

COURSE SYLLABUS

POLITICAL SCIENCE 322: CIVIL PROCEDURE (3 semester hours)

Wednesdays online 7:30 – 10:00 PM

Instructor: Nobie Walker
Consultation Hours: Available for Consultation by Appointment
Phone: (903) 456-4686
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Required Texts

Peggy Kerley, Joanne Baker Hames, J.D., & Paul A. Sukys, J.D., Civil Litigation, 8th Edition, Delmar/Cengage Learning ISBN 978-1-3377-9883-9

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 more as the semester begins****

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. If you miss more than 2 classes I reserve the right to drop you from the course. If a student leaves before the end of class, it will be considered 1 absence.

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. 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. A deduction of 10 points will be assessed to all assignments turned in without a cover page.

All written work will be graded not only on content, but also on writing style, **including punctuation and grammar.** Any assignments, including exams, *will not* be accepted late without prior consultation.

The examinations will primarily consist of multiple choice, true/false, definition, and short answer questions.

Your grade will be calculated according to the following formula:

Assignments	25 points
Test 1	25 points
Test 2	25 points
Test 3	<u>25 points</u>
TOTAL	100 points

Grade Distribution is as follows:

A = 90-99
B = 80-89
C = 70-79
D = 69-60
F = 59 and below
(No extra credit work will be allowed)

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. 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.

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.

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 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.

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

Introduction to Civil Litigation

Week 1

- 1/14 Course Overview
- 1/21 Chapter 1 – Litigation and the Paralegal
Chapter 2 – The Courts and Jurisdiction – thru page 45

Week 2

- 1/28 Chapter 2 – beginning with Venue, Page 45
Chapter 3 – Preliminary Considerations, incl. Statutes of Limitations
Chapter 4 – Investigations and Evidence

Initiating Litigation

Week 3

- 2/4 Chapter 5 – The Complaint (in Texas, the Petition)
[Assignment 1 – Draft a Petition]

Week 4

- 2/11 Chapter 5 (cont'd) Complaint Citation and Service
of Process

Week 5

- 2/18 Chapter 6 - Responses to the Complaint – (in Texas, the Answer)
[Assignment 2 – Draft an Answer]

Week 6

- 2/25 Motion Practice
[Assignment 3 – Draft a Motion]

Week 7

- 3/4 **Test 1**

The Discovery Process

Week 8

3/11 **SPRING BREAK**

Week 9

3/18 Chapter 8 – Overview of the Discovery Process

Week 10

3/25 Chapter 12 – Requests for Documents (in Texas, Requests for Production)
Chapter 13 – Requests for Admission and in Texas, Requests for Disclosure
[Assignment 4 – Draft Requests for Production, Admission and Disclosure]

Week 11

4/1 Chapter 10 - Interrogatories
[Assignment 5 – Draft Interrogatories]

Week 12

4/8 Chapter 9 - Depositions
[Assignment 6 – Summarize a Deposition]

Week 13

4/15 **Exam 2**

Settlement, Trial and Post trial

Week 14

4/22 Chapter 14 – Settlements, Dismissal, Alternative Dispute Resolution

Week 15

4/29 Chapter 15 – Trial Techniques

Week 16

5/6 **Final Exam**