

## BUS-59 – Paralegal Certificate Program with Externship

### Professional Education Course Syllabus Program includes National Certification & an Externship Opportunity Course Contact Hours: 288

#### The Paralegal

Paralegals play one of the most important roles in the legal industry. Though individual attorneys are ultimately responsible for the legal work they produce and the strategies they devise, many tasks – from legal research and writing, source citing, filing, and others – are delegated to paralegals. As such, it is imperative for successful Paralegals to have a fundamental understanding of the substantive and procedural elements applicable to the specific areas of law where they'll be working so that they can build on a solid foundation of knowledge starting from the first day. The legal industry relies heavily on paralegals for their experience and general training in these fields. For any new Paralegal looking to enter the workplace or for experienced Paralegals perhaps moving to a different practice, an overview of these common substantive areas is extremely useful to ensure you're ready to go from the start.

#### The Paralegal Program

This program offers an in-depth view of the role of paralegals play within the American legal system. Examining the myriad of skills used by paralegals everyday alongside the typical legal working environment, students will explore the common areas of law in which they'll likely be working, the various ethical considerations that may arise as well as the sources of law they'll reference every day. Students will be offered an overview of traditional state and federal courts as well as the implications and uses for alternative dispute resolution. Students will also be introduced to various career opportunities available to trained paralegals.

This program also provides students with a comprehensive understanding of professional responsibility in the legal field and how these laws apply to paralegals, specifically. In addition to the general legal ethical concepts presented in the course, students will research individual state professional responsibility rules as they apply to the overall field and to the paralegal role. Upon completion of this program, students will be able to recognize an ethical issue, categorize it, and research the possible solutions to the issue.

#### Education and National Certifications

- Students should have or be pursuing a high school diploma or GED.
- There are no state approval and/or state requirements associated with this program.
- There are several National Certification exams that are available to students who successfully complete this program:
  - **National Association of Legal Assistants (NALA)**
  - **Certified Paralegal (CP) / Certified Legal Assistant (CLA) Exam**
  - **Microsoft Office Specialist (MOS) Certification Exam**

## **Program Objectives:**

At the conclusion of this program, students will be able to:

- Introduction to the Paralegal Profession
- Introduction to Law
- Civil Litigation
- Contract Law
- Tort Law
- Family Law
- Criminal Law
- Legal Ethics
- Use Microsoft Office

## **National Certification**

Upon successful completion of this program, students would be eligible to sit for the **National Association of Legal Assistants (NALA) Certified Paralegal (CP) / Certified Legal Assistant (CLA)** exam and the Microsoft Office Specialist (MOS) exam. Although there are no state approval, state registration or other state requirements for this program, students who complete this program will be prepared and are eligible to sit for this national certification exam. Students who complete this program are encouraged to complete the externship option with their program. Students who complete this program can and do sit for the MOS national certification exams and are qualified, eligible and prepared to do so.

## **Externship / Hands on Training / Practicum**

Although not a requirement, once students complete the program, they have the ability to participate in an externship and/or hands on practicum so as to practice the skills necessary to perform the job requirements of a professional in this field. Students will be assisted with completing a resume and/or other requirements necessary to work in this field. All students who complete this program are eligible to participate in an externship and will be placed with a participating organization near their location.

## **Paralegal Professional Program**

### **INTRODUCTION TO LAW & THE PARALEGAL PROFESSION MODULES**

#### **THE PARALEGAL PROFESSION**

- Describe the primary responsibilities of the paralegal in the American legal system
- List professional qualifications for a paralegal
- Give examples of how "soft skills" can increase the effectiveness of a paralegal
- Compare different types of legal work settings
- Give examples of paralegal tasks common to most environments
- Give examples of paralegal tasks related to particular legal specialties
- Describe the importance of proper billing and accounting practices
- Identify the types of accounts a law practice may require

#### **PARALEGAL CAREERS**

- Identify the types of paralegal educational programs
- Describe the professional associations available to the paralegal
- Explain the benefits of networking
- Describe career opportunities for paralegals
- Explain how a resume is tailored for a legal environment

- Prepare a resume for a paralegal position

### **ETHICS OF THE PARALEGAL PROFESSION**

- Identify guidelines for avoiding unauthorized practice of law by paralegals
- Compare ethical regulation of attorneys with regulation of paralegals
- Describe efforts to regulate the paralegal profession
- Recognize unethical recording of accounting and client payments
- Determine the appropriate ethical response to various legal scenarios
- Discuss how to protect client confidentiality and avoid conflicts of interest

### **SOURCES OF AMERICAN LAW AND THE COURT SYSTEMS**

- Outline the basic history of the American legal system and its laws
- Describe the sources of law in the United States
- Name the courts included in a typical state court system
- Relate the parts of the federal court system
- Describe the role of the U.S. Supreme Court
- Compare the jurisdiction of federal and state courts
- Describe techniques that support good listening skills in a client interview
- Explain how to prepare for a client interview
- Prepare a checklist for a client interview
- Describe the steps in conducting an investigation
- Identify the parties involved and their roles in the investigation process
- Describe how to select material and expert witnesses

### **INTERVIEWING AND INVESTIGATING SKILLS**

- Describe techniques that support good listening skills in a client interview
- Explain how to prepare for a client interview
- Prepare a checklist for a client interview
- Describe the steps in conducting an investigation
- Identify the parties involved and their roles in the investigation process
- Describe how to select material and expert witnesses

### **LEGAL RESEARCH AND WRITING**

- Develop a research plan for a legal question
- Develop search queries for computer-based research
- Contrast traditional paper-based research with online research methods
- Describe ways to update research to reflect current legal developments
- Research a legal matter
- Compare the writing style used in briefs and memoranda
- Identify the purpose of using citations in legal writing
- Describe the purpose and components of legal briefs and memoranda of law
- Write legal briefs
- Draft internal memoranda of law
- Use citations in legal documents

## **CIVIL LITIGATION AND ALTERNATIVE DISPUTE RESOLUTION**

- List the major pleadings and the parties involved
- Identify the main forms of discovery
- Identify the types of pretrial motions
- Describe the purpose of a settlement conference
- Describe the usual phases of a trial
- Identify the trier of fact for jury and non-jury trials
- Describe the process of appealing a decision
- Describe the possible decisions of an appellate court
- Identify the types of alternative dispute resolution
- Give examples of when to apply each type of alternate dispute resolution

## **ADMINISTRATIVE LAW**

- Identify the role of administrative law in the legal system
- Compare the possible legislative, executive, and judicial powers of agencies
- Describe an agency's duty to disclose
- Outline the process for judicial review of agency actions

## **CRIMINAL LAW AND PROCEDURE**

- Describe the elements of a crime
- Outline the various types of crimes
- Identify the participants of crime from a fact pattern
- Describe inchoate crimes
- Explain constitutional protections and defenses
- Outline the stages of criminal proceedings

## **TORTS**

- List examples of intentional torts
- Define negligence
- Explain the four elements of negligence
- Define negligence defenses
- Define strict liability

## **CONTRACTS**

- Identify the elements of a contract
- Explain the six contracts subject to the statute of frauds
- Outline the methods available to discharge a contract
- Summarize the various contract remedies available
- Define a Uniform Commercial Code sales contract

## **PROPERTY**

- Define personal and real property
- Describe the different types of ownership interest in real property
- Summarize the methods of transferring ownership of real property
- Explain the landlord-tenant relationship
- Describe the types of intellectual property

## **FAMILY LAW**

- Describe pre-marriage legal concepts
- Identify marriage requirements
- Distinguish between annulment and divorce
- Identify the laws pertaining to property division, spousal support, child custody, and child support
- Identify documents necessary for a divorce

## **ESTATE PLANNING AND PROBATE**

- Describe the different types of wills
- Describe when the intestacy statute applies
- Outline probate procedure
- Distinguish a living will from a health care proxy
- Differentiate between the various types of trusts
- Identify how trusts are terminated

## **BUSINESS ORGANIZATIONS**

- Define agency relationship
- Identify the parties to an agency
- Define sole proprietorship
- Describe the difference between general and limited partnership
- Define Limited Liability Company (LLC)
- Describe the different classifications of corporations
- Explain the roles and duties of shareholders, officers, and directors in corporations

## **CIVIL LITIGATION**

### **THE PARALEGAL IN CIVIL LITIGATION**

- Identify typical members of the legal team
- Define the primary role of each member of the legal team
- Describe the role of the paralegal in various legal environments
- Explain the rules governing paralegal participation and certification in your jurisdiction
- List the types of skills required for a litigation paralegal
- Outline the tasks typically performed by paralegals in civil litigation
- Summarize the ethical rules governing civil litigation in your jurisdiction
- Apply ethical rules governing civil litigation in your jurisdiction to a case study

### **CLIENT INTERVIEWS AND INVESTIGATIONS**

- Define the purpose of an interview with a client or witness
- Apply the steps in preparing for an interview of a client or witness
- Choose appropriate checklists and other tools to document an interview with a client or witness
- Describe the appropriate environment, dress, and approach to use in the interview with a client or witness
- Develop an interview strategy to include introduction, questions, signs of stress you will look for, and how you will make the client or witness more comfortable and cooperative
- Analyze a sample interview to determine its strengths and weaknesses
- Locate official reports relevant to a civil case

- Identify the location of the incident
- Identify tangible evidence related to a civil case
- Diagram a timeline of the incident
- Identify material witnesses and potential witnesses in a case study

### **ORGANIZING AND MANAGING CIVIL LITIGATION**

- Describe various types of case management software
- Identify the components of a case notebook
- Build a timeline to track deadlines throughout the case management process

### **EVIDENCE**

- Summarize the Federal Rules of Evidence
- Differentiate between admissible and inadmissible evidence
- Recognize each type of evidence
- Determine the appropriate use for each type of evidence
- Select appropriate evidence to support a civil case

### **SETTLEMENT AND ALTERNATIVE DISPUTE RESOLUTION (ADR)**

- Describe the settlement documents commonly used in civil cases
- Outline the types of alternative dispute resolution often used in civil cases
- Identify the damages relevant to a civil case
- Prepare settlement documents for a civil case

### **PLEADING, COMPLAINT, SUMMONS, AND SERVICE**

- Describe the purposes of the types of pleadings often required in civil cases
- Describe the components of a complaint
- Prepare a notice pleading complaint for a civil case
- Prepare a summons for a civil case

### **RESPONSES TO A COMPLAINT**

- Describe the components of an answer to a complaint
- Prepare an answer to a complaint

### **INTRODUCTION TO DISCOVERY**

- Define privilege
- Explain attorney-client privilege
- Describe the difference between attorney-client privilege and common interest privilege
- Explain the work product doctrine and its exceptions and limitations
- Describe the five forms of discovery
- Describe the sequence and timing of discovery
- Identify information subject to mandatory disclosure
- Identify information in a civil case that is subject to mandatory disclosure
- Prepare the information in a civil case that is subject to mandatory disclosure for the opposing legal team

## **ISSUES IN ELECTRONIC DISCOVERY**

- Summarize the Federal Rules of Civil Procedure that apply to electronic discovery
- Outline the electronic discovery process
- Identify ethical issues related to the electronic discovery process

## **INTERROGATORY AND REQUESTS FOR PRODUCTION**

- Describe documents used for discovery in civil cases
- Prepare an interrogatory
- Prepare a request for production

## **DEPOSITIONS AND OTHER DISCOVERY**

- Summarize the use of different types of depositions
- Prepare a digest of testimony based on a deposition

## **TRIAL PREPARATION FROM POST-DISCOVERY TO PRETRIAL**

- Summarize the legal issues involved in civil trials
- Describe the types of facts commonly presented in civil trials
- Describe the components of a pretrial memorandum
- Identify the elements of a trial brief
- Summarize an issue related to a civil case
- Compose a memo to an attorney

## **TRIAL**

- Outline the process of a civil case trial
- Prepare a summary of an evidentiary issue presented as a motion at trial

## **POST-TRIAL PROCEDURES**

- Outline the civil case appeal process
- Prepare a post-trial motion

## **ENFORCEMENT OF JUDGEMENTS**

- Outline the process of collecting and enforcing judgments
- Explain the statutory limitations on collection efforts
- Prepare a judgment satisfaction document
- Gather case information
- Assemble case information into an organized case notebook

## **CONTRACT LAW**

### **OVERVIEW OF CONTRACT LAW**

- Describe the elements of a contract
- Describe the types of contracts

### **FORMATION OF CONTRACTS**

- Describe the elements of a contract
- Define terms related to the formation of a contract
- Describe the process for reaching agreement on the terms of a contract

- Write a generic contract

### **ASSENT AND CONSIDERATION**

- Describe the elements of a contract
- Describe the types of contracts

### **PARTIES AFFECTED BY THE CONTRACT**

- Describe the elements of a contract
- Define contractual capacity
- Describe assignable contract rights
- Determine appropriate responses to hypothetical situations related to contract law

### **FRAUD**

- Describe the differences between a legal and illegal contract
- Define fraud
- Define duress
- Define undue influence

### **CONTRACTS IN WRITING**

- Identify the types of contracts that must be in writing under the Statute of Frauds
- Describe the elements of a contract
- Describe ethical standards in contract law

### **THIRD-PARTIES AND CONTRACTS**

- Describe assignable contract rights
- Determine appropriate responses to hypothetical situations related to contract law

### **REMEDIES FOR BREACH OF CONTRACT**

- Explain when discharge of a contract incurs liability
- Explain material and minor breach of contract
- Describe monetary damages
- Describe equitable remedies

### **CONTRACTS IN AN E-WORLD**

- Describe how to formulate a contract electronically
- Describe remedies for breach of contract relating to the internet or electronic technology

### **THE UNIFORM COMMERCIAL CODE**

- Describe how the Uniform Commercial Code (UCC) governs sales contracts
- Describe how the Uniform Commercial Code (UCC) governs lease contracts
- Examine issues on which the common law overrides the UCC
- Produce a UCC contract template
- Prepare instructions for using a UCC contract template
- Produce a common law contract template
- Prepare instructions for using a common law contract template

## **PERFORMANCE OF UCC CONTRACTS**

- Describe the types of contracts
- Define passage of title
- Determine the party that bears risk of loss under various contract situations

## **REMEDIES FOR BREACH OF UCC CONTRACTS**

- Describe remedies for breach of a sales contract
- Describe how the Uniform Commercial Code (UCC) governs sales contracts
- Determine whether a breach of contract occurs in a hypothetical situation
- Determine appropriate damages for hypothetical situations in which breach of contract has occurred

## **WARRANTIES UNDER THE UCC**

- Describe express warranties
- Describe implied warranties
- Describe legal warranty disclaimers
- Write a generic warranty form
- Prepare instructions for using the warranty form

## **THE RELATIONSHIP BETWEEN TORTS AND CONTRACTS**

- Relate tort law doctrine to breach of contract
- Describe remedies for breach of sales contract
- Research a contract problem
- Categorize problems in a contract case
- Prepare a checklist for a memorandum of law
- Write a memorandum of law for a contract issue

## **SPECIAL FORMS**

- Describe negotiable instruments
- Describe agency contracts
- Describe labor contracts
- Explain actions that can be taken when using negotiable instruments
- Describe the effect of bankruptcy on collective bargaining agreements

## **TORT LAW**

### **FOUNDATIONS OF TORT LAW AND OVERVIEW**

- Define common terms used in tort law
- Discuss the purpose and history of tort law
- Identify the sources of tort law
- Describe the theory of compensation for tort victims.
- Differentiate between the various categories of tort law
- Identify the parties to a torts action

### **TORT LITIGATION I**

- Identify the parties to a torts action
- Define common terms used in civil litigation

- Identify alternative methods to resolve tort disputes (ADR)
- Identify the requirements for commencement of civil proceedings and the pre-trial process
- Locate an online civil complaint form
- Draft a sample civil complaint
- Describe service of process in civil litigation
- Describe the types of discovery

## **TORT LITIGATION II**

- Describe the types of discovery
- Outline the trial and appeal processes
- Complete litigation chart as overview of potential case

## **NEGLIGENCE**

- Define terms associated with the tort of negligence
- Identify the elements of negligence
- Discuss the duty of reasonable care and the reasonable person standard as it pertains to tort law
- Describe proximate and actual cause
- Describe the types of damages awarded in tort cases
- Analyze negligence issues in a case study

## **PROVING NEGLIGENCE**

- Distinguish between fact and opinion
- Distinguish the standard of proof in a civil case from that in a criminal case
- Distinguish between unavoidable acts and breach of care
- Describe the degrees of negligence
- Describe the doctrine of *res ipsa loquitur*
- Profile joint tortfeasors' liability
- Analyze a case to determine if a plaintiff has a cause of action for negligence
- Research a case involving proof of negligence issues

## **DEFENSES TO NEGLIGENCE**

- Describe various forms of defenses for actions of negligence
- Differentiate between comparative and contributory negligence
- Describe assumption of risk
- Analyze a fact pattern to determine the appropriate defense in an action of negligence
- Review a case involving various forms of defenses for actions of negligence

## **INTENTIONAL TORTS**

- Define terms related to intentional torts
- Distinguish between negligence and intentional torts
- Describe the various forms of intentional torts
- Analyze a fact pattern to identify all potential causes of action for intentional torts

## **DEFENSES TO INTENTIONAL TORTS**

- Describe the various defenses for intentional torts
- Describe the discovery rule as it applies to various forms of intentional torts
- Research cases involving various forms of defenses for actions of intentional torts

- Analyze a fact pattern to identify defenses to intentional torts

### **MISREPRESENTATION AND BUSINESS RELATED TORTS**

- Define terms related to business-related torts
- Describe the various forms of business-related torts and their impact on business
- Determine how damages are determined in business-related torts
- Analyze a case to identify potential causes of action for wrongful termination
- Research a case involving wrongful termination

### **IMMUNITY AND PRIVILEGE**

- Define terms related to tort liability
- Describe the doctrine of immunity
- Describe the various forms of immunity
- Analyze a case for privilege and immunity from tort liability

### **DOCTRINE OF NUISANCE**

- Define terms related to nuisance
- Describe the doctrine of nuisance
- Describe the interests and requirements for various forms of nuisance
- Describe the remedies available for a nuisance action
- Analyze a fact pattern for action in nuisance

### **STRICT LIABILITY**

- Describe the elements of strict liability
- Describe the scope of strict liability under various circumstances
- Describe available defenses against strict liability
- Analyze a scenario for claims of strict liability
- Research state policy on an issue of strict liability

### **PRODUCT LIABILITY**

- Identify the parties to a torts action
- Define terms related to product liability
- Describe the various theories of recovery in product liability actions
- Describe how negligence is reflected in product liability and consumer protection laws
- Describe the defenses available for a product liability action
- Analyze a case for product liability issues
- Identify ethical issues related to tort law
- Analyze ethical issues related to tort law

### **VICARIOUS LIABILITY**

- Define terms related to vicarious liability
- Describe the various forms of vicarious liability actions
- Analyze a fact pattern for vicarious liability issues

### **PREMISES LIABILITY**

- Define terms related to premises liability
- Describe the various premises liabilities of a landholder

- Identify the potential parties to various premises liability actions
- Analyze a fact pattern for landholder premises liability

## **FAMILY LAW**

### **INTRODUCTION TO FAMILY LAW**

- Identify the types of cases paralegals work on as members of a family law team
- Outline the client intake process
- Describe differences between subject matter, personal, and *in rem* jurisdiction
- Identify legal resources used by paralegals to research family law issues
- Describe the doctrine of *respondeat superior*
- Describe ethical issues related to conflicts of interest and attorney-client communications
- Propose appropriate actions in response to hypothetical ethical dilemmas

### **PREMARITAL AGREEMENTS**

- Conduct research related to family law case studies
- Locate forms needed to process family law cases in your jurisdiction
- Describe the nature, purpose, and scope of premarital agreements
- Describe how current trends and changes in society are affecting the enforceability of premarital agreements
- Apply rules, procedures, statutes, and case law related to premarital agreements in your jurisdiction to a case study
- Draft a premarital agreement

### **MARRIAGE**

- Conduct research related to family law case studies
- Identify common legal requirements for valid ceremonial and common law marriages
- Give examples of governmental regulation of the fundamental right to marry
- Identify basic types of rights and benefits that flow from marriage
- Describe how changes in state laws related to same-sex marriage are affecting family law practice
- Apply rules, procedures, statutes, and case law related to marriage in your jurisdiction to a case study

### **ANNULMENT**

- Conduct research related to family law case studies
- Identify differences between annulment and divorce
- Describe the two types of grounds for annulment that are common in many states
- Identify defenses to and consequences of annulment
- Apply rules, procedures, statutes, and case law related to annulment in your jurisdiction to a case study
- Draft a document to bring an annulment action

### **NONMARITAL FAMILIES**

- Conduct research related to family law case studies
- Articulate the legal differences between cohabitation, domestic partnership, civil union, and marriage
- Describe the common elements of a cohabitation agreement

- Identify forms of relief available to cohabiting partners when their relationship dissolves
- Apply rules, procedures, statutes, and case law related to nonmarital families in your jurisdiction to a case study
- Draft a cohabitation agreement
- Propose appropriate actions in response to hypothetical ethical dilemmas

## **PARENTHOOD**

- Conduct research related to family law case studies
- Describe methods of establishing legal parentage
- Outline how parenthood may be disestablished
- Describe paternity fraud
- Describe issues surrounding assisted reproductive technology as related to family law practice
- Apply rules, procedures, statutes, and case law related to parenthood in your jurisdiction to a case study
- Propose appropriate actions in response to hypothetical ethical dilemmas

## **ADOPTION**

- Conduct research related to family law case studies
- Identify the types of adoption
- Describe the process of adoption
- Summarize the rights of parents in the adoption context
- Describe the nature and purpose of putative father registries
- Apply rules, procedures, statutes, and case law related to adoption in your jurisdiction to a case study
- Draft a petition for adoption
- Propose appropriate actions in response to hypothetical ethical dilemmas

## **FAMILY VIOLENCE**

- Conduct research related to family law case studies
- Identify types of abuse and neglect
- Describe remedies available to adult victims of family violence
- Give examples of mandatory and permissive reporters in child abuse cases
- Explain how abuse and neglect affect custody decisions
- Describe jurisdictional issues that commonly arise in family violence cases
- Apply rules, procedures, statutes, and case law related to family violence in your jurisdiction to a case study
- Draft a petition for protection from abuse

## **DIVORCE PROCESS**

- Conduct research related to family law case studies
- Identify the major fault and no-fault grounds for divorce
- Describe jurisdictional issues that commonly arise in divorce cases
- Summarize the four primary methods for altering the marital status
- Outline the basic stages of the divorce process
- Identify common types of alternative dispute resolution
- Apply rules, procedures, statutes, and case law related to divorce in your jurisdiction to a case study
- Draft a complaint for divorce and responsive documents

## **DISCOVERY AND FINANCIAL STATEMENTS**

- Conduct research related to family law case studies
- Identify differences between formal, informal, and electronic discovery
- Describe the primary strengths and weaknesses of the five formal methods of discovery
- Summarize common objections to discovery requests
- Describe the purpose and scope of financial statements
- Outline the court's role in the discovery process
- Apply rules, procedures, statutes, and case law related to discovery and financial statements in your jurisdiction to a case study
- Draft a financial affidavit
- Propose appropriate actions in response to hypothetical ethical dilemmas

## **CHILD CUSTODY**

- Conduct research related to family law case studies
- Describe the common legal standards for custody decisions
- Identify types of child custody
- Identify factors courts consider when making custody decisions
- Describe the role of the guardian *ad litem* and other advocates for children in the context of custody decisions
- Summarize how courts are increasing recognition of the rights of third parties in child custody cases
- Describe jurisdictional issues that commonly arise in child custody cases
- Apply rules, procedures, statutes, and case law related to child custody in your jurisdiction to a case study
- Draft a parenting plan

## **CHILD SUPPORT**

- Conduct research related to family law case studies
- Explain the role of Title IV-D agencies in child support cases
- Identify differences between child support and spousal support
- Describe factors courts consider when establishing and modifying child support orders
- Describe jurisdictional issues that commonly arise in child support cases
- Apply rules, procedures, statutes, and case law related to child support in your jurisdiction to a case study
- Draft a motion for temporary child support
- Propose appropriate actions in response to hypothetical ethical dilemmas

## **SPOUSAL SUPPORT**

- Conduct research related to family law case studies
- Describe types of spousal support
- Identify the common elements of a spousal support provision in a separation agreement
- Describe differences between spousal support and property division
- Describe factors courts consider when awarding spousal support
- Apply rules, procedures, statutes, and case law related to spousal support in your jurisdiction to a case study
- Draft an alimony provision for a separation agreement

## **PROPERTY DIVISION**

- Conduct research related to family law case studies
- Identify differences between separate and marital property
- Describe differences between community property and equitable distribution approaches to property division
- Identify factors courts consider when making property division decisions
- Describe jurisdictional issues that commonly arise in property division cases
- Apply rules, procedures, statutes, and case law related to property division in your jurisdiction to a case study
- Draft a proposed property settlement
- Propose appropriate actions in response to hypothetical ethical dilemmas

## **SEPARATION AGREEMENTS**

- Conduct research related to family law case studies
- Identify the common components of a separation agreement
- Describe differences between a merged and surviving separation agreement
- Give examples of problems that arise related to separation agreements
- Apply rules, procedures, statutes, and case law related to separation agreements in your jurisdiction to a case study

## **CRIMINAL LAW**

### **PURPOSE AND SOURCES OF CRIMINAL LAW**

- Describe English common law
- Explain the major theories of law and schools of jurisprudence
- Identify the sources of criminal law in the United States
- Distinguish criminal law from civil law
- Outline the U.S. judicial system
- Outline the investigation, arrest, and pretrial components of the criminal process
- Outline the process of a criminal case trial
- Describe the appeal phase of the criminal process
- Identify the conditions of serving a sentence
- Summarize the guarantees of the U.S. Constitution
- Describe how the guarantees of the Constitution are evident in criminal law and procedure

### **CRIMINAL OFFENSES**

- Identify types of computer systems used in a law office
- Describe how an act or omission may be a crime
- Describe *mens rea*
- Describe *actus reus*
- Describe causation of criminal offenses

### **CRIMES AGAINST THE PERSON**

- Define murder and its various degrees
- Explore examples of inchoate offenses
- Define manslaughter and its various types

## **OTHER CRIMES AGAINST THE PERSON**

- Examine the variations of violence against the person
- Describe the elements of each variation of violence against the person

## **CRIMES AGAINST THE PROPERTY**

- Explore rights associated with each type of property
- Examine theft and its classifications
- Define robbery
- Define burglary
- Define arson

## **CRIMES AGAINST SECURITY**

- Define treason with respect to the provisions in the U.S. Constitution
- Explore terrorism with respect to the provisions of the Patriot Act of 2001
- Research the rights of a U.S. president during times of war or armed conflict

## **CRIMES AGAINST THE STATE**

- Analyze the defenses for types and elements of perjury
- Summarize the elements of and defenses to bribery charges
- Research governmental controls to limit organizational corruption
- Research how protests become criminal behavior

## **SOCIAL CRIMES**

- Examine the elements required to prosecute prostitution
- Define public indecency
- Describe the impact of the U.S. Supreme Court's decision on abortion
- Summarize the U.S. Supreme Court's decision on sodomy

## **COMMON LAW AND CONSTITUTIONAL DEFENSES**

- Outline defenses rooted in common law, statutory law, and the Constitution that are available to a criminal defendant
- Analyze a crime scenario using various sources of law
- Design a defense for a crime scenario using various sources of law

## **PARALEGAL ETHICS**

- Examine how attorney-client privilege, husband-wife privilege, priest-penitent privilege, and patient-counselor privilege may create ethical challenges in a criminal case
- Research how conflict of interest impacts a criminal case
- Examine how confidentiality may create ethical challenges in a criminal case
- Explore how unauthorized practice of law is a crime
- Explore how zealous representation could impact a criminal case

## **RIGHTS BEFORE ARREST**

- Explore the constitutional protection against unreasonable searches and seizures
- Explore why probable cause and sufficient proof are required for a search warrant to be issued
- Examine the exclusionary rule and how searches may be conducted without a warrant

- Describe the law on using technology for searches

### **ARREST AND INTERROGATION**

- Research how the Miranda case impacts interrogation and confession guidelines during the arrest process
- Examine when physical evidence can be compelled from a defendant without violating the right against self-incrimination
- Explore the grand jury system

### **REPRESENTATION**

- Distinguish an arraignment from a preliminary hearing
- Explore the right to counsel and the use of a public defender
- Describe the right to a speedy trial

### **TRIAL**

- Analyze the provisions in the U.S. Constitution that require trial by jury in criminal cases
- Define jury
- Explain how members of a jury are selected
- Explore the impact of pretrial publicity on a jury
- Examine the intent of "beyond a reasonable doubt"

### **POST-CONVICTION RIGHTS**

- List capital crimes
- Describe procedural safeguards required by the eighth amendment to the U.S. Constitution
- Research the law of appeals and post-conviction relief
- Examine the U.S. Supreme Court's position on life in prison for repeat offenders
- Research the criminal law and procedure of a case
- Analyze a criminal case for potential violations of constitutional rights
- Critique the criminal law and procedure used in a criminal case
- Summarize a criminal case

### **PARALEGAL & LEGAL PRACTICE ETHICS**

#### **REGULATING THE LEGAL PROFESSION**

- Locate the sources of state and federal regulations for lawyers and paralegals
- Explain how the regulation of lawyers differs from that of paralegals
- Explain legal ethics as a matter of defined rules, not of morality

#### **THE UNAUTHORIZED PRACTICE OF LAW**

- Locate state statutes, rules, and cases related to the unauthorized practice of law
- Define the "conduit theory" in the context of the unauthorized practice of law
- Distinguish activities that only lawyers may perform from activities that paralegals may perform
- Identify examples of business relationships between a paralegal and a lawyer that exhibit the unauthorized practice of law

## **MISREPRESENTATION**

- Describe "misrepresentation" as it relates to the unauthorized practice of law
- Locate the statutes, rules, and case law defining appropriate designations for paralegals in your state
- Describe acceptable ways for paralegals to represent themselves as non-lawyers
- Define "access to justice"
- Describe how access to justice is intended to protect the public

## **THE DUTY OF CONFIDENTIALITY**

- Define confidentiality in layman's terms
- Locate state statutes, rules, and cases related to confidentiality
- Describe how long the duty of confidentiality applies
- Recognize issues related to confidentiality
- Describe ways in which a paralegal can unintentionally violate the duty of confidentiality
- Describe situations in which confidential information can legally be divulged
- Analyze fact patterns for possible violations of the duty of confidentiality
- Determine ethically appropriate responses to situations involving issues of confidentiality

## **EVIDENTIARY PRIVILEGES**

- Define attorney-client privilege
- Contrast attorney-client privilege and confidentiality
- Locate the statutes, rules, and case law defining attorney-client privilege in your state
- Explain situations under which attorney-client privilege applies
- Locate the statutes, rules, and case law defining the work product privilege in your state
- Recognize exceptions to attorney-client privilege and work product privilege

## **THE DUTY OF LOYALTY**

- Recognize a "conflict of interest"
- Locate the statutes, rules, and case law defining conflicts of interest in your state
- Determine ethically appropriate responses to situations involving conflict of interest
- Describe personal actions or affiliations of a paralegal that can create conflicts of interest
- Give examples of conflicts that can arise from representing multiple clients
- Develop a personal system for checking possible conflicts of interest

## **ADVERTISING**

- Locate statutes, rules, and case law pertaining to issues of legal advertising
- Locate examples of acceptable advertising for lawyers
- Recognize an issue of access to justice
- Describe circumstances in which it is appropriate for a paralegal to advertise

## **CLIENT SOLICITATION**

- Locate statutes, rules, and case law pertaining to client solicitation
- Differentiate between appropriate and inappropriate client solicitation
- Distinguish between client solicitation and advertising
- Determine ethically appropriate responses to situations involving client solicitation

## **FAIR FEES**

- Differentiate the common types of fee agreements used by lawyers

- Locate statutes, rules, and case law related to contingency fee agreement issues
- Determine the division of a settlement under different contingency fee arrangements
- Distinguish between the American Rule and English Rule of legal fees

### **PARALEGAL FEES**

- Locate statutes, rules, and case law related to the award-ability of paralegal fees in your state
- Explain the importance of maintaining time records
- Investigate pro bono service opportunities for paralegals

### **CLIENT TRUST ACCOUNTS**

- Describe the purpose and operation of a client trust account
- Distinguish between appropriate and inappropriate use of funds in the client trust account
- Describe the requirements for client trust accounting

### **COMPETENCE AND NEGLIGENCE**

- Describe the terms "competence" and "negligence"
- Describe the four elements of legal negligence
- Describe how competence is determined for lawyers
- Describe ways that paralegals can demonstrate their competence
- Recognize acts or omissions that can constitute negligence

### **THE DUTY OF ZEALOUS REPRESENTATION**

- Describe the term "zealous representation" within the context of the duty of loyalty
- Determine whether an act falls within the bounds of the law
- Locate statutes, rules, and case law related to handling evidence in your state
- Recognize suppression of evidence
- Recognize fabrication of evidence
- Recognize spoliation of evidence

### **THE DUTY OF INTEGRITY AND THE DUTY TO REPORT**

- Locate statutes, rules, and case law on a duty to report unethical behavior in the legal profession
- Differentiate between a lawyer's obligation and a paralegal's obligation to report unethical behavior
- Explain when and how a paralegal should report unethical conduct

### **MAINTAINING COMPETENCE**

- Describe the incidence of substance abuse in the legal profession
- Determine ethically appropriate responses to an impaired co-worker
- Research state assistance resources for impaired lawyers
- Produce a personal plan for maintaining physical and mental health

### **MICROSOFT OFFICE**

- Use an integrated software package, specifically the applications included in the Microsoft Office suite
- Demonstrate marketable skills for enhanced employment opportunities
- Describe proper computer techniques for designing and producing various types of documents
- Demonstrate the common commands & techniques used in Windows desktop

- List the meaning of basic PC acronyms like MHz, MB, KB, HD and RAM
- Use WordPad and MSWord to create various types of documents
- Create headings and titles with Word Art
- Create and format spreadsheets, including the use of mathematical formulas
- Demonstrate a working knowledge of computer database functions, including putting, processing, querying and outputting data
- Define computer terminology in definition matching quizzes
- Use the Windows Paint program to alter graphics
- Use a presentation application to create a presentation with both text and graphics
- Copy data from one MS Office application to another application in the suite
- Use e-mail and the Internet to send Word and Excel file attachments
- Demonstrate how to use the Windows Taskbar and Windows Tooltips
- Explain how copyright laws pertain to data and graphics posted on the Internet
- Take the college computer competency test after course completion

### Fresno Pacific University Student Learning Outcomes (FPU-SLO)

FPU-SLO 1	<b>Student Learning Outcomes Oral Communication:</b> Students will <i>exhibit</i> clear, engaging, and confident oral communication – in both individual and group settings – and will critically <i>evaluate</i> content and delivery components.
FPU-SLO 2	<b>Written Communication:</b> Students will <i>demonstrate</i> proficient written communication by <i>articulating</i> a clear focus, <i>synthesizing</i> arguments, and utilizing standard formats in order to <i>inform</i> and <i>persuade</i> others.
FPU-SLO 3	<b>Content Knowledge:</b> Students will <i>demonstrate</i> comprehension of content-specific knowledge and the ability to apply it in theoretical, personal, professional, or societal contexts.
FPU-SLO 4	<b>Reflection:</b> Students will <i>reflect</i> on their personal and professional growth and <i>provide evidence</i> of how such reflection is utilized to manage personal and vocational improvement.
FPU-SLO 5	<b>Critical Thinking:</b> Students will <i>apply</i> critical thinking competencies by <i>generating</i> probing questions, <i>recognizing</i> underlying assumptions, <i>interpreting</i> and <i>evaluating</i> relevant information, and <i>applying</i> their understandings to new situations.
FPU-SLO 6	<b>Moral Reasoning:</b> Students will <i>identify</i> and <i>apply</i> moral reasoning and ethical decision-making skills, and <i>articulate</i> the norms and principles underlying a Christian world-view.
FPU-SLO 7	<b>Service:</b> Students will <i>demonstrate</i> service and reconciliation as a way of leadership.
FPU-SLO 8	<b>Cultural and Global Perspective:</b> Students will <i>identify</i> personal, cultural, and global perspectives and will employ these perspectives to <i>evaluate</i> complex systems.
FPU-SLO 9	<b>Quantitative Reasoning:</b> Students will accurately <i>compute</i> calculations and symbolic operations and <i>explain</i> their use in a field of study.
FPU-SLO 10	<b>Information Literacy:</b> Students will <i>identify</i> information needed in order to fully understand a topic or task, <i>explain</i> how that information is organized, <i>identify</i> the best sources of information for a given enquiry, <i>locate</i> and critically <i>evaluate</i> sources, and accurately and effectively <i>share</i> that information.

## Continuing Education Student Learning Outcomes (CE-SLO)

CE-SLO 1	Demonstrate proficient written communication by articulating a clear focus, synthesizing arguments, and utilizing standard formats in order to inform and persuade others, and present information applicable to targeted use.
CE-SLO 2	Demonstrate comprehension of content-specific knowledge and the ability to apply it in theoretical, personal, professional, or societal contexts.
CE-SLO 3	Reflect on their personal and professional growth and provide evidence of how such reflection is utilized to manage personal and professional improvement.
CE-SLO 4	Apply critical thinking competencies by generating probing questions, recognizing underlying assumptions, interpreting and evaluating relevant information, and applying their understandings to the professional setting.
CE-SLO 5	Reflect on values that inspire high standards of professional and ethical behavior as they pursue excellence in applying new learning to their chosen field.
CE-SLO 6	Identify information needed in order to fully understand a topic or task, organize that information, identify the best sources of information for a given enquiry, locate and critically evaluate sources, and accurately and effectively share that information.