

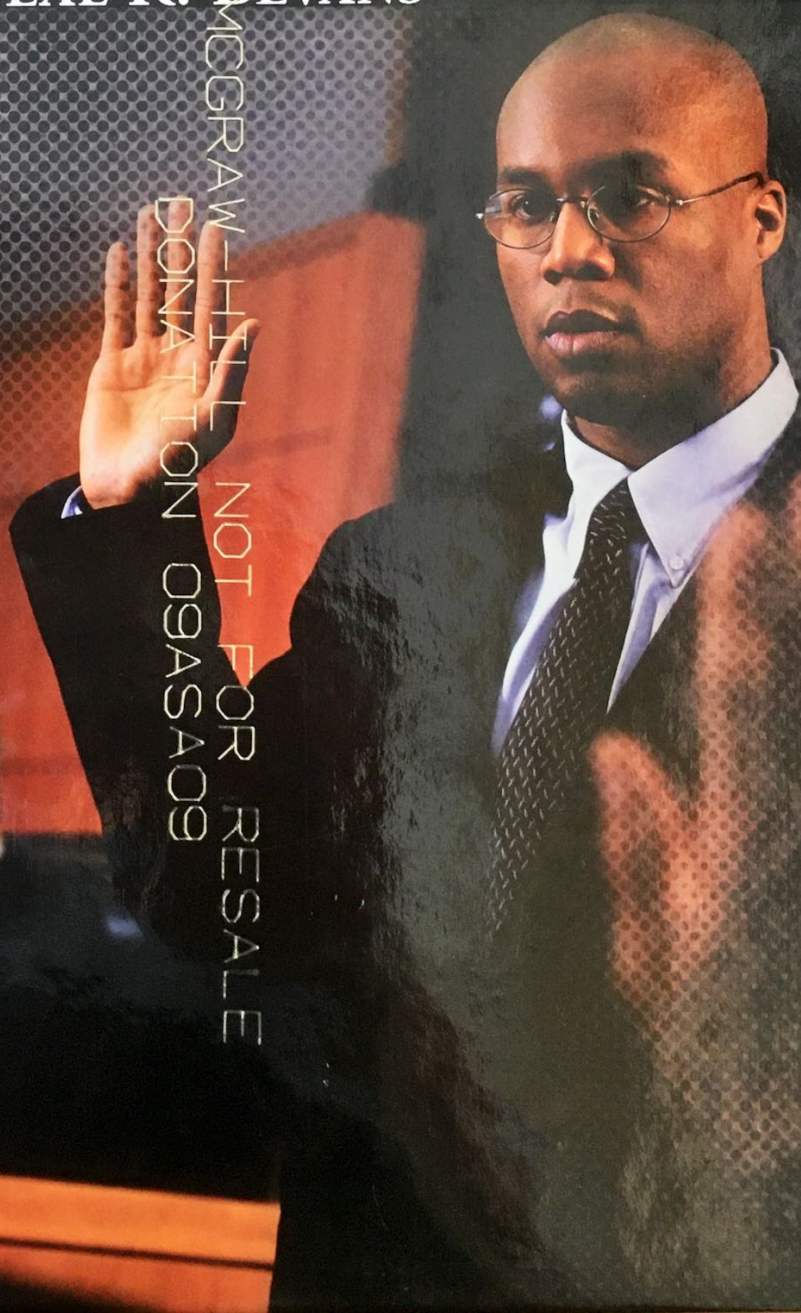
# CIVIL LAW

*and*

## LITIGATION FOR PARALEGALS

NEAL R. BEVANS

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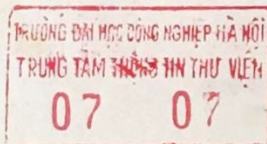
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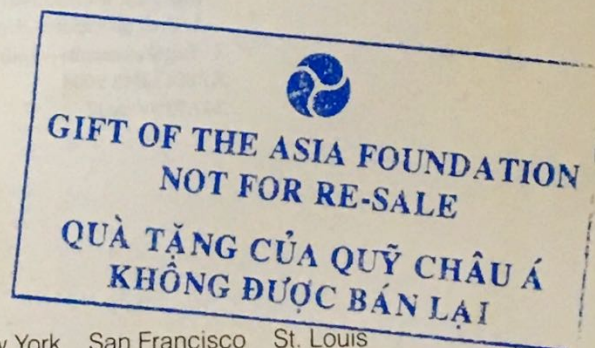
# Civil Law & Litigation for Paralegals



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**Neal R. Bevans, J.D.**

*Western Piedmont Community College*



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This book is printed on acid-free paper.

1 2 3 4 5 6 7 8 9 0 VNH/VNH 0 9 8 7

ISBN 978-0-07-352461-0

MHID 0-07-352461-1

Vice president of editorial: *Elizabeth Haebele*

Publisher: *Linda Schreiber*

Associate sponsoring editor: *Natalie J. Ruffatto*

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Lead designer: *Marianna Kinigakis*

Typeface: *10/12 Times New Roman*

Compositor: *Aptara, Inc.*

Printer: *Von Hoffmann Corporation*

### Library of Congress Cataloging-in-Publication Data

Bevans, Neal R., 1961-

Civil law and litigation for paralegals / Neal Bevans.

p. cm. — (McGraw-Hill business careers paralegal titles)

Includes index.

ISBN-13: 978-0-07-352461-0 (alk. paper)

ISBN-10: 0-07-352461-1 (alk. paper)

1. Civil procedure—United States. 2. Trial practice—United States.

3. Legal assistants—United States—Handbooks, manuals, etc. I. Title.

KF8841.B48 2008

347.73'5—dc22

2007003647

# Dedication

For my wife, Deb, with all my love.



# About the Author

## **Neal R. Bevens, J.D.**

*Western Piedmont Community College*

Neal Bevens is a former Assistant District Attorney and private attorney. A veteran of over 150 trials, Bevens has tried every major felony from rape, murder, and narcotics to armed robbery. One of his cases was televised nationally on Court TV. He has had extensive civil litigation experience while working as an insurance defense attorney. He has a Juris Doctor degree from the University of Georgia (Order of the Barrister) and has been a college instructor for more than 10 years. A multiple-year honoree in *Who's Who Among America's Teachers*, Bevens is the author of numerous textbooks and magazine articles.



# Preface

Civil litigation is the lifeblood of private legal practice, as well as an important part of government practice. Paralegal students are far more likely to be involved in civil lawsuits than criminal cases, business disputes, and intellectual property suits combined. Civil litigation courses are part of the core curriculum in every paralegal program in the country. This text was designed to help prepare students for the practical world of divorces, car wreck cases, and medical malpractice claims that they will see every day in civil practice. In addition to discussing theoretical constructs, the text offers extensive ancillary materials and supplemental material.

In *Civil Law & Litigation for Paralegals*, the author provides students with an in-depth analysis of the wide variety of civil cases, laying out the basic foundation of the American legal system, proceeding through the investigation and implementation of a civil case, and following the case through to appeal. The premise of this book is not only to teach the basics of civil litigation but also to give students the chance to build a skill set and create material for a portfolio that they can show to prospective employers.

The text also addresses the specific duties of paralegals in civil practice. Each chapter presents students with examples of the important role that paralegals play in every stage of civil litigation, from client intake to bringing an appeal. The text balances the theoretical underpinnings of the law with the practical examples and hands-on experience that all students need to completely understand the topic.

## KEY CHARACTERISTICS OF *CIVIL LAW & LITIGATION FOR PARALEGALS*

### Writing Style

The author's clear and coherent writing is one of the best features of the text. The author clearly communicates his enthusiasm for the topic throughout the text.

### Chapter Features

Each chapter has a standard format, including:

- Clearly stated chapter objectives.

Each chapter sets out 10 objectives for the student–reader.

- Introductory paragraph.

The major topics in the chapter will be set out in this lead-in paragraph.

- Material presented in a logical way.

The topics discussed in the chapter flow in a logical, common-sense manner.

- Material supplemented by numerous sidebars, charts, diagrams, and so forth.

The text contains numerous charts, diagrams, and other illustrations, as well as sidebars designed to illuminate specific topics throughout the chapter.

- Learning styles taken into consideration.

The topics in the chapters are discussed in a variety of ways to take advantage of different student–reader learning styles.

- Significant cases.



The text also places strong emphasis on seminal or otherwise important cases in specific areas of practice to help demonstrate the importance of case law to civil litigation.

- Terms and legal vocabulary.

All terms and legal vocabulary are defined immediately for the student. The first time a key word or legal term is mentioned in the text, a definition of it appears in the margin. This location helps students grasp the meaning without breaking the flow of their reading by having to turn to the glossary.

- Extensive use of hypotheticals.

The author uses hypothetical questions and other scenarios to illustrate the points under discussion in each chapter. These scenarios also provide an excellent foundation for classroom discussion.

- Case in Point features.

Each chapter contains a significant case designed to expand on the topics discussed in the chapter. There are also questions for students based on the case to assist their understanding of the case and its relevance to the chapter concepts.

- “Real world” flavor.

The text places heavy emphasis on the practical aspects of civil litigation practice. Each chapter presents interview excerpts from paralegals who actually work in the field, including not only an overview of what brought them into the law but also their daily activities, outlined in the “Day in the Life” sections that appear at the conclusion of each chapter.

- Eye on Ethics feature.

Ethics is crucial for any legal professional. Each chapter explores an important ethical question and explains the relevance of ethical systems for the day-to-day practice of civil law.

- Examples of court documents.

The text also presents numerous court documents for the student–reader, including contracts of representation, complaints, answers, discovery requests, motions, and many others. Each of these court documents is annotated with an explanation of the various component parts.

- Real Paralegal Life: Building a Skill Set feature.

Each chapter also contains a practical application designed to help students build a specific skill set. These practical applications include analyzing evidence, creating a personal court directory, billing hours, and basic investigative techniques, among others.

- Creating a portfolio.

Each chapter contains a section that requires students to generate a specific document or other work product that will go into their portfolio. The purpose of the portfolio is to create a body of work that demonstrates the student’s competency in this essential area.

## Pedagogy

The text has numerous features that take advantage of the varied learning styles students employ. On the basis of the recognition that students who apply their newly acquired knowledge often retain it much better than those who do not, this text requires students to apply the knowledge that they have gained. Each chapter has practical examples of court documents, pleadings, motions, and other real-life exercises that emphasize the material discussed in each chapter.

The text is written in clear language that engages the student, keeps the reader’s interest, and presents information in a variety of methods to take advantage of different learning styles. Each new concept is presented in a multilayer fashion, first with the basic concepts and then with



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