

**Thursday, December 2, 2021** (classes 26 of 30!!)

**Today:**

*Session I*—1103: Statutes of Limitations!

*Session II*—1101: Legal writing, demand letter assignment!

**Next class** (Tu. Dec. 7):

*1101*: First draft demand letter due by email 8am! Quiz #4!

*1103*: Final summons & complaint due on paper, in class! Read C&W ch. 10 pp. 77-85 & Wells Fargo case!

Plus visit from Peer Mentor Oliver! *Final exam tips!*

**Th. Dec. 9:** 1103 quiz #4, Law in Culture due, final exam review!

**Tue. Dec. 14: FINAL EXAMS!!**

**Th. Dec. 16:** Last meeting! ☹ ?? *Ideas?*

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**1103: Statute of Limitations!**

**Statutes of Limitations =**

- Laws limiting time in which P may commence a civil cause of action.
- CPLR Article 2
- **CRITICAL!!** *Follow the SOL, or your client will BE "S.O.L." ☹*

Per CPLR § 203(a), the **key dates** are **accrual** (usually, alleged wrong/injury) → *clock starts!!* AND . . . **interposition** (usually, commencing action) → *must do it before the deadline!*

***Let's try it!!*** During Oliver's last visit (Nov. 11, 2021), Prof. Coughlin jokingly punched him in the arm. Now, Oliver wants to sue Coughlin for civil battery. **What section of Article 2 applies? § 215(3)**

**What's the statute of limitations (or "limitations period")? 1 year** **What's the accrual date? Nov. 11, 2021**

**What's Oliver's deadline to commence the action? Nov. 11, 2022!**

Your client had an appendectomy May 5, 2018. She has had no further treatment for that condition. This past Friday, she decided the surgeon did a terrible job, and she would like to sue him for medical malpractice. **May she do so? What section of Article 2 applies? § 214-a** **What's the statute of limitations? 2 years, 6 months** **What's the accrual date? May 5, 2018.** **What's the deadline to commence the action? Nov. 5, 2020. It is TOO LATE!! ☹**

This morning, that same client had an xray that showed a scalpel inside her, apparently left by the surgeon who performed the appendectomy. **Now, may she sue the surgeon for malpractice? What section of Article 2 applies? § 214-a** **What's the statute of limitations? 1 year** **What's the accrual date? December 2, 2021 (discovery of scalpel)** **What's the deadline to commence the action? Dec. 2, 2022!**

Yesterday, your client told you she was sexually abused by a Catholic priest when she was 7. She is now 52. The limitations period under CPLR § 213-c is 20 years. **May she sue the Catholic Church for the sexual abuse when she was 7? What section of Article 2 applies? § 214-g** **What's the accrual date? Aug. 3, 2020 (when § 214-g became effective!)** **What's the limitations period? Between 6 months, and 2.5 years, after effective date.** **What's the deadline to commence the action? Between Feb. 3, 2021 and Feb. 3, 2023!**

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## **1101: Legal Writing!**

**When a paralegal receives a writing assignment, she/he must be sure to understand:**

- (A) the deadline for the assignment
- (B) the appropriate type of writing
- (C) the intended reader of what the paralegal will write
- (D) all of these**

**Which of these types of documents do paralegals prepare?**

- (a) pleadings
- (b) legal memoranda
- (c) letters (correspondence)
- (d) all of the above**

**To avoid liability for unauthorized practice of law, a paralegal who drafts an opinion letter at the request of an attorney:**

- (A) should not sign his own name to the letter**
- (B) may sign her own name, so long as she indicates that she is a paralegal
- (C) may sign his own name, so long as the attorney permits him to do so
- (D) none of these choices are correct.

**Pleadings** = documents filed with a court by the parties to a case

- include plaintiff's complaint, defendant's answer
- state the parties' claims and defenses

**Legal memoranda** = thoroughly researched and objectively written summaries of facts, issues, and law relating to a legal claim

- written for a paralegal's supervising attorney
- a/k/a "internal legal memorandum" or "interoffice memo"
- *Stays within the office!!* Privileged work product.

**Legal correspondence** = letters! *addressing law-related issues*

- to clients, witnesses, opposing counsel, courts, and others
- Mostly sent outside the office! *No privilege, unless to clients.*

**Some common types of legal letters!**

- **Informative** letters → convey information to the recipient
- **Confirmation** letters → confirm and summarize conversations that occurred
- **Opinion** letters → provide attorney's legal opinion and advice to a client
- **Demand** letters → explain a party's legal position to an opponent, and demand certain relief *or they may sue*