

LAW 1101 Intro to Paralegal Studies/LAW 1103 Civil Law and Procedure/Fall 2021/Coughlin
Final exam study suggestions! Both exams will be given in class, Tues. Dec. 14.

The exams will address all material we have covered since the beginning of the semester!

You should review all class notes (especially your own, but also those posted on OpenLab); all assigned readings; all class exercises and homework assignments; *and* all quizzes!!

You are welcome and encouraged to use paper copies of maps and charts of the court system you received in class (that are posted on OpenLab), and your CPLR, during the exam!

You should focus your studying (but not limit it) to the following terms and concepts!

1101 Intro to Paralegal Studies (first exam—starts 10am)

Paralegal roles and responsibilities

- what it means to be a "certified paralegal" (the qualifications/requirements)
- tasks paralegals may and may not perform, and why (e.g., may not give legal advice or set legal fees)

Workings of a law office

- retainer; retainer agreement
- types of legal fee arrangements *including* fixed; hourly; contingency
- double billing

Ethics and Professional Responsibility

- who determines attorney and paralegal ethical rules
- duties of competence and confidentiality
- conflicts of interest
- unlawful/unauthorized practice of law (UPL)
- consequences to paralegals and attorneys of violating legal ethics

Court systems

- Federal court system *including* District Cts.; Cir. Cts. of Appeals (13); Supreme Court (levels and functions of each)
- New York court system *including* trial courts; Appellate Division; Court of Appeals
- types of jurisdiction *including* general; exclusive; concurrent; federal question; diversity; original; appellate
- writ of certiorari (including what it means to grant or deny)

Sources of law

- types of law *including* statutes; case/common law; administrative law
- primary and secondary authority
- mandatory (binding) and persuasive authority
- U.S. Constitution *including* the Bill of Rights

Legal research

- types of secondary sources *including* legal encyclopedias; digests; annotations
- reporters
- citations
- types of judicial opinions *including* unanimous; affirm; reverse; dissent; concur

Legal writing

- types of legal writing *including* pleadings; discovery; general legal correspondence; interoffice/legal memoranda
- types of general legal correspondence (letters) *including* informative; demand; confirmation; opinion
- what paralegals should know when they accept a writing assignment
- when and how paralegals may sign letters; types of letters paralegals may and may not sign

1103 Civil Law and Procedure (second exam—starts approx. 11:15am)

- what "civil law" and "civil procedure" mean
- the body of rules that govern civil procedure (full name and abbreviation)
- standard of proof in civil proceedings
- titles of parties (e.g., plaintiff/defendant; petitioner/respondent; appellant/appellee)
- types of claims, including counterclaims and cross-claims
- consolidation and joinder
- types of civil remedies: damages (including the various types); injunctive relief; declaratory relief
- our hierarchical court system (three tiers/levels)
- distinct roles of trial courts, intermediate appellate courts, and highest appellate courts
- NY and federal court systems, structure and jurisdiction
- the various forms of jurisdiction (e.g., geographic, subject matter, original, appellate, general, limited, concurrent, exclusive, personal ("*in personam*"), federal question, diversity, etc.)
- non-domiciliary
- long arm jurisdiction / New York's Long Arm Statute
- due process
- names of the current Chief Judge of the New York Court of Appeals and current Chief Justice of the US Supreme Court
- civil causes of action (including tort claims such as assault, battery, conversion, negligence; contract claims)
- commencing an action
- venue (and the various options for proper venue)
- summons and complaint; summons with notice
- pleadings (including pleading requirements under CPLR Article 30)
- preparation of papers
- statutes of limitations
- *all* CPLR sections/rules we have discussed *including* § 104 (Construction); Article 2 (statute of limitations, including specific provisions); § 302 (Personal jurisdiction by acts of non-domiciliaries); § 503 (Venue); §§ 601 & 602 (Consolidation and joinder); Article 30 (pleading requirements); *and others*.

STUDY HARD!! Preparation is the key to success. 😊