

Law456A/556A – Arizona Family and Civil Procedure & Advocacy

Online 3 units

Description of Course

Arizona Family and Civil Procedure & Advocacy is an experiential course that teaches Arizona specific case procedures and advocacy skills. Students will work with fact patterns and take on the role of a lawyer/Legal Paraprofessional (LP), moving their case through the procedures necessary to conclude both family and civil matters in Arizona. Students will focus on various sources of procedure rules and prepare both written and oral responses in order to learn and demonstrate an understanding of the rules of practice in these areas of the law as well as how to best advocate for a client under the rules.

Instructor and Contact Information

Kristy Clairmont

Law Annex III

520-626-8373,

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Office Hours are by appointment. The Professor is also available to answer questions over email and through D2L.

Course Home Page is on D2L, all course materials are accessed through D2L.

100% Engagement

This is an official 100% Engagement course in which you will participate in significant experiential learning and reflection designed to prepare you to apply skills and knowledge to the types of problems you may encounter beyond the classroom. If you earn a grade of C or better [in the case of courses with an alternative grade, P or better], you will receive the notation "Engaged Learning Experience: Completed" on your official UA transcript. The completion of this course will also appear on your Student Engagement Record in UAccess.

The course has been designated with the following 100% Engagement attributes:

Engagement Activity: Community Partnership

Engagement Competency: Civic and community responsibility

For more information on 100% Engagement, please visit <http://ose.arizona.edu>

Course Format and Teaching Methods

Class time will be spent doing what trial lawyers do: applying the Arizona Rules of Procedure and the procedural rules that govern both the civil and family practice areas to mock fact scenarios. Every class, we will review the pertinent Rules of Procedure, and then we will work on problems that represent situations that frequently arise before, during, and after trials in Arizona. Local Community Legal Aid organizations have participated in preparing fact patterns that will require you to assume the role of a lawyer/Legal Paraprofessional (LP) in a case, follow and apply case procedures to move a case forward in a way that benefits your mock-client's position. Students will be required to utilize a variety of D2L based tools to present arguments and respond to the arguments of other classmates, students will submit written pre-trial statements and various other procedurally appropriate written materials. There will also be multiple choice questions to test content knowledge for every class.

Course Objectives

Students will recognize and articulate the fundamental concepts behind due process rights, including notice, the opportunity to be heard, access to evidence, and procedural requirements to properly advance a case through the court system, in their respective subject matter through application of the rules of procedure and Arizona specific rules of practice. Students will practice interview skills, create initial documents required to begin a case, engage in negotiations, and prepare a case for trial. Students will prepare an organized and effective presentation of evidence and legal arguments and learn the potential outcomes of a trial to include the general phases of a case in the civil and family arena. Additionally, students will learn how to advise their client on post-trial options.

Expected Learning Outcomes

1. Demonstrate basic courtroom decorum and apply procedures related to presentation of evidence and legal arguments required in a civil and family law case to include post-trial options.
2. Identify issues that may require written motions and prepare a pretrial statement and complaint that advocates for your client's legal goals.
3. Prepare for and participate in negotiations/mediations and anticipate different levels of outcomes that could benefit their client.
4. Graduate level students will demonstrate leadership and advanced writing skills in relation to motion drafting and trial preparation skills through performance of additional writing assignments and assigned leadership rolls.

Absence and Class Participation Policy

The UA's policy concerning Class Attendance, Participation, and Administrative Drops is available at: <http://catalog.arizona.edu/policy/class-attendance-participation-and-administrative-drop>

The UA policy regarding absences for any sincerely held religious belief, observance or practice will be accommodated where reasonable, <http://policy.arizona.edu/human-resources/religious-accommodation-policy>.

Absences pre-approved by the UA Dean of Students (or Dean Designee) will be honored. See: <https://deanofstudents.arizona.edu/absences>

Participating in the course and attending lectures and other course events are vital to the learning process. As such, attendance is required at all lectures and discussion section meetings. Absences may affect a student's final course grade. If you anticipate being absent, are unexpectedly absent, or are unable to participate in class online activities, please contact me as soon as possible. *To request a disability-related accommodation to this attendance policy, please contact the Disability Resource Center at (520) 621-3268 or drc-info@email.arizona.edu.* If you are experiencing unexpected barriers to your success in your courses, the Dean of Students Office is a central support resource for all students and may be helpful. The Dean of Students Office is located in the Robert L. Nugent Building, room 100, or call 520-621-7057.

Required Texts or Readings

Required reading materials will be available on the class D2L page or online:

- Arizona Rules of Family Law Procedure, published annually by West Academic Publishing
- Title 25
- Arizona Civil Rules of Procedure, published annually by West Academic Publishing
- Marlene Pontrelli Maerowitz and Thomas A Mauet, Fundamentals of Litigation for Paralegals (10 ed.)

Assignments and Examinations: Schedule/Due Dates

- 10% Weekly M/C quizzes based on the rules of procedure that have been covered and applied thus far in the course.
- 20% Written Petition and/or Complaint due week 3
- 20% Written Pretrial Statement and/or Proposed Resolution Statement due week 5
- 20% Oral opening statements and written trial plan due week 6
- 20% Written Reflections/Participation
- 10% Final Examination

Final Examination or Project

The date and time of the final exam or project, along with links to the Final Exam Regulations, <https://www.registrar.arizona.edu/courses/final-examination-regulations-and-information>, and Final Exam Schedule, <http://www.registrar.arizona.edu/schedules/finals.htm>

Grading Scale and Policies

Final Grades: Undergraduate Students

Grades will be marked A through E according to the University Policies and grading systems.

A = 90% and above

B = 80 - 89.9%

C = 70 - 79.9%

D = 60 - 69.9%

E = 59.9% and below

Final Grades: MLS and Non-Law Graduate Students

Grades will be marked A through E according to the University Policies and grading systems. MLS Students earning a "D" or less in a course will not receive credit for the course toward the required 30 units of study for completion of the degree.

A = 90% and above

B = 80 - 89.9%

C = 70 - 79.9%

D = 60 - 69.9%

E = 59.9% and below

University policy regarding grades and grading systems is available at <http://catalog.arizona.edu/policy/grades-and-grading-system>

Graduate Requirements for 400/500: Graduate students will have the same graded assignments but will require additional work and complexity. Graduate students will take the lead on discussing class problems and will have more complex issues to reconcile in their Pretrial Statement and Complaint. There will also be an additional short answer section on the Final Exam for Grad students.

Requests for incomplete (I) or withdrawal (W) must be made in accordance with University policies, which are available at <http://catalog.arizona.edu/policy/grades-and-grading-system#incomplete> and <http://catalog.arizona.edu/policy/grades-and-grading-system#Withdrawal> respectively.

Scheduled Topics/Activities

Week 1

- Introduction to the sources of procedural law in Arizona for Civil and Family Law practice
- Students will begin working with fact patterns for a civil action and/or a family law issue

Week 2

- Issue spotting and general process identification
- Students will outline the steps ahead for the given fact pattern and begin to identify the procedures that will be necessary
- Students will practice and apply interviewing skills
- Students will receive the complete fact pattern for the duration of the course

Week 3

- Students will submit an initial complaint and/or petition based on the fact patterns
- Students will be assigned a complaint/petition and will be required to outline a response

Week 4

- Students will learn about evidence procurement both through subpoena practice and disclosure/discovery rules of procedure
- Students will be given "disclosure" and an expanded fact pattern related to evidence identification

Week 5

- Students will prepare a Pretrial statement and Resolution statement
- Students will draft an email and record a phone call conversation to negotiate a settlement for both the civil and family law matters

Week 6

- Students will record an opening statement
- Students will submit the trial plan that includes at a minimum: Legal theory of the case-opening/closing, direct and cross for all witnesses, evidence submitted for admission and anticipated objections and anticipated need for cross examination and cross of their witness

Week 7

- Post-trial options and ways settlement and negotiations can benefit your client
- Review of material

Classroom Behavior Policy

To foster a positive learning environment, students and instructors have a shared responsibility. We want a safe, welcoming, and inclusive environment where all of us feel comfortable with each other and where we can challenge ourselves to succeed. To that end, our focus is on the tasks at hand and not on extraneous activities (e.g., texting, chatting, reading a newspaper, making phone calls, web surfing, etc.).

Threatening Behavior Policy

The UA Threatening Behavior by Students Policy prohibits threats of physical harm to any member of the University community, including to oneself. See <http://policy.arizona.edu/education-and-student-affairs/threatening-behavior-students>.

Notification of Objectionable Materials

This course will contain material of a mature nature, which may include explicit language, depictions of nudity, sexual situations, and/or violence. The instructor will provide advance notice when such materials will be used. Students are not automatically excused from interacting with such materials, but they are encouraged to speak with the instructor to voice concerns and to provide feedback.

Accessibility and Accommodations

At the University of Arizona, we strive to make learning experiences as accessible as possible. If you anticipate or experience barriers based on disability or pregnancy, please contact the Disability Resource Center (520-621-3268, <https://drc.arizona.edu/>) to establish reasonable accommodations.

<http://drc.arizona.edu/instructors/syllabus-statement>.

Code of Academic Integrity

Students are encouraged to share intellectual views and discuss freely the principles and applications of course materials. However, graded work/exercises must be the product of independent effort unless otherwise instructed. Students are expected to adhere to the UA Code of Academic Integrity as described in the UA General Catalog. See:

<http://deanofstudents.arizona.edu/academic-integrity/students/academic-integrity>.

The University Libraries have some excellent tips for avoiding plagiarism, available at <http://new.library.arizona.edu/research/citing/plagiarism>.

Selling class notes and/or other course materials to other students or to a third party for resale is not permitted without the instructor's express written consent. Violations to this and other course rules are subject to the Code of Academic Integrity and may result in course sanctions.

Additionally, students who use D2L or UA e-mail to sell or buy these copyrighted materials are subject to Code of Conduct Violations for misuse of student e-mail addresses. This conduct may also constitute copyright infringement.

UA Nondiscrimination and Anti-harassment Policy

The University is committed to creating and maintaining an environment free of discrimination; see <http://policy.arizona.edu/human-resources/nondiscrimination-and-anti-harassment-policy>

Our classroom is a place where everyone is encouraged to express well-formed opinions and their reasons for those opinions. We also want to create a tolerant and open environment where such opinions can be expressed without resorting to bullying or discrimination of others.

Additional Resources for Students

UA Academic policies and procedures are available at <http://catalog.arizona.edu/policies>

Student Assistance and Advocacy information is available at

<http://deanofstudents.arizona.edu/student-assistance/students/student-assistance>

Confidentiality of Student Records

<http://www.registrar.arizona.edu/personal-information/family-educational-rights-and-privacy-act-1974-ferpa?topic=ferpa>

Subject to Change Statement

Information contained in the course syllabus, other than the grade and absence policy, may be subject to change with advance notice, as deemed appropriate by the instructor.