



# CIVIL LITIGATION

## CVLL400 — Civil Litigation, 3.0 hours

### PROFESSOR

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Cathryn Ensign is a well respected attorney who has concentrated her practice on civil litigation, workers' compensation defense, and employment law for over 30 years. In her practice, she represents employers, both public and private, in workers' compensation and employment related issues. She frequently appears at both administrative hearings before state agencies representing employers in unemployment and workers' compensation claims. Cathryn litigates employment issues in Courts, both State and Federal on a variety of issues including discrimination, harassment, retaliation, wage & hour and wrongful termination of employment. Cathryn also has considerable experience with the defense of safety violations (VSSR) claims and intentional tort actions.

Named one of Cleveland's Top Rated Lawyers 2019 in Labor & Employment, Litigation and Workers' Compensation by Martindale Hubbell, AV Preeminent. Cathryn is honored to have held this rating for over 18 years.

**Specialties:** Cathryn has counseled employers on personnel and human resources related issues involving Family Medical Leave Act (FMLA), Americans with Disabilities Act (ADA & ADAAA) and Occupational Safety & Health Administration (OSHA) compliance matters.

Cathryn previously taught classes in Criminal Justice; Legal Studies; Advanced Legal Writing & Legal Research; Civil Litigation; Employment Law and Administrative Law.

Cathryn currently is a Partner and Head of Litigation for the Gertsburg Law Firm where she concentrates on Employment Law and Civil Litigation matters.

Attorney Ensign provides volunteer attorney services to Legal Aid Society clients and hospice patients.

### CONTACT INFORMATION

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E-mail: [censign@lakewood.edu](mailto:censign@lakewood.edu)  
Cell Phone: 800-517-0857 X 721

### ONLINE SUPPORT (IT) AND MOODLE NAVIGATION:

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All members of the Lakewood University community who use the University's computing, information or communication resources must act responsibly. Support is accessible by calling 1-800-517-0857 option 2 or by emailing [info@lakewood.edu](mailto:info@lakewood.edu)

### BOOKS AND RESOURCES

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Kerley, Peggy. Civil Litigation. 8th Edition. Cengage Learning US, 2019.

# EVALUATION METHOD

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Graded work will receive a numeric score reflecting the quality of performance.

## Course Requirement Summary

- Assignments - Total of 60 Points
- Weekly discussion forums-Total of 80 Points
- Final Exam - 50 Points

# GRADING SCALE

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Graded work will receive a numeric score reflecting the quality of performance as given above in evaluation methods. The maximum number of points a student may earn is 190. To determine the final grade, the student's earned points are divided by 190.

Your overall course grade will be determined according to the following scale:

A = (90% -100%)

B = (80% - 89%)

C = (70% - 79%)

D = (60% - 69%)

F < (Below 60%)

# ACADEMIC INTEGRITY/ PLAGIARISM:

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Cheating (dishonestly taking the knowledge of another person whether on a test or an assignment and presenting it as your work) and plagiarism (to take and pass off as one's own the ideas or writing of another) are a serious issue. While it is legitimate to talk to others about your assignments and incorporate suggestions, do not let others "write" your assignments in the name of peer review or "borrow" sections or whole assignments written by others. We do get ideas from life experiences and what we read but be careful that you interpret these ideas and make them your own.

I am aware that many types of assignments are available on the internet and will check these sources when there is legitimate suspicion.

Penalty is a zero on the assignment. In cases where there is a major or continuous breach of trust, further discipline, such as an "F" in the course, may be necessary.

The major consequence of any form of cheating is damage to your character and the result of trust and respect.

# DISABILITY ACCOMMODATIONS

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Students who have a disability and wish to request an academic accommodation should contact Jim Gepperth, the Disabilities Services Coordinator and Academic Dean. The student can request an accommodation at any time although it is encouraged to do so early in the enrollment process. The student should complete an accommodation request form which begins a conversation between the school and the student regarding the nature of their disability and an accommodation that would help the student succeed in their program. The school may request documentation regarding the disability to address the accommodation request effectively. The school will communicate to the student the type of accommodation arranged. This process typically follows a team approach, bringing together persons from the academic department (including the instructor) and personnel from other departments as necessary. Additional information on disability accommodations may be found in the Lakewood University Catalog.

Disability Services Email: [disabilityservices@lakewood.edu](mailto:disabilityservices@lakewood.edu)

# SUPPLEMENTAL TEXTS

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You can use the following resources to assist you with proper source citation.

American Psychological Association Style Guide- [https://www.mylakewoodu.com/pluginfile.php/118179/mod\\_resource/content/1/APA%20Style%20Guide%207th%20edition.pdf](https://www.mylakewoodu.com/pluginfile.php/118179/mod_resource/content/1/APA%20Style%20Guide%207th%20edition.pdf)

The Purdue OWL website is also a helpful resource for students. Here is a link to the OWL website: [https://owl.purdue.edu/owl/research\\_and\\_citation/apa\\_style/apa\\_formatting\\_and\\_style\\_guide/general\\_format.html](https://owl.purdue.edu/owl/research_and_citation/apa_style/apa_formatting_and_style_guide/general_format.html)

# LIBRARY

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Mary O'Dell is the Librarian on staff at Lakewood University

She is available by appointment. You can make an appointment with her by emailing her at [modell@lakewood.edu](mailto:modell@lakewood.edu) or call at 1-800-517-0857 X 730

You may also schedule a meeting at this link: <https://my.setmore.com/calendar#monthly/r3a761583354923270/01032020>

She can assist you with navigating LIRN, research, citations etc.

# SUPPORT

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Each student at Lakewood University is assigned a Success Coach. Your Success Coach exists to assist you with academic and supportive services as you navigate your program. They will reach out to you, often, to check-in. Please use the resources they offer.

Student Services is available to assist with technical questions regarding Lakewood University and all services available to you.

1-800-517-0857 option 2  
[info@lakewood.edu](mailto:info@lakewood.edu)  
[studentservices@lakewood.edu](mailto:studentservices@lakewood.edu)

# CAREER SERVICES

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Students are offered Career Services at any point as they journey their academics at Lakewood University.

1-800-517-0857 option 2  
[careerservices@lakewood.edu](mailto:careerservices@lakewood.edu)

# LESSONS

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TITLE	COURSE TOPIC	READINGS/ASSIGNMENTS	DUE	OBJECTIVES
Lesson #1	<ul style="list-style-type: none"><li>Litigation and the Paralegal</li><li>The Courts and Jurisdiction</li></ul>	Study Course Syllabus Read Chapters 1 & 2 Participate in the Discussion Forum Lesson Evaluation		Objective 1

TITLE	COURSE TOPIC	READINGS/ASSIGNMENTS	DUE	OBJECTIVES
Lesson #2				Objective 2

- Preliminary Considerations and Procedures
  - Investigation and Evidence
- Read Chapters 3 & 4  
Participate in the Discussin Forum  
Lesson Evaluation

TITLE	COURSE TOPIC	READINGS/ASSIGNMENTS	DUE	OBJECTIVES
Lesson #3	<ul style="list-style-type: none"> <li>• The Complaint</li> <li>• Responses to the Complaint</li> </ul>	Read Chapters 5 & 6 Participate in the Discussion Forum Complete Assignment 1 Lesson Evaluation	Assignment 1 upon completion of the lesson	Objective 3

TITLE	COURSE TOPIC	READINGS/ASSIGNMENTS	DUE	OBJECTIVES
Lesson #4	<ul style="list-style-type: none"> <li>• Motion Practice</li> <li>• Overview of the Discovery Process</li> </ul>	Read Chapters 7 & 8 Participate in the Discussion Forum Lesson Evaluation		Objective 4

TITLE	COURSE TOPIC	READINGS/ASSIGNMENTS	DUE	OBJECTIVES
Lesson #5	<ul style="list-style-type: none"> <li>• Depositions</li> <li>• Interrogatories</li> </ul>	Read Chapters 9 & 10 Participate in the Discussion Forum Complete Assignment 2 Lesson Evaluation	Assignment 2 upon completion of the lesson	Objective 5

TITLE	COURSE TOPIC	READINGS/ASSIGNMENTS	DUE	OBJECTIVES
Lesson #6	<ul style="list-style-type: none"> <li>• Physical and Mental Examinations</li> <li>• Request for Documents</li> </ul>	Read Chapters 11 & 12 Participate in the Discussion Forum Lesson Evaluation		Objective 6

TITLE	COURSE TOPIC	READINGS/ASSIGNMENTS	DUE	OBJECTIVES
Lesson #7	<ul style="list-style-type: none"> <li>• Requests for Admission and the Future of Discovery</li> <li>• Settlements, Dismissals, and Alternative Dispute Resolution</li> </ul>	Read Chapters 13 & 14 Participate in the Discussion Forum Assignment 3 Lesson Evaluation	Assignment 3 upon completion of the lesson	Objective 7

TITLE	COURSE TOPIC	READINGS/ASSIGNMENTS	DUE
Lesson #8	<ul style="list-style-type: none"> <li>• Trial Techniques</li> <li>• Posttrial Practice</li> </ul>	Read Chapter 15 & 16 Participate in the Discussion Forum Complete the Final Exam Request the Next Course Lesson Evaluation THANKS FOR A GREAT CLASS	Final exam upon completion of the lesson

## DESCRIPTION

This course provide students with an introductory-level education regarding the process and procedures of filing a lawsuit against a person or organization.

Program Objectives

1. To differentiate between criminal and civil procedure and describe the functions of trial and appellate courts in the civil litigation process.
2. To list the practical considerations that affect the decision to accept a case and identify rules that control the admissibility of different forms of evidence.
3. To describe, in general, the contents of a complaint, the types of relief that can be requested in the complaint and define a counterclaim, cross-claim, and third-party complaint.
4. To identify some common pretrial motions and identify the five major methods of discovery.
5. To define deposition and to define and explain the various purposes of interrogatories.
6. To explain the purposes for requesting a physical or mental examination and to identify the different approaches to document requests.
7. Explain the uses of the request for admission and identify the initial factors regarding settlement.
8. To describe the purpose and content of the trial notebook and to explain the nature and notice of an appeal

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