



## Walters State Community College Course Syllabus

### Course Information

**Course Number and Name:** LEGL 2380 Civil Litigation Skills I

**Section ID:** 80414.202380

**Semester and Year:** Fall 2023

**Credit Hours:** 3

**Start Date:** August 21, 2023

**End Date:** December 08, 2023

**Course Format:** CON - Conventional Methodology

**Catalog Course Description:** An introduction to civil litigation and practices in federal and state courts and practical law office skills. **(F)**

**Meeting Details:** W; 06:00PM - 09:05PM; TECH 284

**Course Drop Deadline:** October 27, 2023

### Instructor Information

**Name:** Melissia R. Ball, A.A.S., B.S., J.D.

**Role:** Instructor

**Office Location:** No office on campus.

**Office Hours:** The Instructor will be available for brief conferences in the classroom before and after class. Longer conferences related to the course may be scheduled by appointment.

**Office Phone:** 423-623-3091

**Email:** Melissia.Ball@ws.edu

**Supervisor Name:** Dr. Ryan McMillan, Tech 240

**Supervisor Phone:** (423) 585-6975; e-mail: Ryan.McMillan@ws.edu

**Secretary Name:** Tammy Jones/Kathy McFarling

**Secretary Phone:** 423-585-2644/423-585-6972

**Name:** Melissia R. Ball, A.A.S., B.S., J.D.

**Role:** Instructor

**Office Location:** No office on campus.

**Office Hours:** The instructor will be available for brief conferences virtually before or after class.

**Office Phone:** 423-623-3091

**Email:** Melissia.Ball@ws.edu

**Supervisor Name:** Dr. Ryan McMillan, Tech 240

**Supervisor Phone:** (423) 585-6975; e-mail: Ryan.McMillan@ws.edu

## Required Textbook(s) and Materials

**Interviewing and Investigating: Essential Skills for the Paralegal**

**ISBN:** 978-1-5438-4020-9

**Authors:** Stephen P. Parsons

**Publisher:** Wolters Kluwer

**Publication Date:** 2022

**Edition:** 8th

## Supplemental or Optional Materials

A Student Resources File containing a number of Tennessee and federal sources of information related to civil litigation will be posted on the course eLearn site and referenced in class meetings. From time to time the Instructor will post other course material on the course eLearn site. Students should check that site regularly for new and updated material.

The WSCC Library on the Morristown campus has a number of publications related to civil litigation in its permanent collection. In addition, students should bookmark the following online sites for reference during the course:

- 1) The Federal Rules of Civil Procedure, accessible online at [uscourts.gov/rules-policies/current-rules-practice-procedure/federal-rules-civil-procedure](https://uscourts.gov/rules-policies/current-rules-practice-procedure/federal-rules-civil-procedure) or [law.cornell.edu/rules/frcp/](https://www.law.cornell.edu/rules/frcp/)
- 2) The Tennessee Rules of Civil Procedure accessible online at [tncourts.gov/courts/supreme-court/rules/rules-civil-procedure](https://tncourts.gov/courts/supreme-court/rules/rules-civil-procedure) or [tsc.state.tn.us/courts/supreme-court/rules/rules-civil-procedure](https://tsc.state.tn.us/courts/supreme-court/rules/rules-civil-procedure)
- 3) The Federal Rules of Appellate Procedure accessible online at <https://www.law.cornell.edu/rules/frap>
- 4) The Tennessee Rules of Appellate Procedure at [tsc.state.tn.us/courts/court-rules/rules-appellate-procedure](https://tsc.state.tn.us/courts/court-rules/rules-appellate-procedure)
- 5) The Federal Rules of Evidence at <https://www.law.cornell.edu/rules/fre>
- 6) The Tennessee Rules of Evidence at [tncourts.gov/courts/supreme-court/rules/rules-evidence](https://tncourts.gov/courts/supreme-court/rules/rules-evidence)

7) The local rules of practice for trial courts in the state of Tennessee at [tncourts.gov/courts/court-rules2/local-rules-practice](http://tncourts.gov/courts/court-rules2/local-rules-practice)

8) The local rules of practice for the U.S. District Court, Eastern District of Tennessee at <https://www.tned.uscourts.gov/local-rules-and-standing-orders>

## Student Learning Outcomes/Objectives

- Upon successful completion of this course the student will demonstrate a basic knowledge of 1) the American adversarial system; 2) the federal and Tennessee state court systems; 3) the distinction between civil actions and criminal prosecutions; 4) the role of a paralegal in assisting the supervising attorney in a civil case; 5) the preparation of pleadings in a civil case including the complaint, answer, counterclaim, and third-party claims; 6) the service of process in a civil case; 7) the scope and methods of formal pretrial discovery in a civil case; 8) motion practice including Rules 12 and 56 and other pre-trial motions in a civil case; 9) locating and working with experts in a civil case; 10) the paralegal's role in trial preparation procedures including preparation and service of subpoenas, witness preparation, exhibit handling and preparation, and the trial notebook; 11) the entry of judgments in a civil case; 12) post-trial motions in a civil case; 13) appellate procedure in a civil case; 14) enforcement of a final judgment in a civil case; 15) alternative dispute resolution; and 16) ethical and professional considerations that relate to civil litigation practice for the attorney and paralegal. The student learning objectives for this course are: 1. For the student to demonstrate a mastery of the civil litigation concepts summarized above. 2. For the student to be able to draft basic pleadings, common motions, and discovery documents in a civil lawsuit.

## Instructional Approach and Methods

1. Lecture
2. Integrated class discussion
3. Periodic testing
4. Writing project
5. Interviewing project

## Assessment, Evaluation and Testing Procedures

Weekly Review Questions: Each week during the course students will be asked to answer 5-10 questions related to the course topics covered that week. The weekly review questions will be

contained in written Supplemental Lecture Notes that the instructor will provide to students each week during the course. Answers to the weekly review questions will be submitted to the instructor by each student in writing by a designated due date that will be stated in the weekly Supplemental Lecture Notes. The instructor will grade the answers to the weekly review questions within a week of their submission and will advise students of their score on the questions answered and the correct answer to any question missed. The collective score achieved by each student on the weekly review questions over the course of the semester will count 20% of the student's final grade.

Midterm and Final Exams: There will be two exams given in the course, a midterm exam and a final exam. The exams are non-cumulative and each will count 25% of the student's final grade. The exams will be a combination of multiple choice, T-F, fill in the blank, and short answer questions.

Writing Project. As indicated in the Grading and Testing section above, students will complete a writing project and it will count 10% of the student's final grade. The writing project consists of the drafting of a proposed plan of investigation in a civil case. Details and instructions for the writing project will be provided by the Instructor in class.

Interviewing Project. Students will also complete an interviewing project and it will count 20% of the student's final grade. The interviewing project consists of arranging, preparing for, and conducting an interview with a client or witness in a hypothetical civil case. Instructions for the interviewing project will be provided by the Instructor in class.

The final grade will be computed on the following basis:

Weekly review questions.....	20%
Writing project.....	10%
Interviewing project.....	20%
Midterm exam.....	25%
Final exam.....	25%
Total.....	100%

## Grading Scale

A	90-100
B	80-89
C	70-79

D	60-69
F	Below 60

## Assignments

Weekly Reading Assignments and Weekly Review Questions. Each week of the semester Students will be assigned to read designated sections of the textbook and the Student Resources File as well as Supplemental Lecture Notes for that week to be provided to students by the instructor. The supplemental lecture notes for each week will contain 5-10 review questions related to the material being covered that week. As indicated in the Assessment, Evaluation, and Testing section above, students will submit answers to the weekly review questions to the instructor in writing by a due date designated in the supplemental lecture notes. The instructor will grade the answers to the weekly review questions within a week of their submission and will advise students of their score on the questions answered and the correct answer to any questions missed. The collective score achieved by each student on the weekly review questions over the course of the semester will count 20% of the student's final grade.

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Midterm and Final Exams. As indicated in the Assessment, Evaluation, and Testing section above, a midterm and a final exam will be administered during the semester at times to be announced in class. The score achieved by the student on the midterm and the final exam will each count 25% of the student's final grade.

Below is the sequence in which course material is expected to be covered over the weeks of the course subject to revision by the Instructor in his sole discretion. Any revisions to the sequence outlined below will be announced in class and/or stated in written announcements posted for students on the course eLearn site.

### Week One:

**a.** Introduction to the adversarial system as a method of resolving disputes; distinction between civil and criminal procedural systems; sources of law for civil litigation

**b.** Overview of the civil litigation process

**c.** Alternative dispute resolution

**d.** The role of the paralegal in assisting an attorney in civil litigation

**Read:** 1) Parsons I & I text: Preface and Chapter 3, Sections A-C

2) Parts A-E in the Student Resources File

### **Week Two:**

**a.** The civil action: kinds of civil actions; the role of elements in establishing a civil cause of action; damages; defenses and affirmative defenses; counterclaims and third-party claims

**b.** Burdens of proof and persuasion in civil litigation

**Read:** 1) Parts F and G in the Student Resources File

### **Week Three:**

**a.** Detailed consideration of the federal and Tennessee state court systems

**b.** Subject matter jurisdiction of the federal and Tennessee state courts

**Read:** 1) Parsons I & I text: Chapter 3, Section E

2) Parts H-J in the Student Resources File

### **Week Four:**

**a.** Personal and *in rem* jurisdiction, state long-arm statutes, venue; consideration of underlying due process notions affecting personal and *in rem* jurisdiction issues including review of recent Supreme Court cases.

**b.** Venue in federal courts and Tennessee state courts

**Read:** 1) Parts K-M in the Student Resources File

**Week Five:**

- a. Distinguishing pretrial investigation and formal discovery
- b. The purpose and role of interviewing and factual investigation in civil litigation; information needed to be gathered pretrial to determine causes of action; identify potential defendants including concepts of agency, indemnity and immunity; determine potential damages and sources of proof for them; determine assets available from defendants to satisfy potential judgment including insurance; determine proper court for suit for subject matter and venue purposes; determine timing of suit in light of applicable statutes of limitation and repose, development of case strategy and plan of investigation and discovery.
- c. Legal and ethical obligations of the attorney and assisting paralegal in civil litigation

**Read:** Parsons I & I text, Chapter 1; Chapter 3, Sections D and E; and Chapter 2

**Week Six:**

- a. The attorney's decision to undertake representation of a client in civil litigation
- b. Fee arrangements in civil cases
- c. Setting up and organizing the client file

**Read:** Parsons I & I text, Chapter 10, Section E, Subpart b and Illustrations 10-7, 10-8, and 10-9

**Week Seven:**

- a. Overview of the rules of evidence
- b. The role of the rules of evidence in pretrial investigation and at trial

**Read:** Parsons I & I text, Chapters 6 and 7

**Week Eight:**

- a. The plan of investigation; the importance of having a plan; how to formulate one; limitations on a plan of investigation.

**b.** Consideration of locating and handling documents and physical evidence; locating relevant documents and things--the importance of being thorough; the importance of authentication and chain of custody; procedures for storage, handling and retrieval of documents and things; documents and things prepared for use at trial--photographs, charts, diagrams, computer simulations, video and audio tools.

**Read:** Parsons I & I text Chapter 9

#### **Week Nine:**

**a.** Consideration of communication skills and how they relate generally to the paralegal's work environment and to the work of interviewing and investigating; contexts in which communication skills are important.

**b.** Consideration of how people communicate; verbal and non-verbal communication; written communication.

**Read:** Parsons I & I text, Chapter 8

#### **Week Ten:**

**a.** Preparing for a client interview; the various people the paralegal may be asked to interview in assisting the attorney; goals of a client interview; distinguishing the initial client interview from later client interviews; arranging the interview; planning for an initial client interview: records authorizations, the fee agreement, planning the questions, using an intake sheet, preparing the physical environment; seating arrangements; being physically and mentally prepared

**b.** Conducting an initial client interview: greeting the client, beginning the interview, conducting the interview, dangers of UPL, dealing with problem clients, concluding the interview; following an initial client interview: the interview summary and follow-up letter

**Read:** Parsons I & I text, Chapters 10 and 11

#### **Week Eleven:**

**a.** Preparing for a witness interview; goals of the witness interview, kinds of witnesses, scheduling and preparing for the witness interview

**b.** Conducting a witness interview; in-office vs. field interviews; impeaching a witness; electronically recorded interviews; the witness statement



**Read:** Parsons I & I text, Chapters 12 and 13

**Week Twelve:**

- a. Identifying fact witnesses; sources for identifying fact witnesses
- b. Locating missing witnesses

**Read:** Parsons I & I text, Chapter 14

**Week Thirteen:**

- a. Expert witnesses; what is an expert; why attorneys use experts
- b. Locating qualified experts
- c. Evaluating an expert
- d. Working successfully with expert witnesses

**Read:** Parsons I & I text, Chapter 15

**Week Fourteen:**

- a. Consideration of how to access public records; federal, state and local government agencies; the FOIA and federal and state Privacy Acts; public information through the internet and computer services companies.
- b. Consideration of sources of private records; common kinds of private information sought and their sources, custodians, authorizations, the use of subpoenas, obtaining private information thorough the internet and computer services companies.

**Read:** Parsons I & I text, Chapters 16-18

**Week Fifteen:**

Finish any uncovered material, review, complete interviewing projects.

**Academic Honesty**

Faculty expect all students to refrain from acts of academic misconduct including but not limited to:

1. Plagiarism - refers to using another person's ideas or writing without giving proper credit to the original source. Indulging in this type of conduct will subject the student to disciplinary sanctions, which may be imposed through the regular institutional procedures of Walters State Community College as outlined in the Student Handbook. Plagiarism will result in a grade of "0" for the paper/exam/presentation. Student Conduct and Disciplinary Sanctions contained in the college Catalog/Student Handbook apply (see policy 04:18:02 Disciplinary Sanctions).

Plagiarism includes, but is not limited to the following:

- a. Using cut/paste tool from original document with no references given.
  - b. Copying another student's work and submitting it as one's own.
  - c. Forging or otherwise altering signatures.
  - d. Giving or falsifying academic documents or materials.
2. Cheating - construed as attempting to deceive or mislead which includes, but is not limited to the following:
    - a. Utilizing old tests, projects, notes or written papers.
    - b. Providing unauthorized information to a fellow student about exam content.
    - c. Receiving unauthorized aid from any source with quizzes, examinations, or other assignments.
    - d. Seeking information in an unacceptable manner during/preceding an exam or other assigned work (cheat sheet, verbal exchange, looking at another person's paper or electronic device, utilizing headphones, using textbook when the test/quiz is not an open book test/quiz, using textbook test bank etc.).
    - e. Consulting with a classmate or others when taking a computerized test.
    - f. Disregarding other specific policies and procedures outlined for a particular class.
    - g. Utilizing unapproved technology/electronic equipment during testing (i.e.: mobile devices such as cell phones, smart devices, or tablets, etc.).
    - h. Using the same Internet Protocol network address (IP address) as another student for testing without approval from the course faculty.
  3. The use of any generative artificial intelligence (AI) tool, such as OpenAI's ChatGPT, Google's Bard, or any other pre-trained language model (commonly referred to as "chatbot"), must be cited for any assignment where it has been used and may not be used unless specifically allowed by your instructor. Please see your instructor or the course policies within the syllabus if you have questions.

## Student Resources

## TUTORING SERVICES

Students in need of tutoring assistance are encouraged to contact the Office of Student Tutoring located as follows:

- Morristown Campus - Student Services Building Room L107 - (423) 585-6920
- Niswonger Campus - GRNV 226 - (423) 798-7982
- Sevierville Campus - MMH Room 210 - (865) 286-2787
- Claiborne Campus - Room 123A - (423) 851-4761

Specific tutoring assistance in mathematics and writing is available in-person and online as follows:

- Morristown Campus - English Learning Lab - HUM 120 - (423) 585-6970

[Walters State English Learning Lab \(opens in new window\)](https://www.waltersstate.edu/academics/humanities/writing-lab)  
[ws.edu/academics/humanities/writing-lab](https://www.waltersstate.edu/academics/humanities/writing-lab)

- Morristown Campus - Mathematics Lab - MBSS 222 - (423) 585-6872

[Walters State Mathematics Learning Lab \(opens in new window\)](https://www.waltersstate.edu/academics/mathematics/learning-lab)  
[ws.edu/academics/mathematics/learning-lab](https://www.waltersstate.edu/academics/mathematics/learning-lab)

## TECHNOLOGY SUPPORT

Students who need assistance with computing and technology issues should contact the IET Helpdesk by phone at Morristown: (423) 318-2742; Niswonger: (423) 798-8186; or Sevierville: (865) 286-2789 or on-line access.

[Walters State Helpdesk \(opens in new window\)](https://www.waltersstate.edu/helpdesk)  
[helpdesk.ws.edu](https://www.waltersstate.edu/helpdesk)

## STUDENTS WITH DISABILITIES SUPPORT SERVICES

Students with disabilities must register with Student Support Services each semester in the Student Services Building, Room U134 (phone (423) 585-6892) if they need any special facilities, services, or consideration.

[Walters State Student Support Services \(opens in new window\)](https://www.waltersstate.edu/student-services/disability/)  
[ws.edu/student-services/disability/](https://www.waltersstate.edu/student-services/disability/)

## SUICIDE PREVENTION STATEMENT

Walters State is committed to and cares about all students. Support services are available for any person at Walters State who is experiencing feelings of being overwhelmed, hopelessness, depression, thinking about dying by suicide, or is otherwise in need of assistance. For immediate

help, contact the National Suicide Prevention Lifeline by calling or texting 9-8-8 or the Trevor Lifeline at 1-866-488-7386. Veterans may also contact the Veterans Crisis Line at 1-800-273-8255 (press 1) or Text 838255.

Walters State has a relationship in place with the following community agencies to provide services (may include crisis referral services, prevention screenings, etc.):

- Cherokee Health Systems 423-586-5032
- Frontier Health 423-467-3600

## College Policies

### **STUDENTS HANDBOOK AS OFFICIAL GOVERNING DOCUMENT**

This class is governed by the policies and procedures stated in the current Walters State Community College Student Handbook. All students attending Walters State Community College, regardless of the time, location, or format of the class, must abide by the rules and regulations outlined in the current Walters State Catalog/Student Handbook and the current Walters State Timetable of Classes.

[Walters State Catalog \(opens in new window\)](https://catalog.ws.edu/)  
[catalog.ws.edu/](https://catalog.ws.edu/)

[Walters State Timetable of Classes \(opens in new window\)](https://ws.edu/admissions/registration/)  
[ws.edu/admissions/registration/](https://ws.edu/admissions/registration/)

### **PURPOSE, LIMITATIONS AND MODIFICATION OF SYLLABUS**

This syllabus sets forth the expectations for the course content, work, and grading as well as expectations for student performance and conduct. The syllabus does not constitute a contract between the student and the instructor or the College. The information contained here is subject to change at any time. The instructor reserves the right to modify this syllabus at any time with written notification to the students. Though changes are possible, it is expected that the course will be conducted as described in this syllabus for the semester/year specified in the Course Information section of the syllabus. This syllabus is only valid for the semester/year specified and course requirements are not guaranteed for future semesters.

### **COURSE GROUND RULES**

- Students must attend the first day of on-ground class or contact the instructor prior to the first class. Failure to do this may result in being dropped from the class. Excessive absences may substantially lower the course grade.

- Regular class attendance is a student's obligation for any course regardless of format. (See the Walters State Catalog/Student Handbook). If a student misses class, it is his or her responsibility to contact the instructor regarding missed assignments and/or activities and to be prepared for the next class assignment.
- Students enrolled in web courses must follow the course attendance policy defined for online attendance during the first week of class and throughout the term. Failure to do this may result in being dropped from the class during week one OR may result in the accrual of absences which may negatively impact the student's grade in the course.
- Students who have not paid fees on time and/or are not correctly registered for this class and whose names do not appear on official class rolls generated by the Walters State student information system (MyWS) will not be allowed to remain in class or receive credit for this course.
- Electronic devices must not disrupt the instructional process or college-sponsored academic activity. Use of electronic devices is prohibited unless use of the device is relevant to the activity and use is sanctioned by the faculty member in charge. Electronic devices that are not relevant to the activity or sanctioned by the faculty member in charge should be set so that they will not produce an audible sound during classroom instruction or other college-sponsored academic activity.

## **FINANCIAL AID**

Students receiving any type of financial aid or scholarship should contact the Financial Aid Office before making any changes to their schedule. Schedule changes without prior approval may result in loss of award for the current term and future terms.

All forms of student Financial Aid may be jeopardized or lost due to the lack of Satisfactory Academic Progress in one or multiple courses. Lack of Satisfactory Academic Progress may negatively impact a student's degree/certificate completion pace and further jeopardize Financial Aid eligibility.

## **CANCELLATION OF CLASSES AND ACADEMIC CONTINUITY**

For information related to the cancellation of classes due to inclement weather or other events, please check the Senators Emergency Text system or the college's Web site at:

[Walters State Homepage \(opens in new window\)](#)

[ws.edu/home/](http://ws.edu/home/)

[Walters State Facebook page \(opens in new window\)](#)

<https://www.facebook.com/WaltersState/>

[Walters State Twitter page \(opens in new window\)](#)

<https://twitter.com/waltersstate>

or call the college's student information line, 1-800-225-4770, option 1; the Sevier County Campus, (865) 774-5800, option 7; the Niswonger Campus (423) 798-7940, option 7; or the Claiborne County Campus, 423-636-6200, option 7. Also, please monitor local TV and radio stations for further announcements.

When an event or disaster interrupts the scheduled operations of the college and the ability to proceed with the academic course activities as planned, the college and your instructor may alter the course plan outlined in the syllabus. Should an event occur, students should refer to their course e-Learn pages and/or class materials previously delivered to receive guidance from their instructor. Students should continue to monitor the official college channels of communication listed in the above paragraph. If you would like to sign up for the Senators Emergency Text system, please go to the following Web site:

[Senator Emergency Text System \(opens in new window\)](https://ws.edu/set/)  
[ws.edu/set/](https://ws.edu/set/)

Dual Enrollment students attending on a high school campus should refer to the high school inclement weather cancellations.

## **LEARNING MANAGEMENT SYSTEM**

Brightspace (commonly known as eLearn or D2L) is the college's Learning Management System (LMS).

Brightspace is committed to accessibility by "deliver[ing] a learning experience that meets the needs of all people, regardless of age or ability." [Brightspace Accessibility Standard \(opens in new window\)](#)

Brightspace is also committed to guarding student data and privacy. [Brightspace Privacy Policy \(opens in new window\)](#)