

**BERGEN COMMUNITY COLLEGE  
DIVISION OF BUSINESS, ARTS & SOCIAL SCIENCE  
DEPARTMENT OF LEGAL STUDIES**

**INSTRUCTOR:**

**TELEPHONE:**

**OFFICE:**

**EMAIL:**

**COURSE TITLE:** LGL-202 New Jersey and Federal Courts

**PREREQUISITES:** LGL-101, LGL-103, LGL-203, LGL-220

**COURSE DESCRIPTION:** A study of the Rules of Court for the New Jersey Court System as it relate to pleadings, depositions, Interrogatories, summary judgment, appellate practice, and principles of litigation practice.

**TEXTBOOKS:**

1. 2015 NJ Rules of Court, Pressler/Verniero, Gann Law Books
2. Civil Trial Preparation (ICLE), Greenberg & Wolinetz (Recommended)

**SUPPLEMENTAL**

**COURSE MATERIAL:** Materials shall be provided by the professor during the semester to supplement required textbook.

**LEARNING**

**OBJECTIVES:**

1. To provide the student with an understanding of New Jersey and Federal Court Practice, systems and procedure for civil actions.

Measure: Students will take examinations and submit projects during intervals during the course. These examinations will relate to analysis of the New Jersey State and Federal Court Systems and the processes and procedures required by the respective components of the New Jersey Judiciary.

Standard: At least 80% of all students will receive an average grade of "70" or better on these examinations and projects. Projects and examinations will be reviewed with students and concepts reinforced.

2. To provide the student with an understanding

of how to appropriately apply the NJ Rules of Court to New Jersey Legal Actions by analysis of particular rules, use of forms and hypotheticals and examination of case studies.

Measure: Students will take examinations and submit projects during intervals during the course. Projects will include pleading and motion drafting, use of forms and appropriate practice aides. Students will be required to utilize their legal research and writing skills. Emphasis will also be placed on legal ethical concerns. The examinations and projects will relate to analysis of the New Jersey State and Federal Court Systems and the processes and procedures required by the respective components of the New Jersey Judiciary.

Standard: At least 80% of all students will receive an average grade of "70" or better on these examinations and projects. Projects and examinations will be reviewed with students and concepts reinforced.

3. To provide the student with an understanding of how the New Jersey System of Legal Ethics applies to the NJ Rules of Court, the Court System and to New Jersey Legal Actions through analysis of particular rules, advisory opinions, use of forms, hypotheticals and examination of case studies.

Measure: Students will take examinations and submit projects during intervals during the course which will have required ethical considerations. The ethical considerations will relate to analysis of the New Jersey State and Federal Court Systems and the processes and procedures required by the respective components of the New Jersey Judiciary.

Standard: At least 80% of all students will receive an average grade of "70" or better on these examinations and projects. Projects and examinations will be reviewed with students and concepts reinforced.

4. To provide the student with an understanding of how legal research and writing applies to the NJ Rules of Court, the Court System and to New Jersey Legal Actions through analysis and research of particular rules, advisory opinions, court decisions, administrative regulations, local ordinances, use of forms, hypotheticals and

examination of case studies.

Measure: Students will take examinations and submit projects during intervals during the course which will have required legal research and writing components. The legal research and writing considerations will relate to analysis of the New Jersey State and Federal Court Systems and the processes and procedures required by the respective components of the New Jersey Judiciary. Proper citation and communication of legal authority is reinforced.

Standard: At least 80% of all students will receive an average grade of "70" or better on these examinations and projects. Projects and examinations will be reviewed with students and concepts reinforced.

#### **COURSE CONTENT:**

##### **SESSION #**

- (3 hours) 1 An explanation and review of the Federal and NJ Court Systems, functions of each court, Writ of Certiorari, Appeals Courts, Trial Courts, Law and Chancery Divisions. Lecture.
- (3 hours) 2 The concept of Jurisdiction, Analysis of R 4:4-4 et seq.: procedures for commencing the lawsuit, use of the Summons and Complaint and procedures for service of process. R 4:1 through 4:4-8, special emphasis on R 4:4-4.
- (3 hours) 3 Pleadings in the Case: Rule Requirements for Complaints, Answers, Counterclaim and Cross-Claim. Rule 4:5-1 through 4:6-7 and cases annotated.
- Assignment**: Prepare Complaint & CIS.
- (3 hours) 4 Case information statement, Third Party Practice, Amended and Supplemental Pleadings. Rule 1:5-6 plus C.I.S. appendix form XII plus Rule 4:7-1 through 4:9-4.
- (3 hours) 5 Introduction to Discovery Theory and Practice.
- (3 hours) 6 Methods and Scope of Discovery, Analysis of R 4:10-2 and the "work product" exception,

Protective Orders. Rules 4:10 through 4:10-4.

**Review for Midterm**

- (3 hours) 7            **Midterm.** Use of Interrogatories and Depositions for Discovery, Review for Midterm or assignment of case problem. Rules 4:11 through 4:16-4 (depositions) and rules 4:17-1 through 4:17-8 (interrogatories) and assignment based on uniform interrogatories, Appendix II, Forms A, B, and C.
- (3 hours) 8            Discovery and Inspection of Documents and Property; production of copies of documents; expert's reports, Requests for Admissions. Rules 4:18-1 through 4:22-1.
- (3 hours) 9            Procedures to Compel Discovery; Motions and Sanctions; Pre-Trial Conferences; Demand for Jury Trial; Dismissal of Actions (with prejudice and without prejudice); Ethical Obligations to Properly and Promptly Comply with Discovery Rules. Rules 4:23-1 through 4:23-5 plus lecture (failure to provide discovery) and 4:25-1 through 4:25-6 (pre-trial).
- Assignment:** Prepare motion, including: Notice of Motion, Brief, Certification, Order and all related correspondence. Project will require legal research and trial court brief drafting. Attention shall also include ethical implications of motion and relationship to the Rules of the Professional Conduct (RPC's)-assignment of term paper, if given.
- (3 hours) 10           Judgment after Trial, Default Judgment; Entry of Judgment; Satisfaction or Cancellation of Judgment; Motion for Judgment N.O.V.; Enforcement of Judgments by Execution. Entire controversy doctrine, joinder of claims, claim for counsel fees, review for Exam 2. Rule 4:27-1, (4:30A, 4:40-1, 4:42-1, 4:42-8, 4:42-9, 4:43-1, 4:43-2, 4:43-3, 4:45-1 4:47).
- (3 hours) 11            Motion for Summary Judgment; Introduction to Appellate Procedure. Rule 4:46-1 through 4:46-6 (summary judgement) and Appellate Practice, Rules 2:1 and 2:2-5.
- (3 hours) 12            Procedures to file an Appeal. Rules 2:3-1 through 2:6-12.
- (3 hours) 13            Ethics in Processing Litigation; Frivolous Actions, Rule 1:4-8, Failure to Join Necessary

Parties, Pleading and Trial Certifications; Review for Final Examination. Rule 4:28-1, 4:29-1, 4:30 (parties); frivolous action; statute, lecture.

**Review for Final Examination**

(3 hours) 14

**Final Examination** (or due date of term paper).

**EVALUATION:**

<b>Project #1</b> (complaint drafting)	25%
<b>Project #2</b> (preparation of motion documents)	25%
<b>Midterm</b>	25%
<b>Final Exam</b>	<u>25%</u>
	100%

**ATTENDANCE:**

Will be taken at each session and is subject to the rules of the college. Attendance at lectures is imperative to the acquisition and understanding of the substantive material of the course. Habitual absence (considered more than two unexcused absences) and/or tardiness will result in loss of credit (F grade or E grade) for the course. Students are instructed to notify the professor prior to absences, if known and are responsible for the materials from classes which are missed. Students are required to take all examinations on the announced date or otherwise scheduled at the discretion of the instructor. All projects and examinations must be completed for credit for the course. Late submissions will be penalized a quarter grade for each day project is late. If a student has an excused absence and misses an exam, that student must be prepared to take an exam on or before the first day of their return to class. If a student has an unexcused absence for an exam, that student will receive a zero (F) grade for that exam. If a project has not been handed in by the end of the semester, the student will receive an F grade for that project. If a student misses both the midterm and the final examination that student will not receive a passing grade in the class.

**SUBMISSION OF LATE ASSIGNMENTS:**

STUDENTS SHALL BE ASSESSED A QUARTER GRADE PENALTY (e.g., B+ to a B; B to a C+) FOR EACH DAY THAT THE PROJECT IS LATE. ALL PROJECTS (INCLUDING HOMEWORK ASSIGNMENTS) MUST BE SUBMITTED BY SEMESTER'S END FOR THE STUDENT TO RECEIVE CREDIT FOR THE COURSE. IF ALL PROJECTS ARE NOT SUBMITTED BY THE FINAL ASSIGNMENT DUE DATE, STUDENT SHALL RECEIVE AN "F" GRADE FOR THAT ASSIGNMENT WHICH HAS NOT BEEN SUBMITTED.

**HOMEWORK:** ASSIGNMENT SUBMISSION WILL BE REQUIRED FOR COURSE CREDIT AS ASSIGNED AND REQUIRED BY THE PROFESSOR.

**FACULTY ABSENCE:** A daily listing will appear in the glass case located in the front lobby of the Administration Wing of the main building which will indicate all classes which are cancelled. Another listing will appear in the glass case adjacent to the Hotel/Restaurant bulletin board in East Hall and on the Bergen Community College website. Students may consult these bulletin boards and website before going to class.

**Cell/Smart Phones**

**& Class Recording:** The use of cell/smart phones and other electronic devices is not permitted in class and all students must turn off their cell phones prior to class session. Class lectures may not be recorded in any form.

**Legal Studies Note:** This course is considered a legal specialty course. All legal studies students must attain a "C" grade or better in all legal specialty courses as a prerequisite to registering for required Co-op course (LGL-462).

**Class Conduct:** Students are bound by and subject to the Bergen Community College Rules/Code of Conduct.