

COURSE SYLLABUS

POLITICAL SCIENCE 322: CIVIL PROCEDURE (3 semester hours)

Mondays 7:20 – 10:00 PM
SS – 313

Instructor: Rachel Flatt
Office Location: SS - 313
Office Hours: Mondays after class for 30 minutes (*or by appointment*)
Phone: (903) 243-0689
Email: Rachel.Flatt@tamuc.edu

Required Texts

Peggy Kerley, Joanne Baker Hames, J.D., & Paul A. Sukys, J.D., Civil Litigation, 8th Edition, Delmar/Cengage Learning ISBN 978-1-337-79883-9

Texas Rules of Civil Procedure

Please do not attempt to purchase a copy of the Rules of Civil Procedure before the first day of class, we will discuss this during our first class.

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, drafts all types of discovery, and summarize a deposition.

Course Objectives

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

Attendance Policy

Attendance is required and roll will be taken at every class. It vital to attend each class as we only meet once per week.

Attendance/participation contributes 10% of the total final grade. The follow table illustrates how missed classes will affect this portion of your overall grade

<u>Classes missed</u>	<u>% deduction from attendance/participation</u>
1	0%
2	2%
3	5%
4 or more	10% and possible failure of class

Grading Policy

This class will be taught using the Socratic Method as well as lecture. You may be called on at any time and are expected to be fully prepared to discuss the assigned reading material. This is a cumulative grade over the course of the semester.

You are also responsible for completing the assignments listed in this syllabus. The assignments may be found within the chapters of the textbook and in handouts I will provide 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	10 points
Assignments	30 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)

Student Conduct and Etiquette

All students enrolled at the University shall follow the tenets of common decency and acceptable behavior conducive to a positive learning environment. (See Student's Guide Handbook, Policies and Procedures, Conduct) You are expected to exhibit respect for the instructor and fellow students at all times. All electronic devices (except laptops) must be turned off during class. Laptop use is limited to reading notes made for class and taking notes during class. In the event you choose to use a laptop, sound features must be disabled. Surfing the internet and playing games on your laptop during class time are strictly prohibited. Failure to adhere to these policies may result in removal from class.

Students with Disabilities

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 have a disability requiring accommodation, please contact:

Office of Student Disability Resources and Services Texas A&M

University – Commerce

Gee Library Room 132

Phone: (903)886-5150 or (903)886-5835

Fax: (903)468-8148

StudentDisabilityServices@tamuc.edu

Non-discrimination notice

A&M-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 discrimination on the basis of sexual orientation, gender identity, or gender expression will be maintained.

Statement regarding on campus firearms

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-0Commerce 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/policiesProceduresStandardsStatments/rulesProcedures/34SafetyOfEmployeesAndStudents/34.06.02.R1.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.

Statement regarding Counseling

The Counseling Center at A&M-Commerce, located in the Halladay Building, Room 203, offers counseling services, educational programming, and connection to community resources for students. Students have 24/7 access to the Counseling Center's crisis assessment services by calling 903-886-5145. For more information regarding Counseling Center events and confidential services, please visit www.tamuc.edu/counsel.

“What is Plagiarism

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 an F for the assignment in question and the matter will be referred to the Office of the Dean of the College of Arts and Sciences.

As Instructor, I reserve the right to amend, modify, or alter this syllabus as the situation may require.

Tentative Course Readings, Assignments and Testing Dates

** The Chapters listed for each week are to be read before class that day, the Assignments, however, are assigned at the end of that class where they are found on the syllabus and are due at the beginning of class the following week**

Introduction to Civil Litigation

Aug 30 Chapter 1 – Litigation and the Paralegal

Chapter 2 – The Courts and Jurisdiction

Sep 6 NO CLASS LABOR DAY

Sep 13 Chapter 3 – Preliminary Considerations and Procedures

Chapter 4 – Investigation and Evidence

Initiating Litigation

Sep 20 Chapter 5 – The Complaint – in Texas, the Petition
[Assignment 1 – Draft a Petition]

Sep 27 The Complaint (cont'd)
Citation and Service of Process

Oct 4 Chapter 6 - Responses to the Complaint – in Texas, the Answer
[Assignment 2 – Draft an Answer]

Oct 11 Chapter 7 - Motion Practice
[Assignment 3 – Draft a Motion]

Oct 18 Test 1

The Discovery Process

- Oct 25 Chapter 8 – Overview of the Discovery Process
- Nov 1 Chapter 9 - Depositions
[Assignment 6 – Summarize a Deposition]
- Nov 8 Chapter 10 - Interrogatories
[Assignment 5 – Draft Interrogatories]
- Nov 15 Chapter 12 – Requests for Documents
Chapter 13 – Requests for Admission
- Nov 22 In class corrections and review of Discovery documents, review for Exam 2
- Nov 29 Exam 2**

Settlement, Trial and Post trial

- Dec 6 Chapter 15 - Trial Techniques
Chapter 16 – Post trial practice
- Dec 13 Final Exam**