

COURSE SYLLABUS

PLGL 322: CIVIL PROCEDURE (3 semester hours)

Online Course

Live Lecture: Mondays, 7:20 – 10:00 PM

Instructor: Professor
Office Hours: Available by email Monday through Friday during normal business hours or by phone by appointment.
Office Phone:
Email: Be sure to include "TAMUC-Civil Pro" on subject line.

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, draft 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/Participation Policy

Attendance at the live lectures is required. If you miss more than 2 classes I reserve the right to drop you from the course.

You are expected to know how to navigate and use the D2L platform by utilizing the training made available to you by the University. You are expected to attend and participate in the online live lectures each week. Live lectures are conducted using Zoom. You must prepare for the class discussion by reading ALL of the material assigned prior to class.

If you have a scheduling conflict at the time of the live lectures, please contact me as soon as possible. Recordings of the lectures will be posted each week.

Grading Policy

Lectures and Discussion: 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 during the live lectures and in the online discussions. This is a cumulative grade over the course of the semester.

Assignments: 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.

ALL ASSIGNMENTS MUST HAVE A COVER PAGE indicating the following: your name, class, chapter and name of the assignment (as it appears in the syllabus), and date the assignment is due. A deduction of 10 points will be assessed to all assignments turned in without a cover page. You will submit your assignments in the drop box provided to you in the D2L platform.

Case briefs, exams, homework assignments, and any other written work must be submitted before the deadline provided to you. All written work will be graded not only on content, but also on writing style, **including punctuation and grammar.** You are expected to submit case briefs, homework, and exams on time. Exceptions will be granted only under the most EXTREME, verifiable circumstances.

Exams: The examinations could consist of multiple choice, true/false, definition, short answer questions or essay. Any collaboration with other students with regards to the substance of the exams 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
<u>Test 3</u>	<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 unless assigned as a bonus to the entire class.)

Technology Requirements LMS

All course sections offered by Texas A&M University-Commerce have a corresponding course shell in the myLeo Online Learning Management System (LMS). Below are technical requirements

LMS Requirements:

<https://community.brightspace.com/s/article/Brightspace-Platform-Requirements>

LMS Browser Support:

https://documentation.brightspace.com/EN/brightspace/requirements/all/browser_support.htm

Access and Navigation

You will need your campus-wide ID (CWID) and password to log into the course. If you do not know your CWID or have forgotten your password, contact the Center for IT Excellence (CITE) at 903.468.6000 or helpdesk@tamuc.edu.

Note: Personal computer and internet connection problems do not excuse the requirement to complete all course work in a timely and satisfactory manner. Each student needs to have a backup method to deal with these inevitable problems. These methods might include the availability of a backup PC at home or work, the temporary use of a computer at a friend's home, the local library, office service companies, Starbucks, a TAMUC campus open computer lab, etc.

Communication

If you have any questions or are having difficulties with the course material, please contact your Instructor.

Technical Support

If you are having technical difficulty with any part of Brightspace (D2L), please contact Brightspace Technical Support at 1-877-325-7778. Other support options can be found here:

<https://community.brightspace.com/support/s/contactsupport>

Classroom 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. Failure to adhere to these policies may result in removal from the online course. Please be respectful of others' opinions even if you do not agree with them. I look forward to reading a variety of thoughts and opinions and I want you to express yourselves, but please be respectful! Remember all caps means you are yelling.

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 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

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.

COVID-19 Statement

Texas A&M-Commerce recommends the use of face-coverings in all instructional and research classrooms/laboratories.

Campus Carry Statement

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 34.06.02.R1,

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/34.06.02.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 call 9-1-1.

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 or an A.I. generated response, 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 or administratively drop you from the course. The matter will be referred to the Office of the Dean of the College of Humanities, Social Sciences, and Arts and/or the Provost.

As Instructor, I reserve the right to amend, modify, or alter this syllabus as the situation may require. (This is a wish list of what I would like to cover in this class this semester so don't be surprised if the schedule is amended.)

Tentative Course Reading Assignments

Week 1

Canceled - Live lecture on August 26th @ 7:20 PM
The Class Overview and Syllabus review will be included in the Week 3 lecture.
The lack of Week 1 lecture will not affect your grade in this class.

Week 2

September 2nd – **No Class/Lecture (Labor Day)**

Week 3

Live lectures on September 9th @ 7:20 PM
First Day of Class: Course Overview and Syllabus
Chapter 1 – Litigation and the Paralegal
Chapter 2 – The Courts and Jurisdiction

Week 4

Live lectures on September 16th @ 7:20 PM
Chapter 3 – Preliminary Considerations and Procedures
Chapter 4 – Investigation and Evidence

Week 5

Live lectures on September 23rd @ 7:20 PM
Chapter 5 – The Complaint (in Texas, the Petition,) Citation, & Service of Process
Assignment 1 – Draft a Petition

Week 6

Live lectures on September 30th @ 7:20 PM
Chapter 6 - Responses to the Complaint – in Texas, the Answer
Assignment 2 – Draft an Answer

Fall 2024

Week 7

Live lectures on October 7th @ 7:20 PM
Chapter 7 - Motion Practice
Assignment 3 – Draft a Motion

Week 8

TEST 1

Week 9

Live lectures on October 21st @ 7:20 PM
Chapter 8 – Overview of the Discovery Process

Week 10

Live lectures on October 28th @ 7:20 PM
Chapter 9 – Depositions

Live lectures on November 4th @ 7:20 PM
Chapter 10 – Interrogatories
Assignment 4 – Draft Interrogatories

Week 12

Live lectures on November 11th @ 7:20 PM
Chapter 12 – Requests for Documents
Chapter 13 – Requests for Admission
Assignment 5 – Draft Requests for Admission

Week 13

TEST 2

Week 14

Live lectures on November 25th @ 7:20 PM
Chapter 15 – Trial Techniques

Week 15

Live lectures on December 2nd @ 7:20 PM
Chapter 16 – Post Trial Practice

Week 16

TEST 3