Thursday, September 2, 2021 (classes 3 of 30!!) *on Zoom!! because of storm* ☹

Today:
Session I: 1101—Paralegal roles & skills continued!
Session II: 1103—Civil vs. criminal law; jurisdictional bases!
12:45-2pm: "Connect Day" New Student Welcome! *Optional!!*

Fri. Sept. 3-Wed. Sept. 8: *NO CLASSES!* Happy Rosh Hashanah & Labor Day! ☺

For next meeting (Th. Sept. 9) – *details in OL "Assignments"!*
- *For 1101 Intro:* Read M&M ch. 2 pp. 20-30! *on BB.*
- *For 1103 Civ Pro:* Read C&W ch. 4! *on BB.*
- Write a post on OL: "Who I am!"
- Email me contact info & meeting times! *If not already.*

Tu. Sept. 14: We will not meet! ☹
- 1101: Individual meetings this week instead. ☺
- 1103: Quiz #1! *on Blackboard.* ☺

Wed. Sept. 15-Th. Sept. 16: *NO CLASSES!* in the whole college! *in observance of Yom Kippur.*

*   *   *

1101: Paralegal roles & skills *continued!!*
?? True or False? **A person must be <u>licensed</u> to work as a paralegal.** *FALSE!!*
Attorneys must be <u>licensed</u> to practice law *BUT* paralegals are <u>not</u> licensed! <u>There is no "paralegal license"</u>!!
However, there is … **Paralegal certification:** recognition by a paralegal organization that you satisfy that organization's competency standards. It is:
- *optional* – NOT required to work as a paralegal.
- also *not JUST* earning a "paralegal certificate."

Paralegal certification generally has TWO requirements:
(1) paralegal education (college degree, certificate program, etc.) *AND*
(2) passing the organization's written exam.
. . . *plus* $$ (organization's membership fee).

Two major national paralegal organizations certify paralegals:
- National Association of Legal Assistants (NALA, nala.org)
- National Federation of Paralegal Associations (NFPA, paralegals.org)

?? True or False? If you graduate from City Tech's Paralegal Studies Program with a BS degree, you will be considered a <u>certified paralegal</u> in New York State. *FALSE!!* You still need to pass one of the certifying organizations' written exams (and pay the membership fee).

*   *   *

1103: Civil vs. criminal law!
- **Civil** = <u>private parties</u> allege wrongs that harm them individually (persons, businesses)
- **Criminal** = <u>government</u> alleges wrongs that are *so bad*, they harm the <u>public</u> or <u>society</u> (in addition to specific victim)

Some terminology!

Plaintiff ("P") = party who believes they have been wronged; brings dispute to court to get relief/remedy
➢ P <u>initiates</u> / <u>commences</u> / <u>files</u> a case
➢ *sometimes known as* "petitioner," "claimant," or "complainant"

Defendant ("D") = alleged wrongdoer; party against whom P brings a case
➢ D <u>responds</u> to case (several options)
➢ *sometimes known as* "respondent"

Case = litigation = lawsuit = action = proceeding = matter!

Some significant differences **between civil & criminal law!**

Parties:
• <u>Civil</u> = case initiated by the victim ("plaintiff") v. alleged wrongdoer ("defendant")
• <u>Criminal</u> = case initiated by the government ("prosecution") v. alleged wrongdoer ("defendant")

Type of law:
• <u>Civil</u> = mostly common law / case law (made by judges)
• <u>Criminal</u> = statutes (made by legislators) ➔ "NY Penal Law"

Standards of proof (what plaintiff/prosecutor must prove at trial)**:**
• <u>Civil</u> = "preponderance of evidence" ~ 51%
• <u>Criminal</u> = "beyond a reasonable doubt" ~ 98%

Consequences:
• <u>Civil</u> = money damages *OR* order to do/not do something.
• <u>Criminal</u> = fine; prison; **DEATH.**

* * *

1103: Jurisdictional bases!! (types of jurisdiction)

<u>**Jurisdiction**</u> ("jurx") = court's authority (or power, or right) to decide a particular type of case.
➢ Depends on <u>various factors</u>, including geography, subject of the case, identities of the parties, etc.
➢ Court <u>only</u> has jurisdiction only if a <u>constitution</u> or <u>statute</u> says it does.
➢ Jurisdiction is **CRITICAL!!** If a court decides a case, but <u>lacked jurisdiction</u>, decision is <u>void</u>.

Some types of jurisdiction:

Limited jurisdiction = authority to decide only specific types of cases.
➢ ALL federal courts have limited jurx!! *Even US Supreme Court.*
➢ ALL courts in NYS (NYS *and* federal) have <u>limited</u> jurx—*except* NY Supreme Court!!

General jurisdiction = court's authority to decide <u>any</u> type of case unless a statute says it <u>cannot</u>.
➢ The <u>only court</u> in NYS with general jurx is NY Supreme Court.
➢ NO federal court has general jurx ➔ *not even US Supreme Court!!*

Geographic jurisdiction = power to decide cases involving people/events in a <u>particular geographic area</u> (county, state, etc.).