

This textbook has been written to provide you with the fundamentals necessary to begin a career as a litigation paralegal. It has been written taking into account the fact that most beginning students lack a great deal of familiarity with many of the concepts discussed, and hence require thorough explanation of the basics. While other textbooks sometimes lose the forest for the trees, this text has been structured to keep you on track from the first chapter. Case examples and sample forms are provided where necessary to give you a sense for a particular concept. Particular effort has been made to anticipate areas which may be confusing, then structure discussions which eliminate confusion before it begins. Emphasis has been placed on the Federal Rules of Civil Procedure (which apply throughout the United States), but the prospect of state court variations and peculiarities is referenced where appropriate.

Organization of the Text

The text is broken up into twelve chapters. The first and second chapters will introduce the student to (1) a broad concept of civil litigation (including an identification of the focus of the whole process of litigation in the courts, namely the *trial*), (2) the structure of the American legal system in general, and (3) the structure of a typical private law firm.

Chapter 3 is brief, but its importance should not be underestimated; it focuses on two fundamental aspects of the litigation process. The first aspect is the *case*—the student will be introduced to the detailed facts of two cases that will be tracked throughout the remainder of the book in an effort to give the student some sense of the manner in which an actual case proceeds through the court system (and an additional discussion is provided on some of the considerations that lie behind the decision of a lawyer to accept or reject the handling of a particular case). The second aspect involves an area that is, in a sense, the foundation on which our system of justice rests—*legal ethics*.

Chapters 4 and 5 relate to the interrelationship between the legal system and the identification and proof of facts. Chapter 4 focuses on how investigation leads to the uncovering of facts; Chapter 5 on how the rules of evidence affect the formal presentation of factual information at trial.

Chapters 6 through 11 form the heart of the book. Relying heavily on the Federal Rules of Civil Procedure, but with many references to possible alternative procedures in state court systems, these chapters follow the two sample cases from the filing of the complaints, through the pleading and discovery phases, through trial, and onward through the appellate process. Related topics, such as settlement or the formulation of litigation strategy, are discussed as well.

Finally, Chapter 12 discusses several processes that are closely related to litigation in the courts. Administrative procedure and arbitration are covered, as well as methods of alternative dispute resolution such as conciliation and mediation.

Text Design

Each chapter begins with a topic outline, followed by a commentary in which the student is introduced to the information discussed in the chapter. Chapter objectives follow. In addition to the substantive discussion, each chapter includes a section entitled “Practical Considerations,” intended to impart some useful “common sense” approaches to the student.

This text was designed to be user-friendly. The margins provide ample space for both instructors and students to make notes within each chapter. Key terms are boldfaced and defined at first use, with a list of such terms at the end of the chapter (in order of first appearance), and an extensive alphabetical glossary of all boldfaced terms is located at the back of the book. The unique “Paralegalert!” feature highlights potentially troublesome concepts or rules. A summary at the end of each chapter (keyed to the chapter sections) should be a useful tool for review of the material covered, and the “Questions for Review and Discussion” should challenge the student to recall what has been learned. Finally, activities are suggested for the student who wants to go beyond the confines of the text itself.

Instructional Support

To facilitate the teaching and learning process, an Instructor’s Manual accompanies this text. Included are model course syllabi for classes that meet on the quarter system and for those on semester schedules. For each chapter, there are suggestions on how to include additional ethics instruction in your class. In addition, there are answers keys to all “Questions for Review and Discussion” that appear in the text, and teaching suggestions keyed to each chapter. Finally, there are test questions (true/false; multiple choice; short-answer essay) provided for each chapter, along with an answer key. PowerPoint slides are also available for instructors.

Acknowledgments

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The author wishes to thank the contributions of the following reviewers of the original edition of this text, without whose efforts, suggestions, ideas, and insights this text would not be as valuable a tool as it is:

Frank A. Conner;
John B. Hayes;
Kathleen Mercer Reed; and
Dorothy B. Moore.

The author wishes to acknowledge the assistance, support, and guidance of his original editor Rick Adams. The author also wishes to thank Elizabeth Kenny, Kaesmene Harrison Banks, and Carol McGeehan, whose enthusiasm for the project has made this Aspen edition a reality, as well as the following reviewers of previous editions:

Chelsea Campbell;
Ralph Porzio; and
Laurel Vietzen

The author particularly thanks Kathleen Mercer Reed for her helpful suggestions for additional ethics coverage in both the main text and the Instructor's Manual.

Finally, the author wishes to dedicate this book to his son, Willie, who inspires all that the author does.