



Western Technical College

## 10110103 Civil Litigation 2

### Course Outcome Summary

#### Course Information

<b>Description</b>	This course provides a continuation of civil litigation procedure to include discovery, trial, and appellate procedure.
<b>Career Cluster</b>	Law, Public Safety, Corrections and Security
<b>Instructional Level</b>	Associate Degree Courses
<b>Total Credits</b>	3
<b>Total Hours</b>	54

#### Textbooks

*Civil Litigation*. 8th Edition. Copyright 2020. Kerley, Peggy, Joanne Banker Hames, and Paul Sukys. Publisher: Cengage Learning. **ISBN-13**: 978-1-3377-9883-9. Required.

#### Program Outcomes

1. Apply ethical principles in a legal environment.
2. Process legal documents.
3. Apply critical thinking skills to address legal issues.

#### Course Competencies

##### 1. Analyze discovery demands.

###### Assessment Strategies

- 1.1. in written assignments using Wisconsin Court Rules and Procedures.
- 1.2. using fact situations provided.
- 1.3. in an objective test or essay exam.

###### Criteria

*You will know you are successful when*

- 1.1. you draft each type of discovery request.
- 1.2. you use appropriate legal terminology and statutory requirements in all documents.
- 1.3. you complete an examination on all discovery demand elements.

### **Learning Objectives**

- 1.a. List the types of formal discovery.
- 1.b. Explain the needs and uses for each type of discovery.
- 1.c. Describe the scope and limitations of discovery including work product, privilege, and protective orders.
- 1.d. Discuss the various objections to discovery.
- 1.e. List the steps for responding to discovery.
- 1.f. Explain the importance of and methods for document management in response to requests for production.
- 1.g. Describe the sanctions for failing to comply with discovery.
- 1.h. Discuss the types of situations that require a subpoena duces tecum.
- 1.i. List the types of documents that can be requested in a subpoena duces tecum.

## **2. Summarize medical discovery.**

### **Assessment Strategies**

- 2.1. given medical discovery (records, depositions, research).
- 2.2. using a medical dictionary.
- 2.3. using medical resources.
- 2.4. using Wisconsin Court Rules and Procedures.
- 2.5. using practice and pleading form books.
- 2.6. in written assignments.
- 2.7. in an objective test or essay exam.

### **Criteria**

*You will know you are successful when*

- 2.1. you draft a summary of medical information into lay terms.
- 2.2. you analyze medical specials.
- 2.3. you determine medical facts relative to legal issues.

### **Learning Objectives**

- 2.a. Identify the components of a medical record.
- 2.b. Locate medical definitions.
- 2.c. Locate medical resources.

## **3. Summarize depositions.**

### **Assessment Strategies**

- 3.1. in written assignments.
- 3.2. using fact situations provided.
- 3.3. using formats provided.

### **Criteria**

*You will know you are successful when*

- 3.1. you complete internal summaries in chronological formats containing essential information.
- 3.2. you use appropriate legal terminology.
- 3.3. you use proper grammatical, punctuation, spelling, and typographical formatting.

### **Learning Objectives**

- 3.a. Contrast the three types of summaries.
- 3.b. Explain the appropriate use of each type of summary.
- 3.c. Determine which information in a deposition is essential to the case.

## **4. Detect potential evidentiary challenges.**

### **Assessment Strategies**

- 4.1. using Wisconsin Court Rules and Procedures.
- 4.2. using fact situations provided.
- 4.3. in a written or oral presentation.
- 4.4. in an objective test or essay exam.

### **Criteria**

*You will know you are successful when*

- 4.1. you produces an argument for the admission or refusal of evidence.
- 4.2. you use proper rules of evidence for evidence arguments.
- 4.3. you use accurate factual information applied to appropriate legal terminology.
- 4.4. you complete an examination of the elements of evidence.

#### **Learning Objectives**

- 4.a. Locate rules of evidence.
- 4.b. Apply rules of evidence to fact situations.
- 4.c. Define the concepts of relevance, authenticity, foundation, and hearsay.
- 4.d. Explain the importance of understanding the rules of evidence.
- 4.e. Describe the connection between the rules of evidence and objections.

### **5. Prepare witnesses for trial.**

#### **Assessment Strategies**

- 5.1. using fact situations provided.
- 5.2. in written assignments.
- 5.3. using Wisconsin Court Rules and Procedures.
- 5.4. in an objective test or essay exam.

#### **Criteria**

*You will know you are successful when*

- 5.1. you identify in a written exam the elements of substantive testimony.
- 5.2. you complete written products that identify the elements of testimony

#### **Learning Objectives**

- 5.a. Identify different types of witnesses (lay, expert, hostile).
- 5.b. Describe the uses of the witness preparation list.
- 5.c. Determine when it is appropriate to subpoena witnesses.
- 5.d. Explain the importance of expert witnesses.
- 5.e. List resources for locating expert witnesses.
- 5.f. Describe the paralegal's role in logistics and scheduling of trial witnesses.
- 5.g. List testimony guidelines and appropriate witness behavior.

### **6. Prepare exhibits for trial.**

#### **Assessment Strategies**

- 6.1. using fact situations provided.
- 6.2. in written assignments.
- 6.3. using Wisconsin Court Rules and Procedures.

#### **Criteria**

*You will know you are successful when*

- 6.1. you document in a plan the admissibility and relevant exhibits following trial rules and procedure.
- 6.2. you complete an examination on the presentation of exhibits for trial.

#### **Learning Objectives**

- 6.a. Discuss the importance of different types of graphics and modern technology in preparing exhibits.
- 6.b. Describe mediums available for creating exhibits.
- 6.c. List the types of graphic displays.
- 6.d. Locate the materials needed for graphic displays.
- 6.e. Determine the types of equipment needed to present displays.
- 6.f. Discuss the importance of authenticity and detail.
- 6.g. Compare types of evidence; i.e., documentary, physical, demonstrative.
- 6.h. Explain the importance of controlling and preserving evidence.
- 6.i. List the various types of exhibits used in a typical case.

### **7. Prepare a trial notebook.**

#### **Assessment Strategies**

- 7.1. using Wisconsin Court Rules and Procedures.
- 7.2. using fact situations provided.
- 7.3. using previously prepared documents.

## Criteria

*You will know you are successful when*

- 7.1. you prepare an indexed trial notebook including parties, witnesses and exhibits.
- 7.2. you prepare a pleading and motion log.
- 7.3. you prepare jury instructions with proper legal research for trial.
- 7.4. you use proper grammatical, punctuation, spelling, and formatting.

## Learning Objectives

- 7.a. Explain the function of a trial notebook.
- 7.b. List the sections and section contents of a trial notebook.
- 7.c. Describe the paralegal's function at a trial.

## 8. Sequence the Wisconsin appellate process.

### Assessment Strategies

- 8.1. in written assignments.
- 8.2. in an objective test or essay exam.
- 8.3. using Wisconsin Rules of Appellate Procedure.

## Criteria

*You will know you are successful when*

- 8.1. you submit a comprehensive list of the Wisconsin appellate process.
- 8.2. you use proper statutory references in the process.
- 8.3. you use appropriate appellate notice and limitations.

## Learning Objectives

- 8.a. Explain the steps in the appellate process.
- 8.b. List the appropriate notice and limitations requirements for appeal.
- 8.c. Cite the Wisconsin Rules of Appellate Procedure.

## 9. Evaluate ADR (Alternative Dispute Resolution) practice.

### Assessment Strategies

- 9.1. Written Objective Test
- 9.2. Written Product

## Criteria

*You will know you are successful when*

- 9.1. you draft a settlement demand containing appropriate legal terminology.
- 9.2. you draft a demand containing factual allegations, liability allegations, and damages.
- 9.3. you successfully pass an examination of the elements of the settlement and demand process

## Learning Objectives

- 9.a. Explain settlement brochures.
- 9.b. Define structured settlement.
- 9.c. Distinguish among the various releases.
- 9.d. Describe statutory offers of settlement, judgment, and damages.
- 9.e. List factors involved in settlement.