

COURSE SYLLABUS

POLITICAL SCIENCE 322: CIVIL PROCEDURE (3 semester hours)

Wednesdays, 7:20 – 10:00 PM
SS - 124

Instructor: Steve Tittle
Office Location: SS – 124
Office Hours: W 5:20 PM – 7:20 PM; 10:00 PM – 10:30 PM
(or by appointment)
Phone: 972/523-9819
Email: TittleSteve@yahoo.com

Required Texts

Peggy Kerley, Joanne Banker Hames, J.D., & Paul A. Sukys, J.D., *Civil Litigation*, 6th edition, Delmar|Cengage Learning
ISBN: 978-1-13-363845-2

Course Description

This course focuses on the Texas Rules of Civil Procedure while also giving students experience in the aspects of civil litigation in which a paralegal would be involved before and after trial. The student is introduced to rules regarding commencement of suits, citation, pre-trial, and post-trial proceedings. The course also has a practical element requiring students to draft a petition, draft discovery requests, and summarize a deposition. The course also addresses the ethical obligations of the paralegal.

Course Objectives

The goal of this course is to enable the student to:

- Identify the procedural aspects of civil litigation, including the commencement of suits, pre-trial and post-trial proceedings
- Understand the role of the paralegal as a legal professional and related ethics in pre-trial and post-trial proceedings;
- Learn how to draft a petition; draft discovery requests; and summarize a deposition.
- Analyze various procedural laws and their effect on the litigation process.

Attendance Policy

Attendance is required and roll will be taken at every class. If you miss more than 2 classes, I reserve the right to drop you from the course. If a student leaves before the end of class, it will be considered 1 absence.

Grading Policy

This class will be taught using the Socratic Method as well as lecture. You may be called on at any time and are expected to be fully prepared to discuss the assigned reading material. This is a cumulative grade over the course of the semester.

You are also responsible for completing the assignments listed in this syllabus. The assignments may be found within the chapters of the textbook and in handouts I will provide to you. If the assignment is a group assignment, you will be responsible for choosing your group members. A group may consist of 2 to 3 people. Your assignments will be reviewed, graded and returned to you. This is a cumulative grade over the course of the semester.

All assignments must have a cover page indicating the following: your name, class, name of the assignment, and date the assignment is due. All assignments must be stapled. A deduction of one letter grade will be assessed to all assignments turned in without stapling or without a cover page.

Case briefs, take-home exams, homework assignments, and any other written work are due at the beginning of the class period indicated in this syllabus. All written work will be graded not only on content, but also on writing style, **including punctuation and grammar**. Homework, case briefs, and take-home exams *will NOT* be accepted late or by email.

The examinations will primarily consist of multiple choice, true/false, definition, and short answer questions. If an exam is take-home, any collaboration with other students with regards to the substance of the exam will result in a failing grade.

Your grade will be calculated according to the following formula:

Attendance/Participation	15 points
Assignments	25 points
Test 1	20 points
Test 2	20 points
Test 3	<u>20 points</u>
TOTAL	100 points

Grade Distribution is as follows:

- A = 90-99
 - B = 80-89
 - C = 70-79
 - D = 65-69
 - F = 64 and below
- (No extra credit work will be allowed)*

Classroom Etiquette

All students enrolled at the University shall follow the tenets of common decency and acceptable behavior conducive to a positive learning environment. (See Student's Guide Handbook, Policies and Procedures, Conduct) You are expected to exhibit respect for the instructor and fellow students at all times. All electronic devices (except laptops) must be turned off during class. Laptop use is limited to reading notes made for class and taking notes during class. In the event you choose to use a laptop, sound features must be disabled. Surfing the internet and playing games on your laptop during class time are strictly prohibited. Failure to adhere to these policies may result in removal from class.

Disability Statement

The Americans with Disabilities Act (ADA) is a federal anti-discrimination statute that provides comprehensive civil rights protection for persons with disabilities. Among other things, this legislation requires that all students with disabilities be guaranteed a learning environment that provides for reasonable accommodation of their disabilities. If you have a disability requiring accommodation, please contact:

Office of Student Disability Resources and Services
Texas A&M University – Commerce
Gee Library
Room 132
Phone: (903)886-5150 or (903)886-5835
Fax: (903)468-8148
StudentDisabilityServices@tamu-commerce.edu

“What is Plagiarism

Many people think of plagiarism as copying another's work, or borrowing someone else's original ideas. But terms like "copying" and "borrowing" can disguise the seriousness of the offense:

According to the Merriam-Webster Online Dictionary, to "plagiarize" means

1. to steal and pass off (the ideas or words of another) as one's own
2. to use (another's production) without crediting the source
3. to commit literary theft
4. to present as new and original an idea or product derived from an existing source.

In other words, plagiarism is an act of fraud. It involves both stealing someone else's work and lying about it afterward.

But can words and ideas really be stolen?

According to U.S. law, the answer is yes. The expression of original ideas is considered intellectual property, and is protected by copyright laws, just like original inventions. Almost all forms of

expression fall under copyright protection as long as they are recorded in some way (such as a book or a computer file).

All of the following are considered plagiarism:

- turning in someone else's work as your own
- copying words or ideas from someone else without giving credit
- failing to put a quotation in quotation marks
- giving incorrect information about the source of a quotation
- changing words but copying the sentence structure of a source without giving credit
- copying so many words or ideas from a source that it makes up the majority of your work, whether you give credit or not (see our section on "fair use" rules)

Most cases of plagiarism can be avoided, however, by citing sources. Simply acknowledging that certain material has been borrowed, and providing your audience with the information necessary to find that source, is usually enough to prevent plagiarism. If you have retained the essential idea of an original source, and have not cited it, then no matter how drastically you may have altered its context or presentation, you have still plagiarized.” (www.plagiarism.org)

If you plagiarize, you will receive a ZERO for the assignment in question. I also reserve the right to give you an F in the course. The matter will be referred to the Office of the Dean of the College of Arts and Sciences.

As Instructor, I reserve the right to amend, modify, or alter this syllabus as the situation may require.

Tentative Course Reading Assignments

Week 1

01/15 First Day of Class: Course Overview
Chapter 1: Litigation and the Paralegal
Chapter 2: The Courts and Jurisdiction

Week 2

01/22 Chapter 2: The Courts and Jurisdiction (Continued)

Week 3

01/29 Chapter 3: Preliminary Considerations and Procedures
Chapter 4: Investigation and Evidence

Week 4

02/05 Chapter 5: The Complaint
Chapter 6: Responses to the Complaint
Assignment 1: Draft a Complaint

Week 5

02/12 Chapter 6: Responses to the Complaint (Continued)
Assignment 2: Draft a Response to a Complaint

Week 6

02/19 Chapter 7: Motion Practice
Review of Chapter 1 - 7
Assignment 3: Draft a Motion

Week 7

02/26 **Test 1**

Chapter 8: Overview of the Discovery Process

Week 8

03/05 Chapter 9: Depositions

Chapter 10: Interrogatories

Assignment 4: Summarize a Deposition

Week 9

03/12 **SPRING BREAK**

Week 10

03/19 Chapter 10: Interrogatories (continued)

Chapter 11: Physical and Mental Examinations

Week 11

03/26 Chapter 12: Request for Documents

Chapter 13: Request for Admission

Review of Chapters 8 – 13

Assignment 5: Draft Interrogatories; Demand for Physical and Mental Examinations; Request for Documents; and Request for Admission

Week 12

04/02 **Test 2**

SPRING 2014

Week 13

04/09 Chapter 14: Settlements, Dismissals, and Alternative Dispute Resolution

Week 14

04/16 Chapter 15: Trial Techniques
Assignment 6: Observe a trial.

Week 15

04/23 Chapter 16: Posttrial Practice

Week 16

04/30 Last Day of Class

Week 17

05/07 **Test 3 (7:20 pm – 10:00 pm)**