

INTRODUCTION

A COURSE PLAN

This Instructor's Manual is a resource of teaching ideas and materials to accompany *The Litigation Paralegal: A Systems Approach, Sixth Edition*, by James W. H. McCord and Pamela R. Tepper. The text and Instructor's Manual form an integrated but flexible course plan consisting of substantive text, study aids, exercises in paralegal skills (competencies), classroom activities, Internet exercises, case assignments, discussion points, review questions, systems and application assignments, a test bank, and answer keys to both assignments and tests.

The approach of the text places the student in a law office setting where the instructor assumes the role of the paralegals' supervising attorney. This office training procedure uses a systems approach in which the student incrementally develops a litigation systems folder, complete with forms, documents, checklists, rules, and practice tips. The system is complete at the end of the course and should provide students with a valuable resource as they embark on their careers, and can be used as a job reference manual.

The integrated materials are designed to give the instructor maximum flexibility in determining the course objectives and choosing the assignments and exercises most compatible with those objectives and the time available.

THE SYSTEMS FOLDER

A systems folder is a detailed procedural manual providing direction, forms, and checklists for tasks regularly performed by a paralegal. As a resource for the paralegal, it provides obvious advantages in efficiency, uniformity, accuracy, and quality. It also can be regularly updated.

Use of the systems folder has proven valuable in both teaching and learning litigation paralegal skills. Because a good systems folder helps the student on the job, and perhaps in securing a job, the systems folder provides an extra incentive to do the assignments thoroughly and accurately. It helps the student learn the benefits of being organized and develop the confidence to create a system in any area of law. Utilization of the systems approach also reinforces the skills presented in the text.

Although this approach can be useful to both the instructor and the students, it is not necessary to the productive use of the text and the Instructor's Manual. The key is flexibility; use a process with which you are comfortable.

Appendix A at the end of the text provides an outline of the contents of a completed systems folder.

ASSESSMENT

The following features of the integrated course plan can be used as assessment tools:

1. A broad chapter objective
2. The completed systems folder as a course portfolio
3. A collection of selected end-of-chapter assignments and exercises as a course portfolio
4. Internet Exercises and Apply Your Knowledge exercises throughout the chapters
5. Tests compiled from the Instructor's Manual Test Bank as pre- and post-tests
6. Selected Test Bank questions incorporated into an overall program exit assessment exam

THE TEXT

The Litigation Paralegal: A Systems Approach, Sixth Edition introduces students to the law office and takes them chronologically through the steps and tasks involved in litigation, from fact situations of cases they will be working on to judgment enforcement and appeal. Chapter by chapter, students build proficiency in the specific tasks or competencies required of them as paralegals.

In each chapter the student is given the following:

1. One or more specific litigation tasks
2. Substantive and procedural background on the task
3. Guidelines and directions on how to perform the task
4. Examples from a sample case on how to perform the task
5. Key terms and definitions
6. Internet Exercises and Apply Your Knowledge Law exercises to build computer skills
7. Ethical Considerations to offer guidance on the distinction between the role of the attorney and paralegal
8. Trade Secrets to assist paralegals in their day-to-day job assignments
9. Practical systems and application assignments to test understanding of the legal concepts discussed within the text
10. Drafting exercises to introduce students to the types of legal documents they will prepare on the job

THE INSTRUCTOR'S MANUAL

For each chapter, this manual provides the following:

1. Chapter objective
2. Suggestions for instructional supplements
3. Suggestions for class activities
4. Suggested answers to the text questions and assignments
5. Suggested answers to the additional MindTap questions and assignments and practice tests.
6. Test Bank and Test Bank Answer Key

MOCK TRIAL

This activity captures student interest and heightens motivation toward the conclusion of the course when the attention of some students begins to wane.

Many of the assignments in the text may be used as building blocks for the mock trial. Any of the Chapter 1 cases can be used, or another case that you might choose. If the *Forrester* or *Ameche* case is used, there are numerous assignments throughout the text that are particularly appropriate for dividing the class into teams representing the plaintiff(s) or defendant(s). The trial can be held over two to three class periods or at a longer special evening or weekend session. This session might be held in a local courtroom to lend an aura of reality. The instructor, a local attorney, or a judge can serve as trial judge. (It is best to ask someone else to serve as judge so you are free to evaluate each student's work.) Background information, pleadings, depositions, and other materials will have been accumulated by the end of the course to provide the gist for the trial.

Procedure

Divide the class into legal teams for the plaintiff and defendant. Each team can have as many as six or seven members responsible for various aspects of the case, such as opening, direct examination of witness A, cross-examination of defendant's witness C, closing, and so forth. When not actually playing the lawyer's role, students can serve as supporting paralegals keeping track of documents and making suggestions when needed.

Some of the class will be assigned to be key witnesses for each side. Although the witnesses may have the benefit of material covered previously in the text and chapter assignments, all witnesses will need some general parameters for their testimony. To keep workloads as even as possible, witnesses also could be assigned some of the trial preparation tasks to ease the burden of the legal teams. Remaining students can be assigned as jurors. Students from outside class can be used as jurors if you have a small class. (Students from an Introduction to Law class make good jurors. This is a valuable learning experience for them, too.) If the class is particularly large, you could have two juries.

Each juror is responsible for a critique of his or her jury's decision process and why the jury decided the way it did. Several students could be asked to read their critiques as a concluding activity focusing on jury dynamics. For those schools so equipped, a closed-circuit video may be arranged so the student legal teams and witnesses can watch the deliberation process.

The following witnesses could be used for the *Forrester* case:*

Ms. Forrester
Mr. Hart
Mr. or Ms. _____, officer at Mercury Parcel
Ms. Schnabel
Ms. Forrester's physician(s)
First police officer on scene
Physician for Mercury Parcel
Mechanic at Mercury Parcel
Mr. Forrester

For the *Ameche* case:*

Mr. and Ms. Ameche
Mr. and Ms. Congden
Robert Warren
Electrical expert (saying fire is possible if conditions were right; it is possible that moving the extension cord may or may not have increased the likelihood of fire)
Physician for Mr. Ameche
Physician for Congdens
First police officer or firefighter on the scene

The time for opening arguments, direct examination and cross-examination, and other matters will have to be calculated and strictly enforced. The maximum time for jury deliberation will have to be determined according to how much class time remains.

The jury also should be given guidelines, such as the following: choose a foreperson; discuss the most critical aspects of evidence, the plaintiff's burden of proof, whether all elements are proved to their satisfaction, and whether the defendant is negligent and, if so, how much in damages should be awarded.

Critiquing

This class project can be assessed in several ways. Evaluation can be on the basis of a written analysis by each student of his or her role or task and what the student learned overall from the experience. Another method is based on the individual performance of each student's assigned task.

Further Suggestions

Opening and closing arguments should be kept brief, possibly no more than five minutes for each side. Most of the time should be allotted to witness testimony through direct examination and cross-examination. Judges should deal with objections quickly, giving some latitude to questions and evidence to speed the trial along. Demonstrative evidence can be permitted but needs to be approved ahead of time by the instructor to see that common sense applies and that such evidence does not impair the speed and

* A small team of students could be assigned early in the course the task of drafting the witness background information sheets so that the case is close but slightly tilted in one direction. They could be told to draft it both ways so that you have the choice and can prevent leaks on which direction the testimony will lean. This is a valuable assignment because it forces the students to focus on elements and needed evidence to support those elements.

fairness of the trial. Some instructions may be read to the jury by the judge, but they should be kept brief and go to the heart of the elements in the case. Unless there is a lot of time, jury deliberation should be kept to thirty minutes. It will be the foreperson's job to see that a decision is made in that time.

STUDENT FAIR

Fellow educator Faith O'Reilly has developed a student fair that provides another focus to the course. At the end of the litigation course, the students display their systems folders to a team of judges and lawyers. Based on some criteria established by the instructor, the judges evaluate the systems folders and ask the students questions. They decide on several top places and some honorable mentions. This provides an extra incentive for each student to be conscientious in the preparation of the systems folder, especially near the end of the course. A further benefit is getting prospective employers to see and appreciate the ability of the students and the quality of their instruction.

ASSIGNMENTS AND GRADING

If this text is to be covered in one semester, it is not realistic to expect students to complete all the assignments provided in each chapter. The purpose of some assignments is simply to provide more practice for those who need it in an area that has already been covered; others repeat an area, but from a different angle. Many assignments are flexible, allowing you to insert material, forms, or cases from your own experience or additional student research. *Select the assignments that best fit the needs of your students and your time frame.* When deciding what assignments are appropriate for your course, consider checking the answer or comment provided in the Instructor's Manual prior to making the assignment to confirm that it is consistent with your objectives and whether added information, such as state practice, is needed.

The chapter exercises require the student to prepare a variety of documents. Every student ought to be able to do many of these assignments accurately and completely, leaving little if any differentiation between a grade of A and a grade of C on the assignment. In such instances, it is the drafting and familiarity with the documents that are paramount. Therefore, you may wish to consider using S (satisfactory) or U (unsatisfactory—to be redone) as a more practical system for grading such assignments. It might be added that eventually all such assignments must be completed satisfactorily to receive a passing grade in the course. This procedure will avoid the problem of watering down your A, which should be reserved for those assignments in which the difference in student learning or abilities will be more apparent and measurable.

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CHAPTER 1: WELCOME TO THE LAW OFFICE: FOUNDATIONS FOR LITIGATION

CHAPTER OBJECTIVES

- Understand the role of the paralegal in the law office
- Recognize the importance of law office procedures in the practice of law
- Explain the ethical obligations of the paralegal in the legal arena
- Distinguish between the federal and state court systems
- Identify the different types of jurisdiction and in which court cases should be filed

The purpose of this chapter is to give students the feeling that they are starting work in a law office. The first section provides case “stories” that demonstrate the kinds of events that may lead to litigation. The stories give the necessary factual settings for many of the assignments and examples in the text, and bring them to life.

The Paralegal Handbook section is “the firm’s” introduction to the office, its personnel, the role of the paralegal, important procedures, professional ethics, and professional development. It also introduces the systems approach. The section following the handbook provides an introduction to (or review of) court structure, jurisdiction, and venue.

PREPARING FOR CLASS: INSTRUCTIONAL SUPPLEMENTS

1. Preview the chapter questions and assignments.
2. Re: Case V. Note that sexual harassment under Title VII of the 1964 Civil Rights Act can be based on qualitative and quantitative differences in offensive conduct toward female and male employees, and does not have to be lewd or sexual in nature [*Christopher v. National Education Ass'n*. No. 04-35029 (9th Cir. 2005, Sept. 2)].
3. Have on hand the following information:
 - A diagram of your state court structure and a detailed description of the jurisdiction of each court
 - Names, addresses, and phone numbers of the clerk of court for the federal district court in your state and for any appropriate state courts
 - A list of local paralegal associations, noting officers, addresses, and phone numbers
 - Any provisions of your state’s code of professional responsibility or rules of court that complement the chapter material on ethics for paralegals
 - Pertinent Web sites

SUGGESTED CLASS ACTIVITIES

1. Have a carefully chosen attorney or paralegal law office manager speak to the class about the typical structure and procedures of the law office.
2. Invite a local judge to lecture on the state and federal courts and their jurisdictions.
3. Have officers of local, state, or national paralegal associations speak to the class about their associations, the importance of professional ethics, and personal professional development.