

Litigation II, PARA 306-01

3.0 Credit Hours

Tulane School of Continuing Studies
Uptown Campus, Tilton Bldg., Room 305

INSTRUCTOR: Joseph C. ("Jay") Wilkinson, Jr.
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Office Hours: By appointment before or after class

TEXT: Louisiana Code of Civil Procedure
Students will also be provided with source materials and handouts.

COURSE DESCRIPTION: Detailed analysis of and practice in discovery including fact research and drafting of interrogatories, requests for production of documents, and requests for admissions; subpoenas and subpoenas duces tecum; deposition notices and discovery-related motions; evidence; trial preparation, including preparation of the trial notebook and trial brief; assistance at trial, including "second chair" responsibilities, standard jury instructions, arrangements for witnesses, summonses and subpoenas duces tecum; trial motions, summary judgments, motions in limine, pre-trial and post-trial orders; post-trial practice, including execution and filing; settlement/releases; supplemented with drafting practice.

COURSE OBJECTIVE: This course is intended to train paralegals in the basic procedural rules governing the civil litigation process, including where to find the law governing litigation and which courts handle particular types of litigation. Students will learn how to use these rules to recognize and draft litigation documents, including pleadings, motions and discovery requests.

This course will concentrate on providing students with a good working knowledge of the Louisiana Code of Civil Procedure with some references to corresponding Federal Rules of Evidence and Civil Procedure. Students will develop a basic understanding of the rules of evidence, particularly the rules regarding relevance, hearsay and privileges. Students will also learn pre-trial, trial and post-trial (appellate) procedures.

METHOD: Class Preparation (Reading Rules and Handouts)
Lecture, Class Discussion, Drafting Documents

FINAL GRADE:

Attendance and Class Participation	10%
Written Assignments	30%
Mid-Term Exam	20%
Final Exam	40%

LATE WORK: Assignments are due at the beginning of the class period stated in the syllabus. Assignments turned in late will receive a letter grade reduction. However, assignments will not be accepted for credit after being late more than one week unless there are dire circumstances. There are only two exams in this class. Make-up tests will not be given unless there are dire circumstances and, if given, will receive a full letter grade reduction.

ATTENDANCE: Regular attendance is essential. Reading material will be regularly distributed during class and students will be responsible for all material covered in those handouts and during class. Students are expected to attend each and every class period and sign the roll each class. If you are prevented from attending class by exceptional circumstances or illness, please contact me to discuss your individual situation. Attendance is a component of your final grade.

ACADEMIC HONESTY: In all work submitted for academic credit, you are expected to represent yourself honestly. All work is to be performed pursuant to the Tulane University Honor Code, including:

Plagiarism - The use of the ideas, data or specific passages of others that are unacknowledged or falsely acknowledged, with the purpose of influencing a grade. Any paraphrasing or quotation must be appropriately acknowledged.

Falsification of Research - The fraudulent or deceptive generation of data or the knowing use of data gathered in such a manner.

You may view the entirety of Tulane's Honor Code at <http://college.tulane.edu/honorcode.htm>.

**DISABILITY
ACCOMMODATIONS:**

The University makes available reasonable accommodations in accordance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990. Any student with questions about Office of Disability Services (ODS) procedures and policies should contact the Director of ODS for additional information or view the ODS website at <http://erc.tulane.edu/disability>.

COURSE OUTLINE:

- CLASS # 1** Introduction to Litigation - Review of the civil litigation process
- Structure of court system
 - Sources of civil litigation procedure
 - Three phases of a civil lawsuit
 - Case management & telling time L-5059
 - Jurisdiction of courts

Assignment: Read La. Code Civ. P. Arts. 41-45 121-124, 891-893, 921-934, 1001-1156, 1201-1293, 1311-1314, 1701-1704

- CLASS # 2** Pleading
- Venue
 - Petition/Complaint
 - Exceptions
 - Answer
 - Incidental actions/Joinder
 - Service and Default

Assignment: Read La. Code Civ. P. Arts. 961-970; Celotex Corp. v. Catrett, 477 U.S. 317 (1986). You must prepare a motion for summary judgment with supporting materials that will be due week 4.

- CLASS # 3** Motion Practice
- Motion for summary judgment
 - Motions to dismiss
 - Other Pre-Trial Motions

Assignment: Work on summary judgment project. Read La. Code Evid. Arts. 102, 401-403; 501-514; 901-1007

- CLASS # 4** Basic Rules of Evidence
- Function of evidence rules
 - Kinds of evidence
 - Relevance
 - Privileges (attorney-client, work product, etc.)
 - Authentication of tapes and documents

Assignment: Summary judgment project is due next class. Read La. Code Evid. 801-806, 404, 405

CLASS # 5 Hand in Summary Judgment Assignment
Continue with Basic Rules of Evidence

- Hearsay and its exceptions
- Character evidence

Assignment (for the next two classes): Read La. Code Civ. P. Arts. 1420-1475. You must prepare a set of interrogatories, requests for production and a notice of corporate deposition to be handed in at Class 7.

CLASS # 6 Formal Discovery in Civil Litigation

- Federal disclosure distinguished
- Types of formal discovery
- Interrogatories
- Requests for Production/Inspection
- Requests for Admissions
- Mental Physical examinations

- Depositions

Assignment: Same reading as above. Work on discovery project.

CLASS # 7 Continue Discovery Discussion; Review Sample Discovery Papers and Videotaped Deposition; Deposition Summaries

Assignment: Study for Midterm Exam

CLASS # 8 **MIDTERM EXAM**

Assignment: Complete preparation of a set of interrogatories, requests for production and a notice of corporate deposition to be handed in at Class 10.

CLASS # 9 Settlement Preparation
Quantum Studies
Settlement Conferences and Mediation

Assignment: Read handouts; La. Code Civ. P. Arts. 1351-1357, 1751-1797, 1841-1844, 1911-1918

- CLASS # 10** Trial Preparation and Trial
- Witnesses/Subpoenas
 - Exhibits, Benchbooks
 - Trial notebooks
 - Jury selection
 - Jury instructions
 - Judgments

Assignment: Same as previous class. Read handouts. You will be preparing a benchbook of ten (10) trial exhibits for pretrial submission to the judge and use by the jury which must be handed in at class 12.

- CLASS # 11** Trial preparation and trial continued
Exercise on preparing a trial notebook
The paralegal's role at trial

Assignment: Read La. Code Civ. P. Arts. 2081-2201; Work on benchbook submission due April 19, 2007.

- CLASS # 12** Proceedings in Appellate Courts
- Direct Appeals
 - Supervisory Writs
 - Interlocutory Appeals

Assignment: Complete benchbook of exhibits to hand in at next class.

- CLASS # 13** Hand in benchbook of exhibits project.
Review Appellate Brief package to be handed out in class.
Catch-Up Day

- CLASS # 14** LAST DAY OF CLASS - REVIEW FOR FINAL EXAM

FINAL EXAM **DATE TO BE ANNOUNCED**
5:45 P.M. - 8:25 P.M.