

Wednesday, September 2, 2020 (Intro class 3 of 30!!)

Today:

- *Wrap up* civil vs. criminal law
- Paralegal roles & skills!

For Fri. Sept. 4 (CP):

- Read M&M ch. 6 pp. 145-158, email Q/response by **1pm!**
- Email me (a) if you'll join Sept. 11 trip and (b) if you'll be under 18 and/or have time constraints!

Mon. Sept. 7: No classes! ☺ *Happy Labor Day!!*

For Wed. Sept. 9 (Intro):

- Read C&W ch. 2 ("Structure of the Courts").
- Reply to a classmate's "Who I Am" post!

ASAP: Email me from CT address: emergency contact info & 3 times to meet—*details on OL*. **Last reminder!**

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Civil vs. criminal law:

- Civil = alleged wrongs against private parties
- Criminal = alleged wrongs against public/society (*in addition to individual victim*)

Other significant differences:

Parties:

- Civil = case initiated by the victim ("plaintiff") v. alleged wrongdoer ("defendant")
- Criminal = case initiated by the government ("prosecution") v. alleged wrongdoer ("defendant")

Law

- Civil = mostly common law / case law (made by judges)
- Criminal = all statutes (made by legislators) → "NY Penal Law"

Standards of proof (what plaintiff/prosecutor must prove at trial to win)

- Civil = "preponderance of evidence" → ~ 51%
- Criminal = "beyond a reasonable doubt" → ~ 98%

Consequences

- Civil = money damages *OR* order to do/not do something, etc.
- Criminal = fine; prison; DEATH.

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Paralegals:

- work under the supervision of licensed attorneys; assist them with all forms of legal work
- do not "practice law" (provide legal advice, etc.)
- are qualified through study, training and/or experience
- are also known as legal assistants

Paralegal roles and skills include . . .

- interviewing clients and witnesses
- conducting legal research
- conducting factual research/investigation
- calendar and track important deadlines
- prepare initial drafts of documents (attorney reviews & signs final version)
- file documents with courts
- communicate with courts, clients and opponents about logistics and procedures (not legal advice or strategy)
- serve documents on parties, witnesses, etc. (or oversee service)
- organize/maintain client files, documents, evidence, etc.
- attend legal proceedings: take notes, prepare summaries
- assist attorneys in preparing for trial and other legal proceedings (depositions, hearings, etc.)

Nearly *ALL* of these require computer/technology skills!!

Paralegals may *NOT*:

- give legal advice to clients
- represent clients in most judicial proceedings
- file documents with a court that the attorney has not reviewed and signed
- sign her/his own name to documents filed with the court
- sign her/his own name to any document without indicating the she/he is a paralegal
- set legal fees

. . . only licensed attorneys may do these things!!

?? True or False ??

A person must be licensed to work as a paralegal.

FALSE!!

- Attorneys must be licensed to practice law.
- Paralegals are not licensed. There is no "paralegal license"!!

Paralegals can be certified . . . *we'll talk about that Friday, Sept. 4 in Civ Pro.* ☺