SYLLABUS

I. COURSE TITLE AND NUMBER: LEG 201 – Civil Litigation I

CREDIT HOURS: 3.0

CATALOG DESCRIPTION: This course is a study of the principles of litigation and the rules of procedure for each court in the South Carolina system, including pleading, practice, and discovery procedure.

COURSE TEXT: Civil Litigation: Eighth Edition, Kerley, Hames, J.D. Sukys -Cengage

The syllabus is an outline of the course material, does not constitute a contract and is subject to change with adequate notice.

ADA STATEMENT: The Technical College of the Lowcountry provides access, equal opportunity and reasonable accommodation in its services, programs, activities, education and employment for individuals with disabilities. To request disability accommodation; contact the counselor for students with disabilities at (843) 525-8228 during the first ten business days of the academic term.

II. OBJECTIVES/LEARNING OUTCOMES: Upon successful completion of LEG 201, the student will be able to:

1. Articulate and apply the Rules of Civil Procedure relating to a complaint, answer and service of process;

2. Articulate and apply Rules of Civil Procedure relating to written and oral discovery;

3. Articulate and apply the Rules of Civil Procedure relating to motions (summary judgments, motions in limine, etc.);

4. Articulate and apply Rules of Civil Procedure relating to subpoenas and other procedural issues;

5. Create a preliminary draft of basic civil procedural documents.

6. Address the ethical issues that arise in the civil litigation process, including confidentiality, conflict of interest, attorney client privilege, and the unauthorized practice of law.
### III. COURSE TOPIC OUTLINE/PURPOSE: GENERAL COURSE OUTLINE:

1. **Course Schedule**

<table>
<thead>
<tr>
<th>WEEK</th>
<th>ASSIGNMENT</th>
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<tbody>
<tr>
<td>1</td>
<td>(Unit One) Chap 1- Introduction to Litigation and the Paralegal – Differences between Civil and Criminal Law; Overview of Civil Litigation; Types of Civil actions; ADR, Administrative hearings; Primary and Secondary sources of law; Technology in the law Firm; Practical skills of a paralegal</td>
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<td>2</td>
<td>Chapter 2 The Courts and Jurisdiction</td>
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<td>The role of the courts, Federal Court System, State Court System, Jurisdiction, Exclusive vs concurrent (Subject Matter / Personal / in rem, Quasi in rem); supplemental jurisdiction, venue, changing venue</td>
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<td>3</td>
<td>Chapter 3 Preliminary Considerations and Procedures</td>
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<td>Determining the Cause of action, Statute of Limitations, Ethical Considerations, Attorney’s fees</td>
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<td>Chapter 4 Investigation and Evidence</td>
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<td>Client Interview, Interview Techniques; Evidence, hearsay, relevance, Rules of Evidence, Circumstantial vs. Direct, Expert Witnesses</td>
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<td>4</td>
<td>Chapter 5 The Complaint</td>
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<td>Nature of Pleadings, The parties, adding parties, class actions; jurisdictional allegations and venue, Causes of Action in pleadings; Prayer for Relief, available remedies; Drafting issues, request for a jury, Filing the Complaint; E-filing; the Summons; service of process; Amending the Complaint</td>
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<td>5</td>
<td>Chapter 6 Responses to the Complaint</td>
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<td>Responding to the Complaint, time limits, motions to enlarge time; Types of Answers, Structure of the Answer; Crossclaims, Counterclaims, Affirmative Defenses; Default Assignment to be posted in Blackboard</td>
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<td>6</td>
<td>Exam 1 – Covers Chapters 1 to 6</td>
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<td>7</td>
<td>Chapter 7 Motions Practice</td>
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<td>Introduction- Definitions; Court Proceedings, Specific Motions, Pre-trial, Trial and Post-Trial Motions, Preliminary Injunctions and TROs</td>
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<td>Chapter</td>
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<td>8.</td>
<td><strong>Chapter 8</strong> Overview of the Discovery Process</td>
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<td>9.</td>
<td><strong>Chapter 9</strong> Depositions</td>
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<td><strong>Chapter 10</strong> Interrogatories</td>
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<td>10.</td>
<td><strong>Chapter 11</strong> Physical and Mental Examinations</td>
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<td><strong>Chapter 12</strong> Requests for Documents</td>
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<td>11.</td>
<td><strong>Chapter 13</strong> – Request for Admission and the Ethics of Discovery</td>
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<td>12.</td>
<td><strong>Chapter 14</strong> Settlement, Dismissals and ADR</td>
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Covenant not to sue; Dismissal, Consent, with prejudice or without, ADR, Mediation, Arbitration, Private ADR | 1.5
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13. **Exam 2 – Chapters 7-13**
   **Chapter 15** –Introduction to the Trial process, Preparing the Trial Notebook. | 1.0
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14. **Chapter 15** Trial Techniques
   Preliminary Trial Prep, amending the pleadings, The trial Notebook; Preparing Witnesses, subpoenas, Preparing Exhibits; Research issues, Trial logistics, The Jury selections process, the Trial Structure, voir dire, opening statements, witnesses, motions, closing, legal charge, deliberation, verdict, post-trial motions | .5
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15. **Chapter 16** Post Trial Techniques
   Federal Rule Changes, Post-trial Motions
   Appeals Steps, Notice of Appeal, Transcripts, Appellate Briefs, Oral Arguments, Orders of the Court, Final Procedures, Additional Appeals, Judgments and Enforcement | 0.5
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**Final Exam-----**
**Covers (14, 15, & 16)** | 1.0

This schedule is subject to change. Changes will be announced and discussed in class and posted on blackboard if they appear to be necessary.

**IV. REQUIREMENTS:**
**COURSE POLICIES/PROCEDURES:**
- Assigned Reading - Students are expected and required to have read the assignments.
- Exams – Three exams will be given. The exams will account for 75% of your final grade. Each exam will be based on assignments, on-line material and discussion from the period preceding the test. Each exam will be graded on the basis of 100 points. You must take the exam at one of the TCL sites or make arrangements with the instructor. The exams will primarily consist of short answer and multiple choice questions. Detail is important. Please reference all applicable rules when answering the exam questions.
• Discussion questions/drafting assignments – At least 2-4 drafting assignments will be given. The dates for responding to the drafting assignment will be announced in class. At least two weeks will be given for the completion of an assignment. The responses to the drafting assignments will be included in your class participation grade, which will account for 25% of your final grade.

• Each quiz and/or exam will be based on reading assignments, and all materials including any discussions. Quizzes and exams will NOT be graded on the curve. The grade you earn is the grade you receive. They will be graded on the scale noted below.

• Make-up exams: Make-up exams will only be given for absences due to illness or death. You must contact Mr. McDaniel prior to missing the exam in order to be eligible to take a make-up. You are highly encouraged to take the exam on the scheduled test dates. Points will be deducted if you take the quiz or exam late.

ADDITIONAL INFORMATION:

STATEMENT OF NON-DISCRIMINATION The Technical College of the Lowcountry is committed to a policy of equal opportunity for all qualified applicants for admissions or employment without regard to race, gender, national origin, age, religion, marital status, veteran status, disability, or political affiliation or belief.

ATTENDANCE:

- The Technical College of the Lowcountry expects that students will attend all scheduled instructional classes and laboratory periods. Students are expected to be in class on time and attend a minimum of ninety (90) percent of the total class hours or laboratory periods for each course in order to receive a passing grade. Students are responsible for making-up the work missed during any absence.

- In the event it becomes necessary for you to withdraw from the course OR if you stop attending class, it is your responsibility to initiate and complete the necessary paperwork. Failure to complete and file the necessary paperwork with the Student Records Office may result in a grade of “F” for the course.

- During the fall/spring regular terms, when a student is absent from class four or more times for classes meeting twice weekly (two or more times for classes meeting once weekly), OR for fall/spring/summer eight-week classes, when a student is absent from class two or more times for classes meeting twice weekly (one class for classes meeting once weekly), then

- The student is in violation of the attendance policy. The instructor MAY
  o Drop the student from the class with a grade of "W" if the student is making satisfactory progress, or
  o Drop the student from the class with a grade of "WF" if the student is making unsatisfactory progress or
  o Under extenuating circumstances, and at the discretion of the faculty member teaching the class, allow the student to continue in the class and make-up the work.

- Absences are counted from the first day of class. There are no "excused" absences; all
absences are counted, regardless of the reason for the absence.

- Students are expected to be in class on time. Arrival to class after the scheduled start time or leaving class prior to dismissal counts as a tardy. Three tardies and/or early departures are considered as one absence.

- It is the student's responsibility to sign the roll/verify attendance with instructor upon entering the classroom. Failure to sign the roll/verify attendance results in a recorded absence. In the event you are tardy, it is your responsibility to insure that you are marked present. You are responsible for all material/announcements presented, whether you are present or absent.

- A signed copy of TCL’s STATEMENT OF POLICY NUMBER: 3-1-307 CLASS ATTENDANCE (WITHDRAWAL) is on file in the Division Office and in the Learning Resources Center.

- It is the student’s responsibility to find out what material was covered and what assignments were made if they are absent, excused or unexcused.

COMMUNICATION:
Instructors will generally respond to voice mail messages and e-mail messages within three college class days. If there is a problem, the student should remember that a face-to-face meeting with the instructor is best. Student should contact instructor to make an appointment.

Individual Conferences: Individual conferences with the instructor are advised at any time the student has a problem or question involving the course. Appointments with the instructor should be arranged during scheduled office hours.

V. ACADEMIC HONESTY POLICY:
The College expects all students to conduct themselves with dignity and to maintain high standards of responsible citizenship. Academic dishonesty at TCL will not be tolerated.

The College adheres to the Student Code for the South Carolina Technical College System. Copies of the Student Code and Grievance Procedure are provided in the TCL Student Handbook, the Division Office, and the Learning Resources Center.

VI. COURSE STANDARDS, EVALUATION, METHODS/CRITERIA, GRADING POLICY:
- The grade scale is as follows:
  
<table>
<thead>
<tr>
<th>Grade</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>A</td>
<td>90 – 100</td>
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<tr>
<td>B</td>
<td>80 – 89</td>
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<tr>
<td>C</td>
<td>70 – 79</td>
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<tr>
<td>D</td>
<td>60 – 69</td>
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<tr>
<td>F</td>
<td>Below 60</td>
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  Each Test will be 25% of the final Grade with the remaining 25% coming from the written assignments/Presentation.

VII. CLASS INFORMATION:
INSTRUCTORS NAME: Brian McDaniel

OFFICE LOCATION: TCL Beaufort Room 105 Bldg 16

TELEPHONE NUMBER: 843-470-6025

E-MAIL: bmcdaniel@tcl.edu

REVISION DATE: Fall 2019

COURSE TEXT: Civil Litigation: Process and Procedures, 3rd ed.; Goldman, Thomas, F.; Pearson Publisher

EXPECTATIONS FOR STUDENT FOR FULFILLMENT OF COURSE REQUIREMENTS:
The above information is subject to change if unforeseen problems develop. Changes will be announced and discussed in class if they appear to be necessary. Conferences with the instructor are advised if a student is having difficulties with course work. Please feel free to ask questions if any of the information given is not sufficiently clear.

The Technical College of the Lowcountry has implemented a Quality Enhancement Process (QEP) to assure that all students meet the Institutional Competencies as listed in the College Catalog on p. 17. These Competencies include:
1. Proficiency in the basic academic skills in reading and writing, oral communication, fundamental mathematical skills and the basic use of computers;
2. Proficiency in problem solving and critical thinking;
3. The ability to acquire and use information; and
4. The ability to work with a variety of technologies.

Since the Institutional Competencies reflect qualities expected of all graduates they may be applied in any discipline. Therefore, students may expect to be evaluated on these competencies in any course that is taken.

SAFETY ADDENDUM
Purpose. The purpose of this safety addendum is to provide each student with safety guidelines during an incident, emergency, or disaster at TCL. In addition, it provides students guidelines for lockdown procedures, evacuation procedures, and active shooter.

Definitions An incident is any event, potential or actual, that may impact normal operations but has no immediate health or life threatening consideration or serious effect on the overall functional capacity of the College. An event of this nature should be reported to the Office of the Vice President for Administrative Services. Also notify the off-site campus administrator if applicable.

An emergency is any incident, potential or actual, which may endanger life or health or which affects an entire building or buildings, and will disrupt the overall operations of the College.
Outside emergency services will probably be required, as well as major efforts from campus support services. Major policy considerations and decisions will usually be required from the college administration during times of crises. An emergency should be reported immediately by directly using 911 if life or health/injury considerations exist and then to the Office of the President or Vice President for Administrative Services as quickly as possible. Also notify the off-site campus administrator if applicable.

A disaster is any event or occurrence that has taken place and has seriously impaired or halted the operations of the College. In some cases, mass personnel casualties and severe property damage may be sustained. A coordinated effort of all campus-wide resources is required to effectively control the situation. Outside emergency services will be essential. In all cases of disaster, an Emergency Control Center will be activated, and the appropriate support and operational plans will be executed. The disaster should be immediately reported, first by calling 911 and then to the Office of the President or Vice President for Administrative Services. Also notify the off-site campus administrator if applicable.

Types of Emergencies
- Hurricane
- Tornado
- Fire
- Biochemical or Radiation Spill
- Explosion/Bomb
- Downed Aircraft (crash which directly impacts campus operations)
- Utility Failures
- Violent or criminal behavior
- Psychological Crisis

Procedures

Active Shooter

Run/hide/fight

Building Evacuation
1. Building evacuations occur when an alarm sounds and/or upon notification by Security or the Emergency Director.
2. When the building evacuation alarm is activated during an emergency, individuals should exit according to the building evacuation plan and alert others to do the same.
3. Once outside, individuals should proceed to a clear area that is at least 500 feet away from the affected building. Streets, fire lanes, hydrant areas and walkways should be kept clear for emergency vehicles and personnel.
4. Individuals should not return to an evacuated building unless told to do so by Security or the Emergency Director.
5. Individuals should assist persons with disabilities in exiting the building. Elevators are reserved for disabled persons.

Campus Evacuation
1. A uniformed Security Guard, the Emergency Director, or an Emergency Resource Team member will announce evacuation of all or part of the campus grounds.
2. All persons (students and staff) are to immediately vacate the campus, or in the case of a partial evacuation relocate to another part of the campus grounds as directed.

Lockdown
1. Clear the halls
2. Report to the nearest classroom/office
3. Assist those needing special assistance
4. Ensure classroom/office doors are closed and locked
5. Turn off lights
6. Stay away from doors and windows (out of the line of sight)
7. BE QUIET and follow instructor’s directions
8. Silence cell phones
9. Wait for the “All Clear” before leaving