

Paralegal/043 – Electronic Discovery for Paralegals – Fall 2015

Section 4660 – GC 310

Mondays – 6:45–10:00 p.m.

August 31 – December 14, 2015

Instructor: Deborah Zexter, Attorney at Law

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Office: Classroom – GC 310

Telephone: TBA

Office Hours: Mondays 6:15 – 6:45 p.m. or

By Appointment

PARALEGAL: A paralegal is a person, qualified by education, training, or work experience who is employed or retained by a lawyer, law office, corporation, governmental agency, or other entity and who performs specifically delegated substantive legal work for which a lawyer is responsible.

Paralegal Program Objectives

1. The Paralegal Studies Program is designed to prepare the student to assist the attorney in both private and public sectors in all phases of legal work and to equip the student with the knowledge necessary to enter the legal service fields as an entry-level paralegal.
2. To insure quality paralegal education at the community college level.
3. To familiarize students with the legal system and the role of the paralegal in the delivery of legal services in the public and private sectors.
4. To train students to be prepared to use and apply the most current paralegal skills.
5. To educate students to intelligently and ethically serve the legal community.
6. To train students in critical paralegal skills such as investigation, legal research, interviewing, written and oral communications.
7. To educate, train and provide students with the theoretical background to perform the paralegal's tasks in substantive areas of law and legal specialties.
8. To educate and train students in areas of procedural law emphasizing the paralegals role in litigation, mediation and arbitration.
9. To educate students about the general principles of ethical legal practice as defined by the American Bar Association's Standing Committee on Ethics and Professional Responsibility, and California's Business & Professions Code §6450.
10. To encourage students to contribute to the advancement of the legal profession.
11. To provide counseling during the program and to assist students in preparing for and obtaining meaningful careers in the paralegal field.

Paralegals may not provide legal services directly to the public except as permitted by law.

Students with Disabilities

Students with disabilities who believe they may need accommodations in this class are encouraged to contact Support Services in HRLC 119 or via telephone at (310) 287-4450 as soon as possible to better ensure accommodations are implemented in a timely fashion.

Course Goals

To familiarize the students with the legal principles and FRCP of electronic discovery litigation practice.

To familiarize the students with an electronic discovery strategy.

To familiarize students with the legal reasoning and analysis required for performing electronic discovery.

To familiarize students with the correct steps and risks in the electronic discovery process.

Grading and Evaluation

Practical and Written Assignments	400 points
Exams (3)	300 points / 100 points each
E-Discovery Project	100 points
Participation/Attendance	200 points
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Total	1000 points

A = 90 - 100%	Superior Performance
B = 80 - 89%	More than Satisfactory Performance
C = 70 - 79%	Satisfactory Performance
D = 60 - 69%	Unsatisfactory Performance
F = 0 - 59%	Failure to Meet Minimum Course Requirements

Course Texts, References, Supplies, Requirements

E-Discovery: An Introduction to Digital Evidence (with CD), by Philips/Godfrey/Steuart/Brown, Cengage Learning Publisher; ISBN# 978-111-31064-6; this book is required for this course.

E-Discovery for Dummies, by Volonino, Wiley Publishing; this book is required for this course.

Other Requirements:

Scantron forms #882-ES, Two Blue Books, and #2 pencils with erasers.

All assignments must be typed, double-spaced, 1-inch margin, and at least 12 pt. Font.

All assignments must have your name, description of assignment, section #, class name and number, and date.

Student Learning Objectives

The student will learn:

1. to solidify a student's knowledge of electronic discovery;
2. to focus on substantive law, procedural law, and ethics related to this specialty area;
3. to focus on document production;
4. to focus on discovery techniques; ;
5. to be able to manage a production request for the documents of opposing parties including the drafting and propounding of the request, determining the documents sought through an understanding of the elements of proof required to prove the client's case, managing the logistics of production, and responding to failures of the opposing side to produce and deliver the requested documents;
6. to identify and use legal terminology;
7. the student will be able to subpoena documents from third parties, including preparing and serving the subpoena, determining whose records to obtain and request, prepare Notices to Consumers and Motions to Quash Service of Subpoenas;
8. the student will have demonstrated timely completion of all assignments, exercises and projects reflective of the time constraints imposed on all attorneys and paralegals working in a legal environment.

Institutional Learning Outcomes

A. Critical Thinking: Analyze problems by differentiating fact from opinions, using evidence, and using sound reasoning to specify multiple solutions and their consequences. *In a short essay, identify your response to a work of art or music and explain it through a visual analysis of that work.*

B. Communication: Effectively communicate thought in a clear, well-organized manner to persuade, inform, and convey ideas in academic, work, family and community settings.

C. Quantitative Reasoning: Identify, analyze, and solve problems that are quantitative in nature. *Take a poll of pro and con opinions on a controversial issue and use data to support or refute that issue. Use your test scores to estimate your grade in a class. Create an Excel spreadsheet to record your grades.*

D. Civic Responsibility: Apply the principles of civility to situations in the contexts of work, family, community and the global world. *Attend a court of law, school board, or community meeting. Register to vote.*

Class Discussions and Questions Via E-Mail

Private e-mails must be sent to my personal e-mail at dzexter@yahoo.com.

Web Links

During this semester, you will access several websites for your practical assignments, including: <http://www.courtinfo.ca.gov> or <http://www.lasuperiorcourt.org> or <http://www.senate.ca.gov> or <http://california.findlaw.com/>

Study Groups

You will want to make use of one of the more traditional tools of college - the study group. I highly recommend study groups. The study group should be chosen not on the basis of who you think is the smartest, but whom you like as a person. The strength of the study group will ultimately be the relationships you develop with these people.

Briefing of Cases

I expect you to learn the art of 'case briefing'. The case briefing method will give you great assistance in learning the assigned material and it will prepare you for the class discussions as well. I will provide you with a handout describing how to brief cases. I will also spend time during the semester explaining how to brief cases.

Attendance/Participation

• Your attendance will be recorded for each class. It is your responsibility to make sure that you sign the attendance roster each class session. The instructor has the discretion to drop any student who has more than three absences (excused or unexcused) in the semester. Attendance and Participation will be 20% of your overall grade. You are expected to stay for the entire class session.

- Attend every class and be prepared. If you are absent, you are responsible for the work which is due upon your return. Thus, obtain several students' telephone numbers and e-mail addresses in order to properly prepare for class prior to your return.
- There are absolutely no make-ups for any missed assignments or classes unless previously agreed upon by the instructor. **NO LATE WORK WILL BE ACCEPTED.** You are in professional training. In the Legal Profession, there are no excuses for missed deadlines, failure to appear at hearing, lack of preparation or failure to read footnotes.
- Please turn off all beepers, cell phones, etc....
- No children are allowed in class.
- No taping of the class is allowed.

COLLEGE POLICIES

Standards of Academic Honesty and Ethics

To promote the free exchange of ideas, the College community depends upon the academic honesty of all of its members. While acknowledging that the vast majority of students conduct themselves with honesty, the College seeks to set the highest ethical standards. For students, academic honesty is merely a prelude to the personal integrity and professional ethics that will govern their careers. In all cases, intellectual honesty provides the clearest path to knowledge, understanding and truth – the highest goals of an academic institution. Therefore, the College expects honesty from all of its members in every academic setting.

Academic honesty applies to all situations, including but not limited to documenting all sources used in assignments, completing all tests without unauthorized assistance, and providing accurate information on college documents.

Violations of Academic Honesty and Ethics

Any attempt to commit the following offenses constitutes academic dishonesty:

Cheating: Using unauthorized material to complete a test, quiz, examination, or assignment. Cheating includes, but is not limited to copying from other students, relying upon unauthorized aids or notes during a test and/or consulting outside sources without the professor's permission.

Plagiarism: Representing the words, ideas, research or works of another as one's own. Plagiarism can involve submitting work prepared entirely or in part by another person or commercial service or using material as direct quotation, partial quotation, or paraphrase from published unpublished sources without proper acknowledgement. Students must document all print, online and oral sources they use to complete assignments.

Unauthorized Assistance: Preparing an assignment with the help of another student, such as a tutor, to alter or revise an assignment beyond the scope of collaboration the instructor has defined.

Fabrication: Presenting false data, sources or research results for academic credit.

Multiple Submissions: Presenting the same work, in whole or in part, for credit in more than one course without the explicit permission of all interested instructors.

Other Violations: Including but not limited to lying, forgery, bribery, damaging or stealing college or another's property, physically abusing another person or verbally threatening another.

Should a student violate the College's standards of academic honesty and/or ethics, he or she will be liable to sanctions according to the College's policy. Infractions will lead to probation, suspension, or expulsion of the student from College.

Writing Policy:

Plagiarism is considered a serious offense by the college administration and can result in the student's dismissal from the program. Plagiarism is the intentional or unintentional presentation of another person's idea or product as one's own. Plagiarism includes, but is not limited to copying verbatim all or part of another's written work: using phrases, conclusions, charts, figures, illustration etc...without citing sources. Penalties include a grade of zero for the assignment, a grade of F for the course or dismissal.

Video Summaries/Notes

Throughout the semester, you will watch a variety of legal videos. It is imperative that you take detailed notes on each video. You must include topics and discussions from each video in your ethics project.

Assignments

PLEASE NOTE: THIS SCHEDULE IS SUBJECT TO CHANGE IN CLASS BY THE INSTRUCTOR. ADDITIONAL HANDOUTS AND ASSIGNMENTS WILL BE GIVEN THROUGH OUT THE SEMESTER. YOU ARE RESPONSIBLE FOR ALL ASSIGNMENTS EVEN IF YOU ARE ABSENT.

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Week 1: Introduction – e-Discovery for Dummies
Monday, August 31, 2015

Homework: **Read e-Discovery for Dummies – Introduction and Chapter 1**
Outline Introduction and hand in at next class.

NO CLASS – LABOR DAY – MONDAY, SEPTEMBER 7, 2015

Week 2: Chapter 1 –e-Discovery for Dummies Examining e-Discovery and ESI Essentials
Monday, September 14, 2015

Homework: Read Chapter 1 E Discovery Book
Outline Chapter 1 - E Discovery Book and hand in at next class.

ALL OF THE FOLLOWING ASSIGNMENTS ARE IN E-DISCOVERY BOOK:

Week 3: Chapter 1 – E- Discovery Book - Introduction to E-discovery and Digital Evidence
Monday, September 21, 2015

Homework: Read Chapter 2 E-Discovery Book
Case Project 2-1 – Page 50.

Week 4: Chapter 2 – E-Discovery Book – A Brief History of E-discovery
Monday, September 28, 2015

Homework: Read Chapter 3 E-Discovery
Case Project 3-1 - page 79.

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Week 5: Chapter 3 –E-Discovery Book –E-discovery Planning and Tools
Monday, October 5, 2015

Homework: Read Chapter 4 - E-Discovery
Hands –on Project 4-1 – page 104.

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Week 6: Chapter 4 – E-Discovery Book – Experts: The Right Person for the Right Job
Monday, October 12, 2015

Homework: Prepare for Exam #1

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Week 7: Exam #1 – Chapters 1-4 – E-Discovery Book
Monday, October 19, 2015

Homework: Read Chapter 5
E-Discovery Project (100 points) – Case Project 5-1 in E-discovery Book – page 138 due November 2, 2015.

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Week 8: Chapter 5 – E-Discovery Book – Digital Evidence Case Flow
Monday, October 26, 2015

Homework: Read Chapter 6
E-Discovery Project (100 points) – Case Project 5-1 in E-Discovery Book – page 138 due November 2, 2015.

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Week 9: Chapter 6– E-Discovery Book - Case Study: From Beginning to Trial
Monday, November 2, 2015

Homework: Read Chapter 7
Hands-On Project 6-3 – page 172; print out the last page to hand in.

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Week 10: Chapter 7 – E-Discovery Book – Information Governance and Litigation Preparedness
Monday, November 9, 2015

Homework: Read Chapter 8
Chapter 8 Review Questions

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Week 11: Chapter 8 – E-Discovery Book – Researching E-Discovery Case Law
Monday, November 16, 2015

Homework: Study for Exam #2 – E-Discovery Book - Chapter 5-8

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Week 12:
Exam #2 – Chapters 5-8

Homework: Read Chapter 8 (continued)
Hands-on Project 8-1 on page 216. You will need the CD provided with E-Discovery.
Final Exam/Project – Choose either Hands on Project 9-1 on page 236 or Case Project 9-2 on page 237.

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Week 13: Chapter 8 – E-Discovery Book – Researching E-Discovery Case Law
Monday, November 30, 2015

Homework: Read Chapter 9
Extra Credit (50 points) – Hands on Project 8-3 – page 218.

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Week 14: Chapter 9 – E- Discovery Book – The Future of E-Discovery
Monday, December 7, 2015

Homework:

Prepare for Final Exam #3 – Final Project/Exam.

Week 15: LAST DAY OF CLASS/FINAL EXAM – FINAL EXAM/PROJECT DUE
Monday, December 14, 2015

Exam #3 due/Last day of class.

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Finals: Monday, December 14, 2015 - Final Exam #3 – Final Project Due – No Exceptions.
THIS SCHEDULE IS SUBJECT TO CHANGE. ALL CHANGES WILL BE ANNOUNCED IN CLASS.