

**OAKLAND UNIVERSITY PARALEGAL PROGRAM  
LITIGATION (CEPL 25420) SYLLABUS**

**TEXT:** Civil Law and Litigation for Paralegals, Second Edition, Neal R. Bevans  
(Optional: Michigan Rules of Court (2019))

**INSTRUCTOR:** Sarah Kuchon, Office: (248) 619-0700; Cell: (248) 376-3547  
Email: sarah@hohauserkuchon.com

**LOCATION:** Auburn Hills University Center, Room 2

**SCHEDULE:** Thursday, 6:30 - 9:30 p.m. (5/9/2019 - 8/15/2019; NO CLASS 7/4/2019)

**CREDIT HOURS:** 4.2 CEU

**PREREQUISITES:** None

**COURSE**

**DESCRIPTION:** Study the litigation process and procedure, including pre-suit investigation, case filings, pretrial preparation, procedure and discovery, and trial preparation and procedure as well as alternative dispute resolution and post-trial and appeal procedure.

**COURSE**

**REQUIREMENTS:** Class attendance; satisfactorily and timely completion of all reading and writing assignments; class participation; and Midterm and Final examinations.

**COURSE**

**STANDARDS:** It is the expectation that each student will attend class, be prepared and participate in class discussions. It is the responsibility of each student to complete and submit assignments by the due date. Late assignments will be marked down .25 for each week late. All assignments must be satisfactorily completed for course credit. Missing class, being late or unprepared will affect the Class Participation portion of the grade. All documents are to be computer generated on 8 1/2 x 11 size paper, 12 pt type, stapled in the upper left-hand corner, and comply with University standards. Students are responsible for arranging with a classmate to obtain missed notes, materials

and/or assignments. Cell phones shall be set to silent. No cell phone or other related electronic use shall be permitted in class.

**ACADEMIC  
HONESTY:**

Plagiarism is a serious academic offense that will not be tolerated and may result in failure for individual projects, course failure, and/or dismissal from the University. Submitted work should represent your original words and ideas. Using another's work or idea without acknowledgment or permission, or cheating in any form, is a serious violation. For Academic Conduct Policy see [www.oakland.edu/pace/paralegal](http://www.oakland.edu/pace/paralegal) - Policies & Procedures.

**ATTENDANCE:** Attendance is a factor in awarding CEUs with only 2 absences allowed per course.

**GRADE:**

Written Assignments	55%
Mid-Term Exam	15%
Final Exam	20%
Class Participation	10%
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	100%

3.8 - 4.0 = A	94 - 100 = 4.0
3.4 - 3.7 = A-	90 - 93 = 3.6
3.3 - 3.6 = B+	88 - 89 = 3.5
3.0 - 3.2 = B	86 - 87 = 3.3
2.7 - 2.9 = B-	80 - 85 = 3.0
2.3 - 2.6 = C+	78 - 79 = 2.8
2.0 - 2.2 = C	76 - 77 = 2.5
1.7 - 1.9 = C-	70 - 75 = 2.0
1.3 - 1.6 = D+	68 - 69 = 1.8
1.0 - 1.2 = D	66 - 67 = 1.5
0.0 - 0.9 = F	60 - 65 = 1.0
	0 - 59 = 0.0

**SESSION, TOPIC OUTLINES  
AND ASSIGNMENTS:**

<b>SESSION</b>	<b>TOPIC OUTLINE</b>	<b>ASSIGNMENTS</b>
1	A. Introductions B. Overview of the Class C. Course Materials 1. Text 2. Court Rules 3. Court Forms D. The Case Factual Summary	<b>DUE SESSION 2</b> • Read Chapter 1
2	Chapter 1 - Introduction to the Court System A. Civil Law B. Sources of Legal Authority in United States C. Jurisdiction D. Federal and State Court Systems	<b>DUE SESSION 3</b> • Read Chapter 2
3	Chapter 2 - The Participants in the Legal System A. Judges B. Attorneys C. Compensating Legal Professionals D. Paralegals E. Clients F. Courthouse Personnel	<b>DUE SESSION 4</b> • Read Chapter 3 • Draft case summary memorandum
4	Chapter 3 - Bringing a Legal Action A. Evaluating a Civil Case B. Investigating the Claim	<b>DUE SESSION 5</b> • Read Chapter 4 • Read MCR 2.101 - 2.108 • Draft Complaint
5	Chapter 4 - Civil Complaints A. Parties B. Jurisdictional Issues in Civil Suits C. Capacity and Standing D. The Elements of a Complaint E. Complaint Attachments and Exhibits F. Summons and Service of Process	<b>DUE SESSION 6</b> • Read Chapter 5 • Read MCR 2.118 • Draft Answer to Complaint and Affirmative Defenses

6	Chapter 5 - Defendant's Responsive Pleadings A. The Answer B. Defenses C. Failure to State a Claim Motions D. Cross-Claims E. Third-Party Claims F. Class Actions	<b>DUE SESSION 7</b> • Study for Mid-Term
7	<b>MIDTERM EXAM</b>	<b>DUE SESSION 8</b> • Read Chapter 6 • Turn in Amended Complaint, Answer and Affirmative Defenses
8	Chapter 6 - Evidence A. What is Evidence B. The Role of Evidence C. Types o Evidence D. Specific Evidentiary Rules	<b>DUE SESSION 9</b> • Read Chapter 7 • Read MCR 2.302 - 2.315 • Draft Interrogatories, Request to Produce and Request to Admit
9	Chapter 7 - Discovery A. Purpose of Discovery B. Short History of Discovery C. Discovery in Modern Civil Practice D. Discovery Methods E. Objections to Discovery Requests F. Compelling Discovery 1. MCR 2.309 and 2.313	<b>DUE SESSION 10</b> • Read Chapter 8 • Read MCR 2.116 & MCR 2.119 • Draft "Standard of Review" for Motion under MCR 2.116(C)(8) & (C)(10) • Draft Motion Protective Order

10	Chapter 8 - Motions Practice A. Bringing a Motion B. Issues that can be Addressed in a Motion C. The Judge's Role in considering Motions D. Using Motions to Clarify Issues in Litigation E. Pre-Trial, Trial and Post-Trial Motions	<b>DUE SESSION 11</b> • Read Chapter 9 & Chapter 10 • Draft Table of Contents for Trial Notebook
11	Chapter 9 - Trial and Chapter 10 - Damages <u>Trial</u> A. Preparing Tools for the Trial B. Preparing Witnesses for the Trial C. Preparing for the Trial: Role fo the Paralegal D. Mock Trials E. Phases of the Trial  <u>Damages</u> A. Types of Damages B. Proving Damages C. Equitable Remedies D. Evaluating Potential Damages	<b>DUE SESSION 12</b> • Read Chapter 11 • Read MCR 2.403 • Draft a Demand Letter, an Offer of Judgment, or a Release.
12	Chapter 11 - Arbitration, Mediation and Settlement A. Arbitration B. Mediation C. Settlement D. Case Evaluation - MCR 2.403	<b>DUE SESSION 13</b> • Read Chapter 12 • Study for Final Exam
13	Chapter 12 - Appeals A. Starting an Appeal B. Changing Courts C. Briefs D. The Powers of the Appellate Courts E. The State Supreme Court F. The U.S. Supreme Court	<b>DUE SESSION 14</b> • Study for Final Exam
14	<b>FINAL EXAM</b>	

\*\*\* NOTE: Assignments and schedule subject to change