



BROWARD COMMUNITY COLLEGE COURSE OUTLINE

LAST REVIEW: 2008-2009

NEXT REVIEW: 2013-2014

STATUS: A

COURSE TITLE: Civil Litigation

COMMON COURSE NUMBER: PLA 1201

CREDIT HOURS: 3

CONTACT HOUR BREAKDOWN

CLOCK HOURS: 48

Lecture: **48**

Lab:

Clinic:

Other:

PREREQUISITE(S): NONE

COREQUISITE(S): NONE

PRE/COREQUISITE(S):

COURSE DESCRIPTION: This course covers the basic concepts of civil litigation. Discussions involve the liability of the individual in relation to the specific acts committed.

General Education Requirements - Associate of Arts Degree, meets Area(s):

General Education Requirements - Associate in Science Degree, meets Area(s):

UNIT TITLES

- 1. Introduction to Civil Litigation**
- 2. Courts and Jurisdiction**
- 3. Negligence**
- 4. Products Liability**
- 5. Evidence**
- 6. Investigations and Case Preparations**
- 7. Pleadings**
- 8. Discovery**
- 9. Settlements and Judgments**



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ASSESSMENT:

Please provide a brief description (250 characters maximum) that details how students will be assessed on the course outcomes.

1. Quizzes, Test, and/or Final Exam (cumulative/comprehensive);
2. Selected faculty may assess homework, projects, class participation/attendance, and/or extra credit projects.

****Complete the following only if course is seeking general education status ****

GENERAL EDUCATION Competencies and Skills *:

Please highlight in green font all Competencies/Skills from the list below that apply to this course. In the box to the right of the Competency/Skill, enter all specific learning outcome numbers (i.e. 1.1, 2.7, 5.12) that apply.

1. Read with critical comprehension	
2. Speak and listen effectively	
3. Speak and listen effectively	
4. Think creatively, logically, critically, and reflectively (analyze, synthesize, apply, and evaluate)	
5. Demonstrate and apply literacy in its various forms: <i>(highlight in green ALL that apply)</i> (1. technological, 2. informational, 3. mathematical, 4. scientific, 5. cultural, 6. historical, 7. aesthetic and/or 8. environmental)	
6. Apply problem solving techniques to real-world experiences	
7. Apply methods of scientific inquiry	
8. Demonstrate an understanding of the physical and biological environment and how it is impacted by human beings	
9. Demonstrate an understanding of and appreciation for human diversities and commonalities	
10. Collaborate with others to achieve common goals.	
11. Research, synthesize and produce original work	
12. Practice ethical behavior	
13. Demonstrate self-direction and self motivation	
14. Assume responsibility for and understand the impact of personal behaviors on self and society	
15. Contribute to the welfare of the community	

* General Education Competencies and Skills endorsed by '05-'06 General Education Task Force



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UNITS

I. Course Overview:

Upon successful completion of this course, the students should be able to relate the basic concepts of tort law to actual civil litigation practice.

Unit 1- Introduction to Civil Litigation

General Outcome:

1.0 The students should be able to define civil litigation, describe the primary sources of law and the relationships among them, list the most common civil remedies, and explain the role of the paralegal in a civil litigation practice.

Specific Measurable Learning Outcomes:

Upon successful completion of this unit, the student shall be able to:

- 1.1 Define civil "litigation."
- 1.2 Discuss the primary sources of law, including an emphasis on the following:
 - 1.2.1 Constitutional law
 - 1.2.2 Statutory law
 - 1.2.3 Case law
 - 1.2.4 Administrative regulations
 - 1.2.5 Treaties, executive orders, etc.
- 1.3 Explain the relationships among the various sources of law.
- 1.4 Describe the primary remedies available to a plaintiff or petitioner in a civil action, including the following:
 - 1.4.1 Damages
 - 1.4.2 Restoration of possession of property
 - 1.4.3 Equitable remedies
- 1.5 Explain the role of the paralegal in a law practice that engages in civil litigation.



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Unit 2- Courts and Jurisdiction

General Outcome:

- 2.0 The students should be able to discuss various issues pertaining to both the federal and the state court systems, including court organization, jurisdiction, venue, and selection of judges, as well as the purpose of long-arm statutes and the meaning of "in rem" jurisdiction.

Specific Measurable Learning Outcomes:

Upon successful completion of this unit, the student shall be able to:

- 2.1 Discuss the Federal Court System, including an emphasis on the following matters:
 - 2.1.1 The organization of the Federal Court System
 - 2.1.2 The jurisdiction of each of the federal courts, including both subject matter jurisdiction and jurisdiction over the parties
 - 2.1.3 The manner of selection of the judges in each of the federal courts
- 2.2 Discuss the Florida State Court System, including an emphasis on the following matters:
 - 2.2.1 The organization of the Florida State Court System
 - 2.2.2 The jurisdiction of each of the state courts, including both subject matter jurisdiction and jurisdiction over the parties
 - 2.2.3 The manner of selection of the judges in each of the state courts
- 2.3 Explain the purpose of long-arm statutes.
- 2.4 Explain the meaning of "in rem" jurisdiction.
- 2.5 Describe the factors that bear on the venue of the litigation for both the federal and the state courts.



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Unit 3- Negligence

General Outcome:

- 3.0** The students should be able to define negligence, discuss its elements, describe the types of defenses and damages, and discuss the application of absolute liability in tort law cases.

Specific Measurable Learning Outcomes:

Upon successful completion of this unit, the student shall be able to:

- 3.1** Define "negligence."
- 3.2** List and explain the elements of negligence, with special emphasis on the following:
- 3.2.1** The duty owed to the wronged individual based upon the reasonable person standard
 - 3.2.2** The concept of actual causation
 - 3.2.3** The concept of proximate causation
 - 3.2.4** The element of damages and the types of damages for which one may sue
- 3.3** Relate the defenses that are commonly used in negligence actions, including the following:
- 3.3.1** Contributory negligence
 - 3.3.2** Comparative negligence
 - 3.3.3** Assumption of risk
- 3.4** Describe how damages may be proven on the basis of the following:
- 3.4.1** Res ipsa loquitur
 - 3.4.2** Violation of statute
- 3.5** Explain the concept of absolute liability as it pertains to negligence and tort law in general.



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Unit 4- Products Liability

General Outcome:

- 4.0 The students should be able to define and explain the various theories that are used in products liability suits.**

Specific Measurable Learning Outcomes:

Upon successful completion of this unit, the student shall be able to:

- 4.1 List and define the three main theories used by plaintiffs in products liability cases, including the following:**
- 4.1.1 Negligence (already discussed in detail in the previous unit)**
 - 4.1.2 Breach of warranty**
 - 4.1.3 Strict liability**
- 4.2 Discuss the express or implied warranties that may exist when goods are sold, with special emphasis on the following:**
- 4.2.1 The implied warranty of merchantability**
 - 4.2.2 The implied warranty of fitness for a particular purpose**
 - 4.2.3 The persons who are protected by warranties**
- 4.3 Discuss the kinds of circumstances under which strict liability may be applied to a products liability case.**



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Unit 5- Evidence

General Outcome:

- 5.0 The students should be able to relate some of the more common rules restricting the use of evidence in a civil suit.

Specific Measurable Learning Outcomes:

Upon successful completion of this unit, the student shall be able to:

- 5.1 Explain the distinction between the admissibility of evidence and the credibility of admitted evidence.
- 5.2 Discuss some of the primary restrictions on the admissibility of evidence, including an emphasis on the following two primary areas:
- 5.2.1 Relevancy
- 5.2.2 Hearsay exceptions available under the Florida Rules of Civil Procedure
(GOT RID OF 5.2.2.3)



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Unit 6- Investigations and Case Preparations

General Outcome:

- 6.0 The students should be able to develop the facts of a case through the use of both legal interviewing and factual investigation techniques.**

Specific Measurable Learning Outcomes:

Upon successful completion of this unit, the student shall be able to:

- 6.1 Develop the facts of the case through legal interviewing, including an emphasis on the following:**
- 6.1.1 Question-asking techniques**
 - 6.1.2 Listening techniques**
 - 6.1.3 Techniques based upon a standard three-staged interview which includes the following:**
 - 6.1.3.1 The preliminary problem identification stage**
 - 6.1.3.2 The chronological overview stage**
 - 6.1.3.3 The theory development and verification stage**
- 6.2 Develop the facts of the case through fact investigation, including an emphasis on the following:**
- 6.2.1 The location and interviewing of witnesses**
 - 6.2.2 The obtaining of medical information from both doctors and hospitals**
 - 6.2.3 The obtaining of wage loss information**



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Unit 7-Pleadings

General Outcome:

- 7.0 The students should be able to describe the basic format and contents of key civil pleadings.**

Specific Measurable Learning Outcomes:

Upon successful completion of this unit, the student shall be able to:

- 7.1 Relate the basic format that is common to all civil pleadings under the Florida Rules of Civil Procedure.**
- 7.2 List the primary documents that are normally encountered in a standard civil law suit and describe the essential contents of each. Such documents include the following:**
- 7.2.1 Complaint or petition**
- 7.2.2 Answer**
- 7.2.3 Motions, such as the following:**
- 7.2.3.1 Motions to dismiss**
- 7.2.3.2 Motions for default**
- 7.2.3.3 Motions for judgment on the pleadings and motions for summary judgment**
- 7.3 Define, compare, and contrast each of the following kinds of claims:**
- 7.3.1 Counterclaim**
- 7.3.2 Cross-claim**
- 7.3.3 Third-party complaint**
- 7.4 Define an injunction and distinguish a temporary restraining order from a preliminary injunction.**



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Unit 8-Discovery

General Outcome:

- 8.0** The students should be able to define discovery, describe its general scope, and explain the Florida Rules of Civil Procedure as they bear on each type of discovery.

Specific Measurable Learning Outcomes:

Upon successful completion of this unit, the student shall be able to:

- 8.1** Define "discovery" and relate the scope of discovery, in general.
- 8.2** Define, compare, and contrast the following forms of discovery:
- 8.2.1** Depositions
 - 8.2.2** Interrogatories
 - 8.2.3** Requests for admission
- 8.3** Discuss the Florida Rules of Civil Procedure as they pertain to depositions, with special emphasis on the following:
- 8.3.1** Depositions taken before the action or pending appeal
 - 8.3.2** Persons before whom depositions may be taken
 - 8.3.3** Depositions upon oral examination
 - 8.3.4** Depositions upon written questions
 - 8.3.5** The use of depositions in court proceedings
 - 8.3.6** Depositions of expert witnesses
- 8.4** Discuss the Florida Rules of Civil Procedure as they pertain to interrogatories, with special emphasis on the following:
- 8.4.1** The procedure for the preparation of interrogatories
 - 8.4.2** The procedure for the use of interrogatories at trial
 - 8.4.3** The option to produce records



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- 8.4.4 The effect on a co-party**
- 8.4.5 The service and filing of interrogatories**
- 8.5 Discuss the Florida Rules of Civil Procedure as they pertain to "the production of documents and things and entry upon land for inspection and other purposes" with special emphasis on the following:**
 - 8.5.1 The nature of the request**
 - 8.5.2 The scope of the production**
 - 8.5.3 The procedure to be followed**
- 8.6 Discuss the Florida Rules of Civil Procedure as they pertain to "the production of documents and things without deposition" with special emphasis on the following:**
 - 8.6.1 The nature of the request**
 - 8.6.2 The scope of the production**
 - 8.6.3 The procedure to be followed**
- 8.7 Discuss the Florida Rules of Civil Procedure as they pertain to the examination of persons, with special emphasis on the following:**
 - 8.7.1 The nature of the request**
 - 8.7.2 The scope of the examination**
 - 8.7.3 The procedure to be followed**
 - 8.7.4 The report of the examiner**
 - 8.7.5 The use of the examiner as a witness**
- 8.8 Discuss the Florida Rules of Civil Procedure as they pertain to requests for admission, with special emphasis on the following:**
 - 8.8.1 The nature of the requests**
 - 8.8.2 The scope of the requests**
 - 8.8.3 The procedure to be followed**



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8.8.4 The effect of admission

- 8.9 Discuss the various options that are available to a party in the event that the other party fails to comply with discovery procedures.**



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Unit 9-Settlements and Judgments

General Outcome:

- 9.0 The students should be able to explain and discuss dismissal of actions, directed verdicts, defaults, summary judgments, and judgment enforcement procedures.**

Specific Measurable Learning Outcomes:

Upon successful completion of this unit, the student shall be able to:

- 9.1 Explain the various justifications for obtaining either the voluntary or the involuntary dismissal of an action.**
- 9.2 Explain the purpose of a motion for a directed verdict, with special emphasis on the following:**
- 9.2.1 The legal effect of the granting or denial of the motion**
 - 9.2.2 The legal effect of a reservation of a decision on the motion by the court**
 - 9.2.3 The possibility of a joinder of this motion with a motion for new trial**
- 9.3 Describe the circumstances in which a judgment may be obtained on the basis of a default, with special emphasis on the following:**
- 9.3.1 Defaults entered by the clerk**
 - 9.3.2 Defaults entered by the court**
 - 9.3.3 Procedures to be followed for the setting aside of a default**
- 9.4 Describe the circumstances in which a summary judgment may be obtained, with special emphasis on the following:**
- 9.4.1 The time when a motion for summary judgment is appropriate for either the claimant or the defending party**
 - 9.4.2 The necessary contents of a motion for summary judgment**
 - 9.4.3 The use of affidavits in support of summary judgment motions**



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9.5 Explain the basic procedure to be followed when one attempts to enforce a final judgment by methods such as the following:

9.5.1 Execution

9.5.2 Writ of Garnishment

9.5.3 Writ of Possession

9.5.4 Writ of Replevin

(GOT RID OF 9.5.5)