

COURSE SYLLABUS

PSCI 322 - Civil Procedure; Fall Semester 2018

Wednesday's 7:20 – 10:00 p.m.
SS 150

Instructor: Nobie Walker, Hunt County District Attorney's Office
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Available for Consultation Upon Request

Text: Civil Litigation, 7th Edition,
Author: Peggy Kerley, Joanne Baker Hames, J.D., Paul A. Sukys, J.D.
ISBN: 13-9781285449180
Publisher: Delmar/Cengage Learning

Course Description: This course focuses on the Texas Rules of Civil Procedure while also giving students experience in the aspects of civil litigation in which a paralegal would be involved before trial. The student is introduced to rules regarding the commencement of suits, citation and pre-trial proceedings. The course also has a practical element requiring students to draft a petition, draft all types of discovery, and summarize a deposition.

Course Objectives/Goals: The goal of this course is to enable the student to:

- Identify the procedural aspects of civil litigation, including the filing of suits, pretrial and post-trial proceedings
- Understand the role of the paralegal as a legal professional and related ethics in regards to pre-trial and post-trial proceedings
- Learn how to draft a petition, draft discovery requests and summarize depositions
- Understand and analyze procedural rules and laws and their effect on the litigation process

Assignments: (the Instructor reserves the right to amend, modify, or alter this syllabus as situations dictate)

August 29, 2018	Course Overview; Chapters 1 & 2
September 5, 2018	Chapters 3 & 4
September 12, 2018	Chapter 5 – The Complaint (In Texas, the Petition) <i>Assignment 1 – Draft a Petition</i>
September 19, 2018	The Complaint (cont'd) – Citation and Service of Process
September 26, 2018	Chapter 5 – The Answer (In Texas, the Answer) <i>Assignment 2 – Draft an Answer</i>

October 3, 2018	Motion Practice <i>Assignment 3 – Draft a Motion</i>
October 10, 2018	1 st Exam
October 17, 2018	Chapter 8 – Overview of the Discovery Process
October 24, 2018	Chapter 12 & 13 - Requests for Documents and Admission (In Texas, Requests for Production and Disclosure) <i>Assignment 4 – Draft Request for Admission, Production and Disclosure</i>
October 31, 2018	Chapter 10 – Interrogatories <i>Assignment 5 – Draft Interrogatories</i>
November 7, 2018	Chapter 9 – Depositions <i>Assignment 6 – Summarize a Deposition</i>
November 14, 2018	2 nd Exam
November 21, 2018	Chapter 14 – Settlement, Dismissal, Alternative Dispute Resolution
November 28, 2018	Chapter 15 – Trial Techniques
December 5, 2018	Trial Techniques cont'd
	Chapter 16 – Post Trial Practice
December 12, 2018	Final Examination

Grading Policy: You are responsible for completing the assignments listed in this syllabus. The assignments may be found within the chapters of the textbook and in handouts that will be provided to you. If the assignment is a group assignment, you will be responsible for choosing your group members. A group may consist of 2 to 3 people. Your assignments will be reviewed, graded and returned to you. This is a cumulative grade over the course of the semester.

All assignments must have a cover page indicating the following: your name, class, name of the assignment, and date the assignment is due. All assignments must be stapled. A deduction of 10 points will be assessed to all assignments turned in without stapling or without a cover page.

Case briefs, take-home exams, homework assignments, and any other written work are due at the beginning of the class period indicated in this syllabus. All written work will be graded not only on content, but also on writing style, **including punctuation and grammar**. Homework, case briefs, and take-home exams **will NOT** be accepted late or by email.

The examinations will primarily consist of multiple choice, true/false, definition, and short answer questions. If an exam is take-home, any collaboration with other students with regards to the substance of the exam will result in a failing grade.

Your grade will be calculated according to the following formula:

Attendance/participation	15 points
Assignments	25 points

Test 1	20 points
Test 2	20 points
Test 3	<u>20 points</u>
TOTAL	100 points

Grade Distribution is as follows:

- A = 90-99
 - B = 80-89
 - C = 70-79
 - D = 65-69
 - F = 64 and below
- (No extra credit work will be allowed)*

Attendance Policy: Attendance is required and roll will be taken at every class. If you have more than 2 unexcused absences, I reserve the right to drop you from the course.

Student Conduct: All students enrolled at the University shall follow the tenets of common decency and acceptable behavior conducive to a positive learning environment. (See Code of Student Conduct from the Student Guide Handbook). Students should also consult the Rules of Netiquette for more information regarding how to interact with students in an online forum: <http://www.albion.com/netiquette/corerules.html>

Texas A&M University-Commerce will comply in the classroom, and in online courses, with all federal and state laws prohibiting discrimination and related retaliation on the basis of race, color, religion, sex, national origin, disability, age, genetic information or veteran status. Further, an environment free from discrimination on the basis of sexual orientation, gender identity, or gender expression will be maintained.

Disability Statement: The Americans with Disabilities Act (ADA) is a federal anti-discrimination statute that provides comprehensive civil rights protection for persons with disabilities. Among other things, this legislation requires that all students with disabilities be guaranteed a learning environment that provides for reasonable accommodation of their disabilities. If you believe you have a disability requiring an accommodation, please contact: **The Office of Student Disability Resources and Services, Texas A & M University-Commerce, Gee Library, Room 132, Phone Number (903) 886-5150 or (903) 886-5835, Fax Number (903) 468-8148, Email Address – StudentDisabilityServices@tamuc.edu**

Campus Carry: Texas Senate Bill 11 (Government Code 411.2031, et al.) authorizes the carrying of a concealed handgun in Texas A&M University-Commerce buildings only by persons who have been issued and are in possession of a Texas License to Carry a Handgun. Qualified law enforcement officers or those who are otherwise authorized to carry a concealed handgun in the State of Texas are also permitted to do so. Pursuant to penal Code (PC) 46.035 and A&M-Commerce Rule 34.06.02R1, license holders may not carry a concealed handgun in restricted locations. For a list of locations, please refer to <http://www.tamuc.edu/aboutUs/policiesProceduresStandardsStatements/rulesProcedures/34SafetyOfEmployeesAndStudents/34.06.02R1.pdf> (and/or consult your event organizer). Pursuant to PC 46.035, the open carrying of handguns is prohibited on all

A&M-Commerce campuses. Report violations to the University Police Department at (903) 886-5868 or 9-1-1.

Nondiscrimination Statement: Texas A & M University – Commerce will comply in the classroom, and in online courses, with all federal and state laws prohibiting discrimination and related retaliation on the basis of race, color, religion, sex, national origin, disability, age, genetic information or veteran status. Further, an environment free from discrimination on the basis of sexual orientation, gender identity, or gender expression will be maintained.

Plagiarism Statement

Many people think of plagiarism as copying another's work, or borrowing someone else's original ideas. But terms like "copying" and "borrowing" can disguise the seriousness of the offense:

According to the Merriam-Webster Online Dictionary, to "plagiarize" means

1. to steal and pass off (the ideas or words of another) as one's own
2. to use (another's production) without crediting the source
3. to commit literary theft
4. to present as new and original an idea or product derived from an existing source.

In other words, plagiarism is an act of fraud. It involves both stealing someone else's work and lying about it afterward.

But can words and ideas really be stolen?

According to U.S. law, the answer is yes. The expression of original ideas is considered intellectual property, and is protected by copyright laws, just like original inventions. Almost all forms of expression fall under copyright protection as long as they are recorded in some way (such as a book or a computer file).

All of the following are considered plagiarism:

- turning in someone else's work as your own
- copying words or ideas from someone else without giving credit
- failing to put a quotation in quotation marks
- giving incorrect information about the source of a quotation
- changing words but copying the sentence structure of a source without giving credit
- copying so many words or ideas from a source that it makes up the majority of your work, whether you give credit or not (see our section on "fair use" rules)

Most cases of plagiarism can be avoided, however, by citing sources. Simply acknowledging that certain material has been borrowed, and providing your audience with the information necessary to find that source, is usually enough to prevent plagiarism. If you have retained the essential idea of an original source, and have not cited it, then no matter how drastically you may have altered its context or presentation, you have still plagiarized.” (www.plagiarism.org)

If you plagiarize, you will receive a ZERO for the assignment in question. I also reserve the right to give you an F in the course. The matter will be referred to the Office of the Dean of the College of Humanities, Social Sciences, and Arts.