



The

LITIGATION PARALEGAL

A Systems Approach

Sixth Edition

James W.H. McCord, J.D.
Pamela R. Tepper

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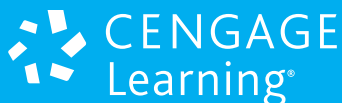
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Pamela R. Tepper



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**The Litigation Paralegal: A Systems
Approach, Sixth Edition**

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To Sandy,
*the love of my life, and
in loving memory of my parents*

Marks W. and Hazel C. McCord

J. McCord

AND

*To my family, the Teppers, and my St. Thomas family,
the Van Beverhoudts, all your support does not go unnoticed.*

Thank you is never enough.

Pamela

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PREFACE

Litigation is a vital and often dramatic component of our system of dispute resolution. *The Litigation Paralegal: A Systems Approach*, Sixth Edition provides students and faculty with learning resources written specifically for them—resources combining the theories and principles of law with practical paralegal skills, paralegal ethics, and a sensitivity toward the goals and needs of the paralegal profession, all in the context of the law office.

Like the *Fifth Edition* of this text, the *Sixth Edition* is a comprehensive revision impacting every chapter. Although the changes are numerous, the most significant changes are the additions of new features, which include Technology Update, Trade Secrets, Ethical Considerations, and Case Study: Understanding the Law. Each new feature provides important information that can be used in the paralegal's daily practice.

The “Technology Update” focuses on advances in technology relating to the civil litigation arena. Such areas as cloud computing and predictive coding are highlighted in this section.

The feature titled “Trade Secrets” includes practical tips and suggestions that will help paralegals in their day-to-day job assignments. How to use social media in civil litigation is just one of the areas discussed in the Trade Secrets feature.

The “Ethical Considerations” feature concentrates on the many ethical issues paralegals encounter. These sections are intended to offer some guidance on the distinction between the role of the attorney and the role of the paralegal in the legal profession.

Previous editions discussed important cases throughout the text. In the *Sixth Edition*, important or precedential cases are analyzed in Case Study: Understanding the Law. For some, this may be their first introduction to case analysis and review. In this section, cases are summarized and digested with review questions posed at the end for critical review of the concepts discussed in the featured case.

Additionally, the *Sixth Edition* continues exploring the ever changing area of *electronic discovery* and the associated ethical and practical responsibilities of the lawyer and the paralegal in that area. Since the *Fifth Edition*, more revisions to the *Federal Rules of Evidence and Civil and Appellate Procedure* have occurred and are examined further, as are the practice requirements of the *Health Insurance Portability and Accountability Act*. Relevant new forms have been added or substituted and others revised to reflect current practice.

Similarly, new features have been added to assist the student in applying and understanding the information discussed in the chapter. These features are “Apply Your Knowledge” and “Internet Exercises.” Both features assist the student in reinforcing the concepts addressed in the chapter as well as learning how to locate information on the Internet. Many of the exercises encourage the student to understand the differences in the federal and state systems, including forms and rules of court.

There are also new exercise and assignment features at the end of each chapter. The newest addition is the Case Assignments. This feature assists the student in following one case—the *Forrester* case—from interview to appeal. Drafting all the key litigation documents is the mainstay of this exercise and will assist the student in building a portfolio that can be used as future examples of how to draft a particular document, or to be used as a sample of the student’s abilities when interviewing for prospective jobs. The Case Assignment is intended as a skill builder and a practical way for the student to see the development of the concepts in the course of study and, in turn, real life. Additionally, many of the Systems Folder Assignments and Application Assignments from the *Fifth Edition* Workbook have been updated and incorporated into the end-of-chapter questions.

Finally, the attention to the application of state rules and practice is continued in the *Sixth Edition*. The *Sixth Edition* encourages students through many of the exercises and features to review state rules and practice and note the differences and similarities to federal practice.

This text is suited to several types of litigation students: the traditional college classroom student, the student in an online course, and the paralegal being trained in the law office as a litigation paralegal.

ORGANIZATION OF TEXT

The Litigation Paralegal: A Systems Approach, Sixth Edition remains true to its origins. It continues to introduce students to the law office and takes them chronologically through the steps and tasks involved in litigation, from the facts of the cases they will be working on to judgment enforcement and appeal. Chapter by chapter they build proficiency in the specific tasks or competencies that are required of them as paralegals. The text places the student in a law office setting where the instructor assumes the role of the paralegal’s supervising attorney. This office training procedure uses a systems approach in which the student develops a litigation systems folder complete with forms, documents, checklists, rules, relevant websites, and practice tips. The folder, completed by the end of the course, provides the student with a valuable resource.

Use of the systems approach enhances the process of both teaching and learning litigation paralegal skills. Because a good systems folder helps the student on the job and maybe even in securing a job, the systems folder provides an extra incentive to do the accompanying assignments at the end of each chapter thoroughly and accurately. It teaches the benefits of being organized and develops the confidence to create a system in any area of law. Utilization of the systems approach also reinforces the skills presented in the text. The text, its exercises, and instructor’s manual, however, are flexible and designed to accommodate approaches other than a systems approach.

FEATURES OF THE TEXT

In each chapter the student is given the following:

1. Learning objectives
2. One or more specific litigation tasks
3. Substantive and procedural background on the task.
4. Guidelines and directions on how to perform the task
5. Examples from a sample case on how to perform the task
6. Practical application of concepts discussed
7. Helpful websites
8. Study questions to review and reinforce learning
9. Key terms for vocabulary building
10. Case Assignments for drafting and skill building

Application of Knowledge

Each chapter, according to its focus, contains a varying balance of exercises for in-class or out-of-class assignments and discussions.

Systems Folder Assignments structure the building of an impressive practice system of topically arranged forms, legal principles, rules, checklists, and other material. An outline of the systems folder contents is in Appendix A.

Application Assignments require the application of legal principles to new fact situations or to practice skills. They test the student's understanding of the concepts presented within the chapter.

Internet Exercises encourage familiarity with electronic research on relevant websites.

Other features of the text include:

- **Professional Associations and Resources**

References to numerous relevant professional organizations, associations, and related websites, publications, standards, and other resources are provided.

- **Case Law and Other Authority**

Citations refer to pertinent case law, statutes, rules, and American Bar Association standards. The Case Study: Understanding the Law feature provides the student with precedential or relevant cases on the topics covered in the chapter. Questions for Review test the student's understanding of the legal precepts presented in the case identified.

- **Sample Practice Forms**

Many practice forms, pleadings, motions, and other documents are included to provide familiarity with forms and to give a basis from which to work with state forms or to draft forms.