMENTS AND TEACHING NOTES

Chapter One – The Paralegal in Civil Litigation

I. Professor to Professor Notes

The chapter orients the student to the “specialty” of litigation paralegal by:

1. Describing the role of the paralegal in civil litigation;
2. Introducing the skills needed to perform as a successful litigation paralegal.
3. Examining the tasks of the paralegal in the litigation process.

The challenge of a litigation course is to describe both the substantive and procedural aspects of trial while providing the student a view of their future role; a member of the legal team, typically in a law firm that earns money. Whether working for the plaintiff or defendant, in a small or large firm, the litigation paralegal’s role will include some constants, as well as many variables. We try to identify those aspects of litigation, which are universal, and explore some variants, as well. An important and often neglected concept is the level of professionalism expected in the legal environment.

II. How to use the Virtual Law Office Experience (VLOE) in this Chapter

This chapter includes two videos which are designed to stimulate discussion about skills, technology and ethics in the law office. Although there is no portfolio document for this chapter two important points are made by the videos:

1. The supervising attorney welcomes the paralegal intern and briefly discusses skills and technology. Use this video to open a discussion about skills the student has and those which most be acquired and/or enhanced for the law office.
2. The video discusses the benefit to the student of seeing both sides of a particular representation and the conflict of interest that would arise in the “real world.” Use this video to introduce the over arching requirements of ethics for members of the legal team.

III. Chapter One Learning Objectives

After studying this chapter, the student should be able to:

1. Describe the role of the paralegal in civil litigation.
2. List and describe necessary skills for a litigation paralegal.
3. List and describe the tasks performed by the civil litigation paralegal.

IV. Chapter One Summary

<p>VIDEO INTRODUCTION</p>	<p>THE PARALEGAL IN CIVIL LITIGATION CHAPTER 1 INTRODUCTION VIDEO (SCRIPT)</p> <p>Civil litigation involves disputes between parties seeking a remedy for a civil wrong or to enforce a contract. It is different from criminal prosecutions where the government enforces a law or brings a prosecution for the breach of a law. Civil Litigation is a process that requires the assembly of information and evidence, analysis of facts and law, preparation of material for trial presentation and where necessary, appeals, and execution on judgments. The civil litigation team includes paralegals, support staff, investigators and information technologists. While only lawyers admitted to practice may appear in court on behalf of clients in civil litigation, paralegals play an important role as the face of the legal team, as the person who has the most direct contact with the client. Working under the supervision and control of a supervising attorney, paralegals assist in every aspect of the file, including initial client screening, investigation, trial preparation, and presentation.</p>	<p>PRE-CHAPTER REVIEW</p> <p>Based on your students' current level of knowledge:</p> <ol style="list-style-type: none"> 1. What does a litigation team include? 2. What are typical duties of the litigation paralegal? 3. What are the major functions of a law office? 4. How would these functions differ from any other type of office?
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<p>INTRODUCTION TO CIVIL LITIGATION</p>	<p>Civil litigation involves real disputes between parties seeking a remedy for a civil wrong or to enforce a contract</p>
<p>THE ROLE OF THE PARALEGAL IN CIVIL LITIGATION</p>	<p>Civil litigation is a process that requires the assembly of information and evidence, analysis of facts and law, preparation of material for trial presentation, post trial appeals and execution judgments.</p>

	<p>Maintaining positive client relationships is a critical area of the practice of law.</p> <p>The paralegal is a member of a legal team comprised of lawyers, who supervise the team, which may be made up of law firm partners, associates, and legal support staff.</p> <p>Corporate paralegals typically serve in a supervisory role coordinating between in-house counsel and litigation counsel.</p> <p>The increased use of technology has led to the paralegal serving as a litigation support manager, coordinating and facilitating the technology needs of the legal team.</p>
SKILLS OF THE PARALEGAL	<p>Skills needed by a paralegal are varied and depend on the nature of the legal specialty. Skills common to all paralegals include resourcefulness, commitment, analytical skills, interpersonal skills, communication skills, professionalism, human relations skills, and soft skills.</p>
TASKS OF THE CIVIL LITIGATION PARALEGAL	<p>Civil litigation paralegals may be called upon to perform many tasks, including interviewing clients and witnesses, investigating facts, organizing and managing case files, drafting pleadings and other documents, and assisting at trial. Administrative tasks include conflict checking, time keeping, keeping calendars up to date, and organizing/managing case files.</p>

V. PowerPoints Available

TITLE	
1. Ch 1 – The Paralegal in Civil Litigation	16. Interpersonal Skills
2. LO 1 - The Role of the Paralegal	17. Creating an Impression
3. Introduction	18. Communication Skills
4. The Role of the Paralegal	19. Professionalism
5. Managing Client Relationships	20. LO 3 – Tasks of a Paralegal

6. Members of the Legal Team	21. Tasks of the Civil Litigation Paralegal
7. Members of the Legal Team – Chart	22. Interviewing Clients and Witnesses
8. Corporate Paralegals in Litigation	23. Investigating Facts
9. Litigation Support Manager	24. Conducting Discovery
10. LO 2 – Skills of the Paralegal	25. Drafting Pleadings & Other Documents
11. Skills of the Paralegal	26. Assisting at Trial
12. “Soft Skills”	27. Administrative Tasks
13. Resourcefulness	28. Administrative Tasks <i>con’t.</i>
14. Commitment	29. Organizing & Managing Case Files
15. Analytical Skills	30. Productivity & Cost Effectiveness

VI. Chapter Exercises

Answers to Review Questions & Exercises

1.	Although successful legal teams allow for flexibility that will result in success in the litigation process, some of the functions of the members of the legal team are defined by the permissible role that the individual can play. For example, only lawyers admitted to practice can appear in court on behalf of clients. Other members of the team will assist the lawyer in that process based on the skills they possess. For example, a paralegal with good communication skills may assist by interviewing clients and witnesses or drafting pleadings and other documents. The lead attorney should have the ultimate responsibility.
2.	Lawyers rely upon the members of the legal team to perform functions that (1) the lawyer lacks skill or knowledge, such as technology; (2) where it is more cost effective for repetitive tasks; (3) preliminary tasks such as an internet search for a witness. Using members of the legal team to perform these functions frees up the attorney for depositions, settlement meetings & court time.
3.	The skills needed by a paralegal are varied and depend, in some cases on the legal specialty in which one works. All paralegals in litigation typically need soft skills (also called human relations skills), resourcefulness, commitment, analytical skills, interpersonal skills, the ability to create a positive impression, communication skills and an overall commitment to professionalism. The paralegal should know how to research new areas of law, locate court rules and find other information efficiently and effectively.
4.	Paralegals typically interview clients and witness, investigate facts, assist in conducting discovery, obtain and review records, draft pleadings and other documents, assist trial, conduct conflicts checks, keep track of time, organize and manage case files and any other tasks assigned.
5.	The skills of the paralegal relate to the tasks assigned in that the skills enable the paralegal to perform the assigned tasks. For example, a request to locate documents relevant to a case (a task)

	may call upon the paralegal's communication and resourcefulness skills in accomplishing the task.
6.	Family members in separate offices should technically not create a confidentiality issue, since there is no family exemption with respect to disclosure of confidential information. Assuming there are no conflict issues at play such as an "ethical wall" existing, employees in the same office might share information.