

Litigation, Pleadings, and Arbitration

PLS 233 - 3 credits

Doane University – Winter I Term

October 18, 2016 to December 13, 2016

Course Description:

A thorough examination of the procedures for trial preparation, focusing on the steps involved in the preparation, litigation, and appeal of civil cases. Attention is given to the differences between criminal and civil procedures and the nature of the remedies available through civil litigation. Students will learn 1) how to initiate and commence legal proceedings, 2) how to prepare pleadings, motions and other necessary legal documents, 3) state and federal discovery procedures and statutes, 4) methods of gathering factual data, 5) the preparation and organization of evidence for trial, and 6) pre- and post-trial activities.

Location and Times:

Doane University – Lincoln Tuesdays, 6:00 pm to 10:00 pm

Instructor:

Jason W. Hayes, Adjunct Professor

Cell: (402) 304-9414

E-mail: jason.hayes@doane.edu

Textbook Materials:

Required: Marlene A. Maerowitz, *Fundamentals of Litigation for Paralegals*,
Aspen Publishers (8th Ed. 2013). ISBN: 978-1-4548-3134-1

Optional: Darby Dickerson, *ALWD Citation Manual, a Professional System of Citation*,
Aspen Publishers (5th Ed. 2013). ISBN: 978-1-4548-2875-4

Course Objectives:

The student, after completing the course instruction should have a heightened awareness of the following subject materials:

- 1) Procedures involved in initiating legal proceedings,
- 2) Ability to prepare pleadings, motions and other necessary legal documents,
- 3) Knowledge of state and federal discovery procedures and statutes,
- 4) An understanding of the methods involved in gathering factual data,
- 5) How to prepare and organize evidence for trial, and
- 6) A background of pre- and post-trial activities.

Assessment of Student Performance and Grading:

Students will be able to obtain a total of 300 points from assignments, discussions and examinations conducted during the course. The student will be able to earn the following points:

Litigation Project Case File	100
Assignments	200

Summary of Projects and Assignments:

Final Project: The final project will consist of preparing all the necessary pleadings and trial notebooks for a hypothetical lawsuit. The student will also engage in discovery procedures to obtain materials regarding his or her case. A handout describing the project in detail will be handed out within the first week of class.

Assignments: Chapter assignments, testing chapter skills, will be assigned during the duration of the course. These assignments will cover drafting of legal documents and other chapter material. The assignments will be distributed at the discretion of the instructor, to be completed by the student before the next class meeting.

Course Policies:

Attendance: Student attendance at all class meetings is expected. If a student will be unable to attend a class meeting, it is the responsibility of the student to notify the instructor and perform any necessary makeup or additional assignments given to the student by the instructor. Students should obtain class notes from a fellow classmate, and the absent student is responsible for all material covered on the day of the absence.

Grading Scale: The grading scale is based on a nine point, A, B, C, D, F scale, as follows:

A+	100 – 96	C	74 – 70
A	95 – 90	D+	69 – 65
B+	89 – 85	D	64 – 60
B	84 – 80	F	59 – below
C+	79 – 75		

Late Assignments: Assignments that are turned in late during the duration of the course are downgraded by one letter grade. For each additional week the assignment is late, an additional letter grade is reduced off the original score given. All assignments must be completed and handed in by December 13, 2016 to receive any credit.

Academic Integrity: The Doane University Academic Integrity Policy will be adhered to in this class. All projects and tests will represent your own work. Any use of others' ideas and words without proper citation of sources is plagiarism and will result in penalties to be determined by the instructor and/or the dean of graduate studies.

Format of Writings: Any writing assignments to be completed outside of class must be typed, double spaced, with one-inch margins, and using a font no larger than 12 pt. in Times New Roman, Arial or Courier. If you have any questions regarding this requirement please contact your instructor.

Course Schedule and Readings:

Oct 18	Chapter 1	Introduction to Litigation
	Chapter 2	Informal Fact Gathering and Investigation
Oct 25	Chapter 3	Case Evaluation and Strategy
	Chapter 4	Parties and Jurisdiction
Nov 1	<i>First Assignment due (Statement of Facts)</i>	
	Chapter 5	Pleadings
	Chapter 6	Law and Motions
Nov 8	<i>Second Assignment due (Complaint & Summons)</i>	
	Chapter 7	Motion Practice
	Chapter 8	Provisional Remedies
Nov 15	<i>Third Assignment due (Answer and Motion)</i>	
	Chapter 9	Evidence
	Chapter 10	Discovery
Nov 22	No Class	
Nov 29	No Class	
Dec 6	<i>Fourth Assignment due (Discovery)</i>	
	Chapter 11	Settlements
	Chapter 12	Trial Preparation, Trial, and Appeal
Dec 13	No Class	
	<i>Fifth Assignment due (Pretrial Memorandum)</i>	
	<i>Complete Litigation Project Case File due</i>	