

CIVIL LAW AND PROCEDURE

Law 1103 / Spring 2020 / Section D704/ Room N-1108 / MW 11:30am-12:45pm

Professor Robert M. Greenawalt / rgreenawalt@citytech.cuny.edu

Office hours: N-622 Monday 1:00 - 2:00 pm, and by appointment

Course description: This course addresses the theory and application of law and procedure in civil litigation with emphasis on New York State law. It focuses on the role of the paralegal in preparing for litigation, including an understanding of the court system, steps in the litigation process and their timelines, drafting legal documents, trial and post-trial topics, and an introduction to the use of the computer in litigation. Prerequisites are CUNY proficiency in reading and writing. Pre- or corequisites are LAW 1101 and ENG 1101. Three credits.

Required texts:

- Charles E. Coleman, J.D. & Gail Elizabeth Williams, J.D., Civil Practice for Paralegals in New York State, Looseleaf Law Publications, Inc., current edition ("C&W"). On reserve in the City Tech library: call # **KFN 5995 .Z9 C65 2017**. Also available for purchase in the City Tech bookstore and online.
- Civil Practice Law and Rules of the State of New York Plus Comprehensive Appendix of Related Statute, Looseleaf Law Publishers, Inc., current edition ("CPLR"). **Each student must have a paper copy of this book in class.** Available for purchase in the bookstore and online; on reserve in the City Tech library: call # **KFN 5990 .A314 A22 2017**.

In addition, each student must have access to a law dictionary and an English language dictionary (a "regular" dictionary), in print or online, to determine the meanings of unfamiliar terms. A popular print law dictionary is *Black's*; online law dictionaries include thelawdictionary.org, dictionary.law.com, and legal-dictionary.thefreedictionary.com. Online English language dictionaries include dictionary.reference.com, merriam-webster.com/dictionary.htm, and thefreedictionary.com.

Course-Specific Learning Outcomes include:	Assessments include:
understanding the paralegal's role in the civil litigation process	class discussion and activities; homework; exams and quizzes
knowledge of the federal and New York State court systems	class discussion and activities; homework; exams and quizzes; court observation assignment
understanding steps in litigation and their timelines	class discussion and activities; homework; exams and quizzes; summons and complaint assignment
knowledge of trial and post-trial topics	class discussion and activities; homework; exams and quizzes; court observation assignment
ability to draft civil litigation documents	summons and complaint assignment
familiarity with the use of the computer in litigation	summons and complaint assignment; court observation assignment

City Tech General Education Student Learning Outcomes include:	Assessments include:
Knowledge: Value knowledge and learning; study values and ethical principles; show curiosity and the desire to learn; acquire tools for lifelong learning.	class discussion and activities; court observation assignment
Skills: Communicate in diverse settings and groups, using written and oral means; derive meaning from experience, gather information from observation.	class discussion and activities; court observation assignment; summons and complaint assignment

<u>Integration</u> : Understand and navigate systems.	court observation assignment; homework; exams and quizzes
<u>Values, Ethics and Relationships</u> : Discern consequences of decisions and actions; demonstrate social and civic knowledge; understand organizations.	class discussion and activities; court observation assignment

Course grades will be calculated as follows (details on each category below):

Quizzes	15%
Midterm exam	20%
Final exam	25%
Court observation and report	10%
Summons and complaint	5%
Homework and other assignments	20%
Participation and professionalism (see below)	5%

Exams and quizzes: The midterm (20%) and final (25%) exams are cumulative. Quizzes (15%) will be announced and unannounced. There will be no make-up exams or quizzes without prior arrangement.

Court observation and report (10%): Each student shall observe a civil litigation proceeding in a New York civil trial court. Following the observation, each student shall (a) post a short summary on the course OpenLab website (discussed below), (b) submit a detailed memorandum describing the proceeding, and (c) give an oral presentation to the class. Deadlines are noted in the attached class schedule; further details will be provided later.

Summons and complaint (5%): Each student shall prepare a summons and complaint based on a hypothetical scenario, to commence a civil matter in a New York trial court. Deadlines are noted in the attached class schedule; further details will be provided later.

Homework and other assignments (20%): All written assignments shall be typed and double-spaced, and submitted on paper, (stapled if there are multiple pages) during the classes when they are due, except as instructed otherwise such as posting on OpenLab. Handwritten work will not be accepted, nor will I accept assignments by email or in my department office mailbox without advance permission.

Participation and professionalism (5%): One of the unique demands on Legal Studies students is managing the fluid boundary between being a student and a working professional. Every interaction with faculty, staff, employers, and alumni involves developing your personal brand, reputation, and professionalism. Therefore, the Law and Paralegal Studies Department expects students to act with the highest standards of integrity, good judgment, and professionalism at all times, and will consider the following in your final grades for all of our courses:

- punctuality
- efforts to produce professional-quality work (proofreading, neatness, etc.)
- taking responsibility for your own learning and progress, such as seeking assistance from our department's tutor or faculty when necessary
- interactions with peers, instructors, department personnel, and outside visitors
- respecting diversity among all individuals
- respecting the confidentiality, privacy and dignity of each individual
- ability to collaboratively participate in team environments
- openness to learning, including giving and receiving constructive feedback, being present and accountable, prepared and engaged
- ethical behavior in all capacities (academic, interpersonal, etc.)

Extra credit: Students may earn extra points on the midterm and final exam grades by posting responses to legal news articles on our course OpenLab site. Details on this opportunity will be provided later. This is the only extra credit opportunity; do not ask for others.

Academic Integrity: All students must abide by the NYCCT Statement on Academic Integrity (emphasis added):

Students and all others who work with information, ideas, texts, images, music, inventions, and other intellectual property owe their audience and sources accuracy and honesty in using, crediting, and citing sources. As a community of intellectual and professional workers, the College recognizes its responsibility for providing instruction in information literacy and academic integrity, offering models of good practice, and responding vigilantly and appropriately to infractions of academic integrity. Accordingly, academic dishonesty is prohibited in [CUNY] and at New York City College of Technology and is punishable by penalties, including failing grades, suspension, and expulsion. Examples of academic dishonesty are cheating and plagiarism, including plagiarism of Internet material. For explanations and illustrations of these and other forms of academic dishonesty, see the NYCCT Academic Integrity Policy Manual and the CUNY Policy on Academic Integrity, both available on our course OpenLab site and on the college website. You are responsible for understanding and adhering to those policies.

The Law & Paralegal Studies Department takes plagiarism especially seriously. You are expected to understand the definition of plagiarism. Clearly, your intent to plagiarize is not a consideration when I review your work. Comments such as “I didn’t know” or “I didn’t mean to” or “It’s only a first draft” or “no one ever told me this was improper have no significance in this course. If you plagiarize, even once, on any assignment, you will fail this course and will be referred to the college’s Academic Integrity Committee for further sanctions, including expulsion from the college. If you are uncertain about the parameters of plagiarism, please ASK ME before you submit your work. Ignorance is no excuse!

Internet Plagiarism includes submitting downloaded term papers or parts of term papers, paraphrasing or copying information from the internet without citing the source and “cutting and pasting” from various sources without proper attribution.

Other general policies: Retain copies of graded work; if you believe there was an error, or if you appeal a grade, you will be required to support your claim with such evidence. Grammar and spelling count in all work—proofread! Per college policy, please email me only from your City Tech account. Allow 24 hours for a response, and longer if you email me Friday through Sunday or when classes are not in session. The college Welcome Center (Atrium 1st floor) can assist you with email and other technical issues.

OpenLab: All students are required to join, and learn to use, our course OpenLab site: **https://openlab.citytech.cuny.edu/greemawaltlaw1103sp2020/**. It will be used extensively to assign and submit work, and to distribute materials and information, some of which may not be provided in class. You are responsible for all information provided through OpenLab.

Attendance: It is the conviction of the Law & Paralegal Studies Department that a student who is not in a class for any reason is not receiving the benefit of the education being provided. Missed class time includes not just absences but also lateness’s, early departures, and time outside the classroom taken by students during class meeting periods. Missed time impact any portion of the final grade overtly allocated to participation and/or any grades awarded for activities that relate to presence in class. If you miss a class, it is your responsibility to get the notes and assignments you missed from a classmate. Please see NYCCT College Catalogue for the College Policy on Absences/lateness.

Technology: Students are expected to have basic competency in: (a) word processing, including Microsoft Word, Adobe (pdf), and printing of documents; (b) use of City Tech email (see "Other general policies" above); and (c) the Internet. Students will be introduced to OpenLab, City Tech's open-source digital platform.

CELL PHONES, LAPTOPS, AND OTHER ELECTRONIC DEVICES MAY NOT BE USED DURING CLASS FOR ANY PURPOSE. When class begins, silence them and put them where you cannot see them. Or I will.

Instructor expectations: Pursuant to students' requests, the instructor shall take the follow specific steps to maximize the academic value of this course: hold review sessions before exams; make best efforts not to misplace students' work; make information regarding students' grades readily available, e.g., through OpenLab; and consider dropping students' lowest grades on quizzes and/or homework.

CLASS SCHEDULE

Below is a general outline of topics, assignments, and deadlines. It is subject to change. Chapters listed under "Readings" are from Coleman & William, Civil Practice for Paralegals in New York State. Readings must be completed before classes for which they are assigned. So, for example, when you come into class Wednesday, January 29, you should have read chapter 1. Additional readings and work will be assigned in class and on OpenLab.

<u>Classes</u>	<u>Dates</u>	<u>Topics</u>	<u>Readings</u>
1	M 01.27	Course introduction	
2	W 01. 29	What is Civil Procedure?	Ch. 1
3, 4	M 02.03, W 02.05	Structure of the Courts	Ch. 2
5	M 02.10	The Jurisdictional Bases	Ch. 3
6	W 02.19	The Jurisdictional Bases cont'd	Ch. 3
7	M 02.24	The Jurisdictional Bases cont'd	Ch. 3
8	W 02.26	QUIZ; Court Observation Assignment given	
9, 10	M 03.02, W 03.04	The Parties and Their Claims	Ch. 4
11, 12	M 03.09, W 03.11	Causes of Action and Remedies	Ch. 5
13	M 03.16	Statute of Limitations	Ch. 6
14	W. 03.18	Statue of Limitations (additional office hrs)	Ch. 6
15	M. 03.23	Midterm Exam (Chs. 1-6)	
16, 17	W 03.25 M 03.30	Commencing the Action; Summons and Complaint Assignment given	Ch. 8
<i>FYI</i>	<i>W. 04.01</i>	<i>Last day to drop any course with a grade of "W"</i>	
18,19	W, 04.01, M 04.06	Gaining Personal Jurisdiction, Preparation, Service and Filing of Papers	Chs. 10, 11
	<i>F 04.03</i>	<i>Court Observation summaries due on OpenLab</i>	
20	Tues. 04.07	Summons	Ch. 12
		<i>SPRING BREAK :-)</i>	
21	M. 04.20	Pleadings **Draft Court Observation Memorandum Due	
22	W. 04.22	Venue	Ch. 9
23	M 04.27	Bill of Particulars **Draft Summons and Complaint due	Ch. 15
24	W.04.29	Quiz, Motions	Ch. 7
25	M: 05.04	Disclosure	Ch. 16

26	W05.06	Readiness for Trial; The Trial <i>**Final Court Observation Memorandum due</i>	Chs. 18, 19
27	M 05.11	Post-Trial Activities; Appeals <i>**Final Summons and Complaint due</i>	Chs. 20, 21
28	W. 05.13	Oral Presentations on Court Observations	
29	M 05.17	Oral Presentations on Court Observations; final exam review	
30	W 05.20	FINAL EXAM	

Summertime!