

NATIONAL PARALEGAL COLLEGE

717 E. Maryland Avenue Phoenix, AZ 85014-1561 Tel: 800 - 371 - 6105 Fax: 866-347-2744 E-Mail: info@nationalparalegal.edu

WEBSITE: HTTP://NATIONALPARALEGAL.EDU

Alternative Dispute Resolution

PLG-111-1602

Syllabus and Course Guide

The NPC Alternative Dispute Resolution course meets 15 times over the course of the 8-week term in the NPC Interactive classroom. Each session consists of about 60 minutes of online lecture by the course instructor. After the lecture, students may ask questions and make comments on the material being studied.

This class will meet on Tuesdays and Thursdays, beginning on <u>February 9, 2016</u>. There will be TWO alternative lecture times for this course:

4:00 PM, Eastern Time – taught by Jessica Borden (<u>jessica@nationalparalegal.edu</u>) 9:00 PM, Eastern Time – taught by Erin Steffin (<u>erin@nationalparalegal.edu</u>)

You may come to either of these classes based on your own schedule and convenience. Attendance at either of the two classes will satisfy the weekly interaction requirement. You may switch back and forth between lecturers. Both classes will be recorded (video and mp3 audio) and may be viewed by students at any time. There is no need to attend or listen to more than one section on a given day, as they will cover the same material.

To successfully complete the course, each student must satisfactorily complete:

- 5 written assignments
- 3 examinations

Unless an extension has been taken pursuant to the NPC Extensions Policy (see the end of this syllabus), all assignments and exams must be submitted by the course deadline which appears later in this syllabus. No extensions may be taken or granted unless the student has submitted one or more assignments or exams in advance of the original deadline. In addition, extensions are subject to grade penalties and are limited to no more than 30 days from the date of the original extension.

Please note that students are strongly encouraged to do their work as the course progresses rather than waiting for the days or weeks before the deadline to do all of their work. It is also critically important that students realize that:

- 1. A grade of "Incomplete" is the same as an "F" and is a failing grade.
- 2. A grade of "Incomplete" will result in a reduction in the student's grade point average.
- 3. Student may have to pay to re-take or replace a course for which a grade of Incomplete is assigned.
- 4. Two consecutive Incompletes may subject the student to dismissal from the college under NPC's chronic incomplete policy.
- 5. Students with a GPA of under 2.0 are not eligible to receive federal financial aid and cannot graduate until their GPA is at or above 2.0.

If a student is having trouble completing the course, the student is strongly encouraged to contact his or her student mentor or teacher as early as possible.

INSTRUCTORS AND CONTACT INFO:

Lecturer:

Erin Steffin erin@nationalparalegal.edu
 Jessica Borden jessica@nationalparalegal.edu

Grader:

- Mike Jones <u>michael.c.jones@hotmail.com</u>

COURSE DESCRIPTION:

There exists a common misapprehension that lawyers and legal assistants do most of their work in court. More and more often, attorneys and their clients are seeking ways to reconcile differences without spending the time and money involved in a law suit. This course will provide students with a working knowledge of the basic theories underlying negotiation, arbitration, and mediation. Students will learn the important distinguishing characteristics of each of these "alternative" approaches to resolving disputes, and will also learn how to address the ethical and legal issues which may arise in pursuit of these remedies.

In addition to covering current theory on these topics, much of the course will be dedicated to hypothetical scenarios and court cases concerning arbitration. Another portion will center on the contracts involved in mediation. Thus, students will complete this class familiar with the general workings of these processes both from a theoretical perspective and from a practical perspective.

COURSE OBJECTIVES:

At the completion of this course, the student should be able to:

- Analyze the advantages and disadvantages of negotiation in a particular situation versus taking the dispute to a court of law.
- Assist in strategically determining a client's negotiation position, in terms of the strength and weaknesses of that client's case.
- Explain how one can generally avoid dangers which arise during negotiation.
- Analyze ethical issues which may arise in negotiation.
- Explain what a mediator does and does not do.
- Analyze the meaning, and effect, of mediation agreements and how they affect the parties' future rights.
- Explain the advantages and disadvantages of arbitration and assist in making the determination of whether arbitration is appropriate in a particular case.
- Research and apply the state and federal laws which govern arbitration.
- Take the steps necessary to initiate an arbitration proceeding.
- Explain the form and functions of high-low arbitration and how it operates differently from traditional arbitration.

READING ASSIGNMENTS:

All reading assignments refer to the NPC courseware, including the interactions attached to each subchapter. Cases and/or statutes that are specifically mentioned in the syllabus are required reading. The texts of these cases and/or statutes may be accessed directly from the courseware. In addition to the assigned courseware and cases, students should familiarize themselves with the various legal documents listed for each lecture. These documents can be found on the "Documents and Slides" page on the NPC student website. Some, but not all, of these documents will be discussed in class. Reading assignments for each class should be completed prior to the class.

In addition to the courseware's electronic form, you may also order a book version of the courseware that includes:

- 1) The courseware
- 2) All lectures slides
- 3) Handout for class 14
- 4) Selected Provisions from the Federal Arbitration Act
- 5) Selected Provisions from the Uniform Arbitration Act

You may order this book at: http://www.freewebstore.org/npc-courseware-books/

WRITTEN ASSIGNMENTS:

At the outset of the course, five assignments will be posted on the "Assignments and Exams" page. The five assignments will cumulatively count for 40% of the student's grade for the course.

Please compose your answers to assignments on your own computer, remembering to save your work frequently. Once your assignment is complete, please submit by uploading it pursuant to the directions on the "Assignments and Exams" page within the NPC student site. Assignments may be submitted as PDF files, Microsoft Word documents, Open Office documents or PowerPoint presentations.

Each submitted assignment will be graded on the following scale:

- 4 Excellent
- 3 Good
- 2 Satisfactory
- 1 Poor
- 0 Not acceptable (must resubmit)

(Half-points may also be awarded in assignment grading.)

Please see the "Assignment Grading Rubric" (the next page of this syllabus) for more detailed information about how assignments are graded and the key elements of assignments that instructors look for when grading assignments.

In addition to a grade, students will receive written feedback from the instructor on their assignments, where appropriate.

To the extent possible, it is recommended that students complete the assignments as the course proceeds rather than waiting until after the course ends.

Assignment Grading Rubric

in the exercise to completely and in the exercise but not appropriate order. In the exercise to the completely and/or not on the appropriate order. Response demonstrates a demonstrates a demonstrates a demonstrates a demonstrates a demonstrates and has come to an appropriate express and the student has justified and enunciated an appropriate express and the student has justified and enunciated an appropriate express and the student has justified and enunciated an appropriate express and the student has justified and enunciated and appropriate express and the student has cited at the sources should be those obtained through legal express and the strong the student has cited at appropriate sources and has appropriate sources and has appropriate sources and the store and the strong the student has cited at sources should be those obtained through legal express and the strong the strong the strong the strong through legal express and through legal express an	Factor	4 (Excellent)	3(Good)	2(Satisfactory)	l (Poor)	0 (no credit)
completely and in the appropriate order. Response demonstrates a thorough and has come to an appropriate order. Response demonstrates a thorough and has come to an appropriate conclusion. Response demonstrates a thorough and has come to an appropriate conclusion. Student has justified and enunciated an appropriate conclusion. Student has cited at east two excellent sources should be appropriate or revo may not be those obtained through legal Appropriate sources should be those obtained through legal Appropriate seasys, legal and principles learned in class or the courseware is sufficient.) Doganization Essay is organized very well; the reader can clearly understand where the essay. Separate paragraphs are used for separate ideas. Critical Thinking and Shows excellent is able to apply the cited and well click and convincing should be cited and well cricked an analysis. The student's solves and has analysis. The student's points and analysis. The student's points are supported by the cited and well click and well cricked and well	Thoroughness	Answers all questions	Answers all	Answers most of the	Does not answer	Makes little or no
Demonstrated Understanding of the designment and has come to an appropriate order. and has come to an appropriate express and the conclusion of the designment and has come to an appropriate express and the conclusion. Documentation/ sources and appropriate express and convinciple learned in class or the courseware is sufficient.) Documentation Essay is organized very well; the reader can clearly understand well express and all points and a cohesions and analysis. The student and analysis. The student is able to apply the cited and analysis. The student is able to apply the cited and analysis. The student is appropriate by the cited and analysis. The student is appropriate by the cited and analysis. The student is appropriate by the cited and analysis. The students of the given case in a clear and convincing is appropriate to a conclusion. Response demonstrates a obsence show the appropriate sources but does appropriate sources of the exercise but shows a high level of confusion on the pappropriate by the rest of the sassy. Student has cited at one excellent source propriate sources or two or more appropriate sources but has missed the best available OR attended the propriate sources are all points and a concerved the construction of the signment. Essay is organized very well; the reader can clearly understand where the essay is going at all points and a cohesive easy-to-follow argument is made in the essay. Separate paragraphs are used for separate ideas. Critical Thinking and analysis. The student is able to apply the cited but to the facts of the given case in a clear and convincing in the pappropriate or the pappropriate or the surface of the surface and convincing in the pappropriate or the pappropriate or the surface of the surface and convincing in the pappropriate or the surface and convincing in th		in the exercise	questions in the	questions in the	many of the	reasonable effort to
Demonstrated Understanding of the Assignment and has come to an appropriate or an appropriate conclusion Response demonstrates a thorough and has come to an appropriate conclusion. Student has justfied and enunciated an appropriate conclusion. Student has cited at concusion. Student has cited at sources and has propriately conclusion. Student has cited at sources and has sources and has sources and has propriate sources should be those obtained through legal research; for exam essays, legal well cited and well principles learned in class or the courseware is sufficient.) Organization Essay is organized very well; the reader can clearly understand where the essay is going at conclusion and a cohesive easy-to-follow argument is made in the essay. Separate paragraphs are used for separate ideas. Critical Thinking and Box sexcellent critical and conceive and conveniency and controlled and analysis. The student is able to apply the cited and vell in key and an alysis. The student is able to apply the cited and conveniency and conveniency and conveniency and conveniency and cited and vell in key and an analysis. The student's points make some appropriate onder. Appropriate onder. Response demonstrates and demonstrates some demonstrates and demonstrates some demonstrates some demonstrates and demonstrates some demonstrates some demonstrates and endormentanding of the student some demonstrates some demonstrates some demonstrates and endormentand indemonstrates some demonstrates and endormentand indemonstrates some demonstrates some demonstrates some demonstrates some demonstrates some demonstrates some demonstrates and endemonstrates some demonstrates some demonstrates some demonstrates some subjects. The sconcius of the student son concusion, if not supported the sast student as cited and student h		completely and in the	exercise but not	exercise but not	questions in the	answer the questions
Demonstrated Understanding of the Assignment and has come to an appropriate and enunciated an appropriate conclusion Documentation/ Legal research (note-least two excellent sources should be throse obtained shrose sarys, legal principles learned in tegrated. Essay is organized wery well; the reader can clearly understand a cohesive easy-to-follow argument is made in the essay. Essay is organized very well; the reader can clearly understand a cohesive easy-to-follow argument is made in the essay. Essay is organized to conclusion Essay is organized to cohesion and a cohesive easy-to-follow argument is made in the essay. Erricical Thinking and Analysis Response demonstrates an Response demonstrates as one demonstrates some demonstrates some demonstrates some demonstrates as one sexcrise. The assay is of the sustingle assay are used of a conclusion. Student has cited at student to a conclu		appropriate order.	completely and/or	completely and/or	exercise but does	posed in the assignment.
Demonstrated Understanding of the Assignment and has come to an appropriate conclusion. Documentation/ Legal research (note: least two excellent sources and has sources should be through legal research; for examansasys, legal principles learned in class or the courseware is sufficient.) Dorganization Essay is organized very well; the reader can clearly understand where the essay is going at all points and a cohesive easy-to-follow argument is made in the essay. Separate paragraphs are used for separate pideas. Critical Thinking and Shows excellent is able to apply the cited law to the facts of the given case in a clear and convincing elections of the cited law to the facts of the given case in a clear and convincing elections of the cited law to the facts of the given case in a clear and convincing elections of the cited law to the facts of the given case in a clear and convincing elections of the cited law to the facts of the given case in a clear and convincing elections of the cited law to the facts of the given case in a clear and convincing elections of the cited law to the facts of the given case in a clear and convincing elections of the cited law to the facts of the given case in a clear and convincing elections of the cited law to the facts of the given case in a clear and convincing elections of the cited law to the facts of the given case in a clear and convincing elections of the cited law to the facts of the given case in a clear and convincing elections of the conclusion that the student comes to mand contents and the exercise and demonstrates some demonstrates some understanding of the exercise. The conclusion that the student concess to may unot the exercise. The conclusion that the student conclusion, if the exercise both conclusion, if any, is not supporpriate sources but any not to the gassay. The student is sufficient to may not flow freely, plotted by the rest of the essay. Student has cited at the student the scited at student the saight the exercise and understanding of the tendents			not on the	not in the	make some	
Demonstrated Understanding of the Assignment and has come to an appropriate expercise and the student has justified and enunciated an appropriate conclusion. Student has cited at conclusion. Student has cited at conclusion. Student has cited at conclusion appropriate expercise should be those obtained appropriately conclusion. Student has cited at conclusion. Student has cited at conclusion. Student has cited at conclusion appropriate expercise and the succellent sources and has appropriately expercise should be those obtained at through legal research; for exame assays, legal principles learned in class or the courseware is sufficient.) Organization Student has cited at conclusion. Student has cited at conclusion appropriately exist field by the rest of the essay. Student has cited on excellent sources applied them appropriate sources applied them appropriately. Student has cited on excellent sources applied them appropriate sources applied them appropriately. Student has cited on excellent sources applied them appropriate sour			appropriate order.	appropriate order.	reasonable effort to	
demonstrates a thorough understanding of the Assignment and has come to an appropriate conclusion Documentation/ Legal research (note: lor assignments, sources should be those obtained through legal research; for exam sessars, legal principles learned in class or the courseware is sufficient.) Dranication Essay is organized very well; the reader can clearly understand a cohesive easy-to-follow argument is made in the essay is going at all points and a cohesive easy-to-follow argument is made in the essay is going at all points and a cohesive easy-to-follow argument is able to apply the cited law to the facts of the given case in a clear and convincing and analysis. The student's point and analysis. The student's point smale not learned and analysis. The student's points and analysis. The student's points make no services and converse weak and understanding of the exercise and converse where searchs for exame the conclusion. Student has cited one excellent source appropriate sources but has missed the beats and a cohesive easy-to-follow argument is able to apply the cited law to the facts of the given case in a clear and convincing and analysis. The student's points and analysis. The student's points are supported by the rest of the exercise but should he exercise. The conclusion that the conclusion that the student comes to may not be appropriately ustified by the rest of the exercise. The conclusion that the student comes to may not be appropriately ustified by the rest of the essay. Student has cited and propriate sources but has missed the beats excise but shows a fine the exercise. The conclusion that the student comes to may not be appropriately ustified by the rest of the essay. Student has cited appropriate sources but has done a poor job of integrating them. Student has cited any or of the essay is mort of the essay is poorly legal authorities or has failed to establish the relevant. Student has cited any or or subtractive the exerci					do so.	
and has come to an appropriate exercise and the student has justified and enunciated an appropriate conclusion. Student has cited at least two excellent soor assignments, sources should be those obtained through legal research for examessary, legal principles learned in class or the courseware is sufficient.) Organization Essay is organized very well; the reader can lule principles learned in clearly understand where the essay is going at all points and a cohesive easy-to-follow argument is made in the essay. Separate paragraphs are used for separate ideas. Critical Thinking and Shows excellent conclusion is and analysis. The student's points make no lear and convincing and shappior the student same well supported. The student's conclusion that the student conclusion, if any, is not supported by the rest of the exercise but the student conclusion, if any, is not supported by the rest of the exercise that the student conclusion, if any, is not supported by the rest of the exercise that the student conclusion, if any, is not supported by the rest of the exercise that the student conclusion, if any, is not supported by the rest of the exercise that the student conclusion, if any, is not supported by the rest of the exercise that the student conclusion, if any, is not supported by the rest of the exercise that the student conclusion. Student has cited and pappropriate sources by the rest of the exercise but the student conclusion. Student has cited and pappropri	Demonstrated	•	•			Response demonstrates a
and has come to an appropriate exercise and the student has justified and enunciated an appropriate conclusion. Documentation/ Legal research (note) for assignments, sources should be those obtained through legal persearch for examesary, legal research for examesary, legal research for examesary, legal research in class or the courseware is sufficient.) Organization Essay is organized very well; the reader can clearly understand where the essay is going at all points and a choisive easy-to-follow argument is made in the essay; Separate paragraphs are used for separate ideas. Critical Thinking and Shows excellent is able to apply the cited law to the facts of the given case in a lelar and convincing and convenient of the given case in a lelar and convincing with the sex ocnoclusion that the student comes to a conclusion that the student comes to may not be student comes to of the essay. Student has cited appropriate sources but has missed at least one excellent source sources but has missed the post available OR student has cited appropriate sources. Sources are but has missed the post available OR student has cited appropriate sources. Sources sor or two or more good sources but has done a poor job of integrating them. The student is difficult to one to may not be to may not be to may not be the essay. Student has cited appropriate sources but has done a poor job of integrating them. The student is difficult to may not be used to may not be exercise and to may not be to may not be sets available OR. Essay is organized the sessay is in the components of the sources that he						
exercise and the student has justified and enunciated an appropriate conclusion. Documentation/ Legal research (notes should be throse obtained exporpropriate sources should be throse obtained exporpropriate seasarys, legal principles learned in class or the Courseware is sufficient.) Essay is organized very well; the reader can clearly understand where the essay is going at all points and a chesive easy-to-follow argument is made in the essay. Critical Thinking and analysis. The student appropriate wash and analysis. The student's substimated and enunciated an appropriate plant of the student thas cited students a student has cited one excellent sources but has missed the best available OR statistical extent has cited one excellent sources but has missed the best available OR statistical extent has cited good sources but has missed the best available OR statistical extent has cited authorities or has failed to establish the relevance of the sources that he of integrating them. Dorganization Essay is organized very well; the reader can clearly understand where the essay is going at all points and a chesive easy-to-follow argument is made in the essay. Separate paragraphs are used for separate ideas. Critical Thinking and analysis. The student's of the given case in a clear and convincing exceptionally understand were of the cited law to the facts of the given case in a clear and convincing exceptionally unconvincing.	· ·		•	•	•	•
student has justified and enunciated an appropriate conclusion. Student has cited at Legal research (note: least two excellent sources should be throse obtained through legal research (for examessays, legal principles learned in class or the courseware is sufficient.) Student has cited at Legal research (note: least two excellent sources and has appropriately. Appropriately. Appropriately. Appropriately. Appropriated sources and well cited and well integrated. Student has cited one excellent source but has missed the asst available One stavailable One stavailable One integrated well in the assignment. Student has cited one excellent source but has missed the asst available One stavailable of the sources but has missed the set available of the sources that he of integrating them. Student has cited one excellent source but has missed the set available of the sources but has missed the sources that so one of the sources but has missed the sources that he of integrating them. Student has cited one excellent source but has missed the set available of the sources but has missed the sources that he of integrating them. Student has cited one excellent source but has missed the sources that he of integrating them. Student has cited one excellent source but has missed the sources that he of integrating them. Student has cited appropriate sources of the sources that he of integrating them. Student has cited one excellent source but has missed the sources that he of integrating them. Student has cited appropriate sources of the sources that he of integrating them. Student has cited appropriate sources of the sources that he of integrating them. Student has cited appropriate sources of the sources that he of integrating them. Student has cited appropriate sources of the sources that he or she has cited one excellent sources that he or integrated and is very difficult to follow. The student is obtained thinking and analysis. The student's points are supported by logic, but are not excellent on example of the st						,
and enunciated an appropriate conclusion. Documentation/ Legal research (notes should be those obtained through legal research; for exams appropriate sources and has appropriate sources applied them appropriate sources are documented and well integrated. Lessay is organized every well; the reader can clearly understand where the essay is going at all points and a cohesive easy-to-follow argument is made in the essay. Separate paragraphs are used for separate icleas. Critical Thinking and Analysis Analysis and enunciated an appropriate yustified by the rest of the essay. Student has cited one excellent source appropriate sources but has missed the essay student has cited one excellent sources but has missed the set available OR student has cited one excellent sources but has missed the set available OR student has cited one excellent sources but has missed the set available OR student has cited and has riced and least two excellent sources but has missed the set available OR student has cited one excellent sources but has missed the set available OR student has cited authorities or has failed to establish the relevance of the sources that he or she has cited. Student has cited any propriate sources but has missed the set available OR student has cited one excellent sources but has missed the set available OR student has cited authorities or has failed to establish the relevance of the sources that he or she has cited one excellent one certellent sources are has failed to establish the relevance of the sources that he or she has cited one excellent one certellent sources are has failed to establish the relevance of the sources that he or she has cited one excellent sources are has cited authorities or has failed to establish the relevance of the sources the s			to a conclusion.			assignment.
Documentation/ Legal research (note: sources and has appropriately. through legal research; for exam essays, legal principles learned in class or the courseware is sufficient.) Dorganization Essay is organized course should be essay is organized the essay is on the essay is one course should be essay is organized all points and a cohesive easy-to-follow argument is made in the essay. Separate paragraphs are used for separate ideas. Critical Thinking and Analysis The student's propriately usuffied by the rest of the essay. Student has cited appropriate sources and has appropriately. Student has cited appropriate sources but has missed at least none excellent source. Sources are well in the assignment. Student has cited appropriate sources opoor or inappropriate authorities or has failed to establish good sources but has done a poor job of integrating them. Essay is organized essay is in integrated well in the assignment. Essay is organized well in the essay is going at all points and a cohesive easy-to-follow argument is made in the essay. Separate paragraphs are used for separate ideas. Critical Thinking and analysis. The student is able to apply the rest of the essay. Spearate paragraphs are used for sexellent critical thinking and analysis. The student's points and clear and convincing sustein appropriate sources but has missed at least appropriate sources but has missed the best available OR student has cited appropriate sources but has missed the best available OR student has cited appropriate sources but has missed the best available OR student has cited appropriate sources but has missed the best available OR student has cited appropriate sources but has missed the best available OR student has cited appropriate sources but has missed at least more sexcellent on replanding to relevance of the same did not organized. Essay is organized to restablish or or sake failed to establish or or sake failed t	conclusion	,				
Conclusion. Student has cited at cone excellent sources are applied them appropriately. Appropriate sources are documented and ressary, for exam essays, legal principles learned in class or the courseware is sufficient.) Organization Essay is organized very well; the reader can clearly understand where the essay all points and a cohesive easy-to-follow argument is made in the essay. Separate paragraphs are used for separate icited and Student has cited appropriate sources but has missed at least one excellent source. Sources but has missed at least one excellent source. Sources but has missed at least one excellent source. Sources but has done a poor job of integrating them. Essay is organized very well; the reader can clearly understand where the essay is going at all points and a cohesive easy-to-follow argument is made in the essay. Separate paragraphs are used for separate ideas. Critical Thinking and analysis. The student is able to apply the cited law to the facts of the given case in a clear and convincing discontinuing and clear and convincing and clear and convincing discontinuing discontinuing and clear and convincing discontinuing discontinuing discontinuing discontinuing discontinuing and subtractive days or two or more poor two or more poor two or more post authorities sources but has missed the post sudent has cited appropriate sources on that smissed at least available OR student has cited appropriate sources but has missed at least available OR student has cited appropriate sources on the past available OR student has cited appropriate sources on the past available OR student has cited appropriate authorities or has diathorities or has diathorities for the stat available OR student has cited authorities or has diathoriti				,	•	
Documentation/ Legal research (note: least two excellent sources should be those obtained through legal research; for exam essays, legal principles learned in class or the courseware is sufficient.) Dorganization Essay is organized very well; the reader can clearly understand where the essay is going at all points and a cohesive easy-to-follow argument is made in the essay. Separate paragraphs are used for separate ideas. Critical Thinking and analysis. The student is able to apply the cited law to the facts of the given case in a clear and convincing exceptionally with the rest of the essay. Student has cited one excellent source appropriate sources pour cappropriate sources one sexcellent source appropriate sources pour cappropriate sources one such tas missed the one excellent source appropriate sources pour cappropriate sources pour subtrains sits ed the sex available OR student has cited good sources but has missed the sex available OR student has cited suthorities or has failed to establish the relevance of the sources that he or she has cited. Essay is well in the assignment. Essay is well sessay shows some less ay shows some or fill fill to or she has cited. Essay is point a full fill to or she has cited authorities or has failed to establish the relevance of the sources that he or she has cited. Essay is point a full fill to or she has cited authorities or has failed to establish the relevance of the sources that he or she has cited. Essay is well sessay shows some less available OR student has cited authorities or has failed to establish the relevance of the sources that he or she has cited. Essay is point at a less. Student has cited						
Documentation/ Legal research (note: for assignments, sources and has appried them applied them appropriately. Appropriate sources and has appropriate by those obtained through legal research; for examessays, legal principles learned in integrated. Essay is organized very well: the reader can clearly understand where the essay is going at all points and a cohesive easy-to-follow argument is made in the essay. Separate paragraphs are used for separate ideas. Critical Thinking and analysis Critical Thinking and analysis. The student's points are sudent with the form and clear and convincing and clear and convincing and clear and convincing and clear and convincing and analysis. The student's points are supported. Student has cited appropriate sources or two or more poor to wo or more or two or more appropriate sources ources our two or more appropriate sources our two or more appropriate sources or two or more appropriate sources out thas missed the best available OR, student has cited appropriate sources out that are appropriate sources but thas missed the best available OR, student has cited authorities or has failed to establish the relevant. Student has cited appropriate sources out that are appropriate sources out the sex of time person to mappropriate sources out the sex validable OR, student has cited appropriate sources out the sex validate one excellent one excellent source appropriate sources out the sex validable OR, student has cited authorities or has failed to establish the relevant. Student has cited authorities or has failed to establish the relevant. Says symbous some Sessay is poorly organized and is sollow. The essay is not as focused as it did not properly organize the essay coherenty. Sollow. The stu		conclusion.				
Documentation/ Legal research (note: for assignments, sources and has applied them appropriate!y. Appropriate sources and sessay, legal principles learned in class or the courseware is sufficient.) Organization Essay is organized very well; the reader can clearly understand where the essay is going at all points and a cohesive easy-to-follow argument is made in the essay. Separate paragraphs are used for separate ideas. Critical Thinking and Analysis Critical Thinking and Shows excellent critical thinking and analysis. The student is able to apply the cited law to the facts of the given case in a clear and convincing and source in as source sources but has missed the pest available OR student has cited and propriate sources but has missed the sets available OR student has cited appropriate sources but has missed the sets available OR student has cited appropriate sources but has missed the best available OR student has cited appropriate sources but has missed the pest available OR student has cited appropriate sources of twe stavailable OR student has cited appropriate sources obt has missed the pest available OR student has cited appropriate sources obt has missed the pest available OR student has cited appropriate sources obt has missed the post sources but has missed the pest available OR student has cited authorities or has died or the student source sources but has missed the pest available OR student has cited authorities or has failed to establish the relevance of the set available OR student has cited authorities or has died authorities or has failed to establish the relevance of the set available OR student has cited authorities or has failed to establish the relevance of the set available OR student has cited authorities or has failed to establish the relevance of the sudent has cited own sources sources but has missed the post sources but has missed the post sources out the sudent has cited for organized for sudent has cited one vecellent sudent has cited one vecellent sudent has cited one vecell				,		
Student has cited at least two excellent sources should be those obtained through legal principles learned in class or the courseware is sufficient.) Student has cited and poor or two or more but has missed the best available OR student has cited good sources but has missed at least who excellent source sort was missed the best available OR student has cited good sources but has missed at least student has cited good sources but has done a poor job the source. Sources are documented and well cited and well integrated. Student has cited appropriate sources or two or more but has missed the best available OR student has cited good sources but has done a poor job the sources but has done a poor job the sources that he or she has cited authorities or has failed to establish the relevance of the sources but has done a poor job of integrating them. Student has cited appropriate authorities or has failed to establish the relevance of the sources but has done a poor job of integrating them. Student has cited appropriate authorities or has failed to establish the relevance of the sources but has done a poor job of integrating them. Student has cited appropriate authorities or has failed to establish the relevance of the sources but has done a poor job of integrating them. Student has cited appropriate authorities or has failed to establish the relevance of the sources but has done a poor job of integrating them. Student has cited appropriate authorities or has failed to establish the relevance of the sources but has done a poor job of integrating them. Student has cited appropriate authorities or has failed to establish the relevance of the sources but has done a poor job of integrating them. Student has cited authorities or has failed to establish the relevance of the sources but has done a poor job of integrating them. Student has cited authorities or has failed to establish the relevance of the sources but has done a poor job of integrating them. Student has cited authorities or has		!				
Legal research (note: for assignments, sources and has appropriately. Appropriately. Appropriate sources but has missed at least two excellent source should be those obtained through legal research; for exam resources but has missed the sauthorities or has failed to establish; the relevance of for the source. Sources are has door sources but has door sources but her student's essay is failed to establish; the relevance of for fittegrating them. of integrating them.			6. 1. 1. 1. 1.		•	
sources should be chose obtained through legal research; for exam essays, legal principles learned in class or the courseware is sufficient.) Drganization Essay is organized very well; the reader can clearly understand where the essay is going at all points and a cohesive easy-to-follow argument is made in the essay. Separate paragraphs are used for separate ideas. Critical Thinking and Analysis Critical Thinking and Analysis The student Sources Dut thas missed the best available OR student has cited authorities or has done a poor job of integrating them. The student in the assignment. Essay is well organized well in the assignment. Essay is well organized. The essay is coherent, though understand where the essay is going at all points and a cohesive easy-to-follow argument is made in the essay. Separate paragraphs are used for separate ideas. Critical Thinking and Analysis Critical Town freely. Shows good cources but has missed the best available OR student has cited authorities or has dided to establish the relevance of the sources that he or she has cited. Essay is well organization, but is difficult to follow. The essay is not as focused as it should be. Essay may paragraphs. Essay is poorly organized nor show freely. Different components of the essay are broken up paragraphs. Shows pood critical thinking and analysis. The student's points are supported by logic, but are not every difficult to follow. The essay is not as focused as it should be. Essay may paragraphs. Shows adequate critical thinking and analysis. The student's points are supported by logic, but are not every difficult to follow. The student's points are supported by logic, but are not every difficult to follow. The student is not a focused as it should be. Essay is poorly organized and is overy difficult to follow. The student is not a focused as it should be. Essay is not as focused as it should be. Essay is not as focused as it should be. Essay is not as focused as it should be. Essay is not as focused as it should be. Ess						,
Appropriately. Essay is organized very well; the reader can clearly understand where the essay is going at all points and a all points and a cohesive easy-to-follow argument is made in the essay. Separate paragraphs are used for separate ideas. Critical Thinking and Analysis Critical Thinking and analysis. The student is able to apply the cited law to the facts of the given case in a clear and convincing Appropriately. Essay is well organization. Essay is well organization organization, so the student in the assignment. Essay shows some lessay is poorly organized and is overy difficult to follow. The essay is not as focused as it should be. Essay may not flow freely. but is difficult to go forganization, student in the assignment. Essay is well organization organized and is overy difficult to follow. The essay is not as focused as it should be. Essay may broken up go back and forth between points without using new paragraphs. Essay is poorly organized and is overy difficult to well did not appropriately. Essay is well organization organized and is overy difficult to follow. The essay is not as focused as it should be. Essay may be evel of organization, so follow. The essay is not as focused as it should be. Essay may be revenue points without using new paragraphs. Essay is well organization organized and is overy difficult to very difficult to properly organize the essay is not as focused as it should be. Essay may be revenue points without using new paragraphs. Essay shows some for the scule of organization organ	•			• • •	•	S
those obtained through legal research; for exam res						
through legal research; for exam essays, legal well cited and well integrated. Essay is organized very well; the reader can clearly understand where the essay is going at all points and a cohesive easy-to-follow argument is made in the essay. Ecritical Thinking and Analysis Critical Thinking and Analysis Appropriate sources are documented and well in the assignment. Sources Sources are integrated well in the assignment. Essay is organized well in the assignment. Essay is well organization, organized and is coherent, though may not flow freely. Different components of the essay is going at all points and a cohesive easy-to-follow argument is made in the essay. Separate paragraphs are used for separate ideas. Critical Thinking and analysis. The student is able to apply the cited law to the facts of the given case in a clear and convincing experience. Sources sare has done a poor job of integrating them. The sources that he or she has cited. Essay is poorly organized and is very difficult to follow. The essay is follow. The essay is dollow. The essay is dollow the sources that he or she has cited. Essay is poorly organized and is very difficult to follow. The essay is dollow the sources that he or she has cited. Essay is poorly organized and is very difficult to follow. The essay is dollow. The student or associated and is should be. Essay may go back and forth between points without using new paragraphs. Shows adequate thinking and analysis. The student's points are supported by logic, but are not weak and unconvincing.						irrelevant.
are documented and well cited and well in the assignment.		1 ' ' '				
well cited and well integrated. Essay is organized very well; the reader can clearly understand where the essay is going at all points and a cohesive easy-to-follow argument is made in the essay. Separate paragraphs are used for separate ideas. Critical Thinking and Analysis Critical Thinking and analysis. The student is able to apply the cited law to the facts of the given case in a clear and convincing. well cited and well in the assignment. Integrated well in the assignment. of integrating them. or she has cited. Student's essay is in chaos. There is no teroganized and is very difficult to follow. The student or spanize the essay is follow. The student or spanize the essay is onchaos. There is no teroganize the essay is officult to follow. The student or spanize the essay is onchaos. There is no terosaonable attempt to organize the essay is onchaos. There is no terosaonable attempt to organize the essay is oblut is difficult to follow. The student or spanize the essay is onchaos. There is no terosaonable attempt to organize the essay is onchaos. There is no terosaonable attempt to organize the essay is onchaos. There is no terosaonable attempt to organize the essay is onchaos. There is no terosaonable attempt to organize the essay is onchaos. There is no terosaonable attempt to organize the essay is onchaos. There is no terosaonable attempt to organize the essay is onchaos. There is no terosaonable attempt to organize the essay is onchaos. There is no terosaonable attempt to organize the essay is onchaos. There is no terosaonable attempt to organize the essay is onchaos. Student's essay is organized. Shows no effort at critical thinking and analysis. The student's points are supported. by logic, but are				0		
principles learned in class or the courseware is sufficient.) Essay is organized very well; the reader can clearly understand where the essay is going at all points and a cohesive easy-to-follow argument is made in the essay. Separate paragraphs are used for separate ideas. Critical Thinking and Analysis Critical Thinking and canalysis. The student is able to apply the cited law to the facts of the given case in a clear and convincing						
Essay is organized very well; the reader can clearly understand where the essay is going at all points and a cohesive easy-to-follow argument is made in the essay. Separate paragraphs are used for separate ideas. Critical Thinking and Analysis Critical Thinking and analysis. The student is able to apply the cited law to the figiren case in a clear and convincing. Essay is organized very well; the reader organized. The essay is well organization, but is difficult to follow. The essay is not as focused as it should be. Essay may go back and forth between points without using new paragraphs. Essay is poorly organized and is very difficult to follow. The student did not proper is should be. Essay may go back and forth between points without using new paragraphs. Shows adequate critical thinking and analysis. The student's points are supported by logic, of the given case in a clear and convincing	,		•	of integrating them.	or sne has cited.	
Essay is organized very well; the reader can clearly understand where the essay is going at all points and a cohesive easy-to-follow argument is made in the essay. Critical Thinking and Analysis Critical Thinking and analysis. The student is able to apply the cited law to the facts of the given case in a clear and convincing Essay is well organization. Essay is well organized. The essay is organized. The essay is coherent, though but is difficult to follow. The essay is organized and is very difficult to follow. The essay is organized and is very difficult to follow. The essay is poorly organized and is very difficult to follow. The essay is did not as focused as it should be. Essay may go back and forth between points without using new paragraphs. Shows adequate critical thinking and analysis. The student is able to apply the cited law to the facts of the given case in a clear and convincing		integrated.	tne assignment.			
Drganization Essay is organized very well; the reader can clearly understand where the essay is going at all points and a cohesive easy-to-follow argument is made in the essay. Separate paragraphs are used for separate ideas. Critical Thinking and analysis. The student is able to apply the cited law to the facts of the given case in a clear and convincing Essay is organized bessay is well organization, but is difficult to follow. The essay is not as focused as it should be. Essay may go back and forth between points without using new paragraphs. Shows adequate critical thinking and analysis. The student's points are well argued and swell supported. Shows adequate critical thinking and analysis. The student's points are supported by logic, but are not exceptionally						
Essay is organized very well; the reader can clearly understand where the essay is going at all points and a cohesive easy-to-follow argument is made in the essay. Separate paragraphs are used for separate ideas. Critical Thinking and Analysis Critical thinking and analysis. The student is able to apply the cited law to the facts of the given case in a clear and convincing Constant of the case of the given case in a clear and convincing Constant of the case of the given case in a clear and convincing Constant of the case of the given case in a clear and convincing Constant of the case of the given case in a clear and convincing Constant of the case of the given case in a clear and convincing Constant of the case of the given case in a clear and convincing Constant of the case of the given case in a clear and convincing Constant of the case of the given case in a clear and convincing Constant of the case of the given case in a clear and convincing Constant of the case of the given case in a clear and convincing Constant of the case of the given case in a clear and convincing Constant of the case of the given case in a clear and convincing Constant of the case of the given case in a clear and convincing Constant of the case of the given case in a clear and convincing Constant of the case of the case of the given case in a clear and convincing Constant of the case of the case of the given case in a clear and convincing Constant of the case of t						
very well; the reader can clearly understand where the essay is going at all points and a covery to-follow argument is made in the essay. Separate paragraphs are used for separate ideas. Critical Thinking and Analysis Critical thinking and analysis. The student is able to apply the cited law to the facts of the given case in a clear and convincing Very well; the reader can clearly us conganized. The essay level of organization, but is difficult to follow. The essay is ofollow. The essay is ofollow. The student ofollow. The student should be. Essay may appropriately separate thoughts and did not properly organize the essay. Shows adequate critical thinking and analysis. The student's points are supported by logic, but are not exceptionally New difficult to follow. The student should be. Essay may appropriately separate thoughts and did not properly organize the essay. Shows adequate critical thinking and analysis. The student's points are supported by logic, but are not exceptionally		Eccay is organized	Essay is well	Essay shows some	Essay is poorly	Student's assay is in
can clearly understand where the essay is going at all points and a cohesive easy-to-follow argument is made in the essay. Separate paragraphs are used for separate ideas. Critical Thinking and Analysis Critical thinking and analysis. The student is able to apply the cited law to the facts of the given case in a clear and convincing can clearly understand where the essay is coherent, though may not flow freely. Different components of the may not flow freely. Different components of the essay are broken up appropriately. Different components of the essay are broken up appropriately. Different components of the essay are broken up appropriately. Different components of the essay are broken up appropriately. Different components of the essay are broken up appropriately. Different components of the essay are broken up appropriately. Different components of the essay are broken up appropriately. Different components of the essay are broken up appropriately. Different components of the essay are broken up appropriately. Different components of the essay are broken up appropriately. Different components of the essay are broken up appropriately. Different components of the essay are broken up appropriately. Different components of the essay are broken up appropriately. Different components of the essay are broken up appropriately. Different components of the essay are broken up appropriately. Different components of the essay are broken up appropriately. Different components of the essay are broken up appropriately. Different components of the essay are broken up appropriately separate thoughts and did not properly organize the essay. Critical Thinking and analysis. The student is able to apply the critical thinking and analysis. The student is able to apply the cited law to the facts of the given case in a clear and convincing and analysis. The student is able to apply the components of the essay are broken up appropriately. Shows adequate critical thinking and analysis. The student is should be. Essay may appro	Organization	vory well: the reader				
understand where the essay is going at all points and a cohesive easy-to-follow argument is made in the essay. Separate paragraphs are used for separate ideas. Critical Thinking and Analysis Critical thinking and analysis. The student is able to apply the cited law to the facts of the given case in a clear and convincing understand where the essay is going at all points and and points and all points and a clear and convincing to inche sessay is follow. The essay is not as focused as it should be. Essay may go back and forth between points without using new paragraphs. Shows adequate critical thinking and analysis. The student's points are supported by logic, but are not exceptionally follow. The student did not appropriately separate thoughts and did not properly organize the essay. Shows minimal critical thinking and analysis. The student's points are supported by logic, but are not exceptionally						
the essay is going at all points and a cohesive easy-to-follow argument is made in the essay. Separate paragraphs are used for separate ideas. Critical Thinking and Analysis Critical thinking and analysis. The student is able to apply the cited law to the facts of the given case in a clear and convincing The tudent's points are student is all points and all points and all points and all points and a library to coherently. Different components of the should be. Essay may go back and forth between points without using new paragraphs. Without using new paragraphs. Shows adequate critical thinking and analysis. The student's points are supported by logic, but are not exceptionally The student's points are supported by logic, but are not exceptionally Total thinking and idd not properly organize the essay. Shows minimal critical thinking and critical thinking and analysis. The student's points are supported by logic, but are not exceptionally		,				
all points and a components of the cohesive easy-to-follow argument is made in the essay. Separate paragraphs are used for separate ideas. Critical Thinking and Analysis Critical thinking and analysis. The student is able to apply the cited law to the facts of the given case in a clear and convincing all points and a components of the essay are broken up appropriately. Should be. Essay may go back and forth between points without using new paragraphs. Shows good critical withinking and analysis. The student's points are supported by logic, but are not exceptionally should be. Essay may go back and forth between points and did not properly organize the essay. Shows minimal critical thinking and analysis. The student's points are supported by logic, but are not exceptionally						
cohesive easy-to- follow argument is made in the essay. Separate paragraphs are used for separate ideas. Critical Thinking and Analysis Analysis Critical thinking and analysis. The student is able to apply the cited law to the facts of the given case in a clear and convincing cohesive easy-to- follow argument is appropriately. Boback and forth between points without using new paragraphs. Shows adequate critical thinking and analysis. The student's points are supported by logic, but are not exceptionally Shows minimal critical thinking and analysis. The student's points are supported by logic, but are not exceptionally Shows minimal critical thinking and analysis. The student's points are supported by logic, but are not exceptionally						concrenely.
follow argument is made in the essay. Separate paragraphs are used for separate ideas. Critical Thinking and Shows excellent critical thinking and analysis Analysis Critical Thinking and Shows excellent critical thinking and analysis. The student is able to apply the cited law to the facts of the given case in a clear and convincing follow argument is made in the essay. Shows good critical Shows adequate critical thinking and analysis. The analysis. The student's points are supported by logic, but are not exceptionally Shows minimal critical thinking and analysis. The student's points are supported by logic, but are not exceptionally						
made in the essay. Separate paragraphs are used for separate ideas. Critical Thinking and Shows excellent critical thinking and analysis Analysis Critical Thinking and critical thinking and analysis. The student is able to apply the cited law to the facts of the given case in a clear and convincing made in the essay. without using new paragraphs. Shows adequate critical thinking and analysis. The analysis. The analysis. The student's points are supported by logic, but are not exceptionally without using new properly organize the essay. Shows minimal critical thinking and analysis. The student's points are supported by logic, but are not exceptionally			,	~		
Separate paragraphs are used for separate ideas. Critical Thinking and Shows excellent critical thinking and analysis. The student is able to apply the cited law to the facts of the given case in a clear and convincing Shows good critical Shows adequate critical thinking and analysis. The student's points are supported by logic, but are not exceptionally paragraphs. Shows adequate critical thinking and critical thinking and analysis. The student's points are supported by logic, but are not exceptionally the essay. Shows minimal critical thinking and analysis. The student's points are supported by logic, but are not exceptionally			mpp. 3p. 14001/.	•		
are used for separate ideas. Critical Thinking and Shows excellent critical thinking and analysis Analysis Shows good critical shinking and analysis. The student is able to apply the cited law to the facts of the given case in a clear and convincing Shows adequate critical thinking and analysis. The student's points are supported by logic, but are not exceptionally Shows minimal critical thinking and analysis. The student's points are supported by logic, but are not exceptionally				•		
ideas. Critical Thinking and Shows excellent critical thinking and analysis Analysis Analysis. The student is able to apply the cited law to the facts of the given case in a clear and convincing ideas. Shows good critical shows adequate critical thinking and analysis. The student's points are supported by logic, but are not exceptionally Shows minimal critical thinking and thinking or analysis. The student's points are supported by logic, but are not exceptionally				1 "O "F ""	,	
Critical Thinking and Shows excellent critical thinking and analysis. Analysis Shows good critical Shows adequate critical thinking and analysis. The student's points are well argued and critical thinking and analysis. The student's points are well argued and well supported. Shows adequate critical thinking and critical thinking and thinking and analysis. The student's points are supported by logic, but are not exceptionally Shows minimal critical thinking and thinking or analysis. The student's points are supported by logic, but are not exceptionally		•				
Analysis critical thinking and analysis. The student is able to apply the cited law to the facts of the given case in a clear and convincing and convincing and thinking and analysis. The student's points and salelysis. The student's points and salelysis. The student's points and salelysis. The student's points are supported by logic, but are not exceptionally critical thinking and thinking or analysis. The student's points make no student's arguments are weak and unconvincing.	Critical Thinking and		Shows good critical	Shows adequate	Shows minimal	Shows no effort at critical
analysis. The student is able to apply the cited law to the facts of the given case in a clear and convincing	Analysis			•		
is able to apply the are well argued and cited law to the facts well supported. of the given case in a clear and convincing supported by logic, arguments are but are not weak and exceptionally unconvincing.	'				•	,
cited law to the facts well supported. supported by logic, of the given case in a clear and convincing exceptionally unconvincing.				,		
of the given case in a but are not weak and clear and convincing exceptionally unconvincing.		117	•	•		
clear and convincing exceptionally unconvincing.						
		clear and convincing		exceptionally	unconvincing.	
manner. LONVINCING.		manner.		convincing.	_	

Credit may also be taken off for poor spelling or grammar.

EXAMINATIONS:

Examinations will be posted on the NPC website when indicated on the syllabus of the course. The examinations consist entirely of "short essay" questions. The 3 examinations will cumulatively count for 60% of the student's course grade.

Examinations are non-cumulative; they cover only the material that was covered since the previous examination. The instructor will provide specific information regarding the content of each examination, as the examination time approaches.

All examinations are timed. A student may begin the examination any time after it is posted to the NPC website. Once begun, the examination must be completed within 4 hours.

Examinations will be graded on a conventional 0-100 scale. The number of points each question is worth is equal to 100 divided by the number of questions on the examination.

For each examination question, full credit will be awarded if the student:

- 1) Correctly identifies the legal issue(s) presented by the question
- 2) Applies the correct law to the legal issue(s) presented (note: full credit may also be awarded if the student's answer comes to an "incorrect" conclusion if the student bases his or her analysis on correct law and supports his or her position in a convincing manner)
- 3) Presents his or her answer in a clear and understandable manner

The amount of partial credit to be awarded, if any, for an answer that is not complete and correct is at the discretion of the instructor. Instructors are instructed to award partial credit that is proportional to the level of knowledge and legal skill displayed by the student in answering the question.

Please note that, even if not directly stated in the question, you must give reasons for your answers to open ended questions. One word answers such as "yes" or "no" or answers that merely restate the question without explaining the answer given will not be credited.

The following factors are generally NOT taken into account in grading examinations:

<u>Legal research</u>: Although research is a key component of assignments, examinations are graded on the student's knowledge of the legal concepts taught and do not require independent research.

<u>Grammar and spelling</u> (unless they impact the ability of the graded to understand the student's answer): Although these are essential skills for a paralegal, examinations test legal knowledge and ability to apply the skills learned, not necessarily the ability to write professional legal memoranda (assignments test this skill). In addition, because exams are taken under time constraints, we would rather

see the students spend their time spotting legal issues and applying applicable law than on proofreading answers for typos and grammar mistakes.

For more information on assignments and examinations, please see the *NPC Student Handbook*.

To the extent possible, it is recommend that students complete the exams as the course proceeds rather than waiting until after the course ends.

Early Assignment Submission Incentive Policy

NPC encourages students to submit their assignments as early as possible. In order to facilitate early submissions, students are advised that in exchange for submitting assignments in the first six weeks of the course, they will be awarded the opportunity to redo or fix up an assignment after it is graded in order to increase the grade.

The following limitations apply:

- 1. When resubmitting an assignment, a student will only be able to increase their grade to a maximum of 3 or by one full point, whichever is greater. For example, if a student submits an assignment within the first six weeks of the course and receives a 1.5 or a 2.0, the student may make corrections suggested by the instructor and can potentially raise the grade to a maximum of 3. A student who initially receives a grade of 2.5 may raise the grade as high as 3.5 with a resubmission.
- 2. A student may exercise this option up to two (2) times per course.
- 3. Students are not guaranteed the maximum increase if their corrections do not merit such a change. A grader has the discretion to award a smaller or no increase if the student does not follow the graders' feedback.

To resubmit an assignment under this policy, please contact the course grader.

NPC PLAGIARISM POLICY

All work done by NPC students on assignments, examinations and research projects is expected to be their own work. Quoting other sources as part of analyzing a subject is desirable and necessary in many cases. However, when other sources are quoted or used, they must be properly attributed to the original sources. This applies to direct quotes of sources and to paraphrasing other sources or using ideas obtained from other sources even if the exact text it not used.

Plagiarism means using the materials of others without appropriately citing the source and is an academic offence.

Under the NPC plagiarism policy, a student may not, as part of any assignment or exam submission:

- 1) Quote any text from any other source without:
 - a) putting quotation marks around the quotes material;

AND

- b) appropriately citing the source of the quote.
- 2) Pass off the work of another as his or her own, even if the student does not directly quote from the other source.

Please note that the NPC plagiarism policy does not mean that you cannot quote language from the courseware, textbook or slides as part of an answer to a question on an exam. These are resources that are meant to be used on an exam when applied in an appropriate manner. However, quoting any source (including these) *without attribution* is plagiarism.

For more information regarding the NPC Plagiarism Policy, penalties and due process rights where plagiarism is alleged, please see the NPC Plagiarism Policy at:

http://nationalparalegal.edu/pages/PlagiarismPolicy.pdf

WEEKLY INTERACTION REQUIREMENT

To ensure that all students are involved and participating in the course as the course moves forward, each student enrolled in this course must, at least once during each week, either:

1) Attend a live lecture and take and pass a short quiz given during class

OR

2) Submit at least one assignment

OR

3) Take at least one examination

OR

4) Answer a weekly "interaction" question or questions that will be posted on the

"Assignments and Exams" page.

The weekly "interaction" question(s) will be simple and straightforward and will cover material covered in class that week. Answers to these questions should be short (typically 1-3 sentences) and to the point.

This student response (which is necessary only if the student does not attend a live class or take an exam or submit an assignment in the given week) will be graded on a pass/fail basis. The interaction questions will be posted no later than Monday of each week and must be answered on or before the following Monday.

The weekly interaction questions will be posted alongside the assignments. Students who do not attend a live class or take an exam or submit an assignment in the given week will be required to answer the questions presented. Students who did attend a live class or take an exam or submit an assignment in the given week may ignore the question.

Any student who does not fulfill this requirement during a given week will receive a reduction in his or her over-all grade of 2 percentage points from his or her over-all average.

Fulfilling the weekly interaction requirement is particularly important for students receiving financial aid. Federal regulations require the school to withdraw students who go 14 consecutive days without fulfilling an interaction requirement from financial aid and to return any outstanding financial aid money to the government unless the student interacts with the school prior to the time that the withdrawal is completed. If you are unable to fulfill a weekly interaction requirement, is critical that you stay in contact with the school so that other arrangements can be made.

COURSE GRADES

The following formula will be used to calculate final grades

Cumulative exam scores + (assignment points x 10) = raw score

Because exams are worth up to 100 points and assignments up to 4 points each, the maximum raw score is 500. 10 raw points (2% of the raw point total) are deducted for each missed weekly interaction. Extra credit may be available for certain in class activities as may be announced by the instructor.

The following conversion chart is then applied based on the total raw points you have earned:

>474	=	A+
445-474	=	Α
420-444	=	A-
395-419	=	B+
365-394	=	В
340-364	=	B-
315-339	=	C+
285-314	=	С
260-284	=	C-
230-259	=	D
<230	=	F

OPTIONAL STUDY SESSIONS

In addition to the 15 classes listed below, instructors and/or graders may run 1 or 2 additional study sessions to discuss assignments and/or the course materials. Attendance and participation in at these sessions is optional and they will be recorded for those who cannot make it to the live sessions.

Please keep an eye on the course message boards for details as to when these will be held.

All examinations and assignments are due no later than Sunday, <u>May 8, 2016</u> at 11:59 PM <u>EASTERN TIME</u>; that's EASTERN time. That means 8:59 PM Pacific time, 9:59 PM Mountain time, 10:59 PM Central time, etc.

<u>Please see the end of this syllabus for a note on NPC course extensions policy!</u>

Lecture and reading assignments schedule

CLASS 1

Tuesday, February 9, 2016

In this first class, we will discuss the history of the alternative dispute resolution movement in the United States and the extent to which solutions alternative to litigation can save time and money for all parties involved, including taxpayers. We will outline the three main alternative dispute resolution categories (negotiation, arbitration, and mediation), each of which will be handled in far greater depth in classes to come.

Courseware Reading:

Chapter 1: Introduction to Forms of Alternative Dispute Resolution

- A. Overview of Alternate Dispute Resolution
- B. History of Alternate Dispute Resolution
- C. Negotiation Overview
- D. Mediation Overview
- E. Arbitration Overview

Documents for Review:

Dispute Resolution Policy

Assignment # 1 can be completed at this point.

With this class we begin our in-depth coverage of negotiation as an alternative to litigation. We will examine how parties can use negotiation as a viable alternative to litigation or other means of addressing the issues. Central to Class 2 will be our discussion of the two main negotiating postures (adversarial versus problem-solving).

Courseware Reading:

Chapter 2:

Negotiation Positioning-Problem Solvers Cooperate, Adversaries Compete

- A. Negotiation Generally
- B. Adversarial Positioning & Distributive Bargaining

CLASS 3: (Assignment/ Lexis walkthrough) Tuesday, February 16, 2016

This class will consist of a Lexis tutorial/assignment walkthrough. The instructor will use a research assignment from a past or current course to demonstrate the manner in which an assignment should be researched and composed.

The instructor will walk the students through the various Lexis databases and explain to students how to most efficiently use the Lexis system to complete research assignments. Various general aspects of navigating Lexis, including Shepardizing, seeking and finding appropriate search databases, getting a document by citation, etc., may be explored.

The Instructor will also discuss how to most effectively plan, outline, organize and draft research assignments. Model answers and/or past student submissions may be used to illustrate what a "4" assignment looks like and how to compose one.

CLASS 4 Thursday, February 18, 2016

This class will focus on cooperative negotiations. Even though cooperative negotiations can sound simple enough, they can be some of the trickiest to execute. We will discuss some of the things to be aware of in the course of a cooperative negotiation and to always remember that negotiation is, at its heart, a zero sum game, and how important it is not to lose sight of this fact. We will look at the classic problem of the "prisoner's dilemma" to illustrate how complex negotiations can be.

Courseware Reading:

- Chapter 2: Negotiation Positioning-Problem Solvers Cooperate, Adversaries Compete
 - C. Cooperative Negotiators
 - D. Cooperative Negotiation & The Prisoner's Dilemma

CLASS 5 Tuesday, February 23, 2016

Our foray into negotiation continues by examining the ethics involved in negotiation. We will look tonight at the ethical responsibilities owed by an attorney representing a party in a negotiation proceeding to one's client. We will look at the duty to zealously represent one's client and the impact that duty has on a negotiation proceeding.

Courseware Reading:

Chapter 3: The Legal Professional as a Negotiator- Ethical Considerations

- A. Model Rules of Professional Conduct
- B. Negotiator's Duties to Client Model Rule 1.4
- C. Negotiator's Duties to Client Model Rule 2.1

Cases and Statutes:

Model Rule of Professional Conduct 5.3

Model Rule of Professional Conduct 2.1

CLASS 6 Thursday, February 25, 2016

In this class, we will continue our discussion of the ethics involved in negotiation. We will look at the duties owed by an attorney involved in a negotiation proceeding to other parties involved in the proceedings. This will include a discussion of the rules regarding contact with opposing parties and when and to what extent it is okay to lie (or "stretch the truth") during a negotiation.

Courseware Reading:

Chapter 3: The Legal Professional as a Negotiator- Ethical Considerations

- D. Negotiator's Duties to Others Model Rule 4.1
- E. Negotiator's Duties to Others Model Rule 4.2
- F. Negotiator's Duties to Others Model Rule 4.3

Cases and Statutes:

Model Rule of Professional Conduct 4.1

Model Rule of Professional Conduct 4.2

Model Rule of Professional Conduct 4.3

Assignment # 2 can be completed at this point.

Examination # 1 will be posted at this point.

CLASS 7 Tuesday, March 1, 2016

Our foray into negotiation continues by examining the role which negotiation plays in situations unrelated to any dispute. We will distinguish the role of negotiation in deal-making situations from its role in disputes and discuss how we can use our understanding of the former to gain an edge in disputes. Next, we will continue our discussion of negotiation by discussing settlement agreements. We will discuss various considerations that go into such agreements.

Courseware Reading:

Chapter 4: Negotiating Deals Absent Disputes, Settlement Agreements & Special Settlements

- A. Making Deals Cooperatively and Competitively
- B. Drafting a Valid Settlement Agreement

Cases and Statutes:

Mallory v. Eyrich

Marek v. Chesny

CLASS 8 Thursday, March 3, 2016

We will devote this class to settlement agreements. We will look at a settlement agreement and discuss the important provisions in it. We will discuss the importance of common settlement provisions and the requirements for making them enforceable. We will also look at certain uncommon settlement agreement provisions and discuss when and under what circumstances they might by desirable.

Courseware reading:

Chapter 4: Negotiating Deals Absent Disputes, Settlement Agreements & Special Settlements

C. Special Settlement Agreements

Document for Review:

- Sample Settlement Agreement

CLASS 9 Tuesday, March 8, 2016

In this class, we will begin our work on mediation. We will discuss the relative advantages and disadvantages of mediation *vis a vis* commencing with litigation as soon as a dispute arises. We will also discuss how mediation is initiated and the extent to which contracts that call for mediation can be enforced (including the "good faith" mediation requirements, etc.)

Courseware Reading:

Chapter 5: Mediation: How It Works

A. Mediation- What It Is and What It Is Not

B. Advantages and Disadvantages of Mediation

Documents for Review:

Request for Mediation

Agreement for Optional Mediation

CLASS 10 Thursday, March 10, 2016

In this class we will focus on mediation structure; i.e., how the mediation proceeding is held. In addition, we will discuss the all-important question as to how one becomes a mediator; including private mediators and court appointed mediators. Finally, we will discuss the extent to which and the circumstances surrounding which a mediated agreement can later be challenged in court on the grounds that the proceeding was unfair, etc.

Courseware Reading:

Chapter 5: Mediation: How It Works

C. Mediation Structure

Cases and Statutes:

Harrison v. Nissan Motor Corp. in U.S.A.

United States v. Bankers Ins. Co.

Documents for Review:

Civil Mediator Application

Domestic Relations Mediator Application

Assignment # 3 can be completed at this point.

CLASS 11 Tuesday, March 15, 2016

To continue our discussion on mediation, we will turn to the real world and the practical application of what we have been discussing. An unenforceable contract does no one any good. Therefore, we will cover issues related to enforceability of agreements to mediate and mediation settlements.

Courseware Reading:

Chapter 6: Mediation: Case Studies

A. Hypothetical Mediation Scenario

B. The Clergy Cases & Meddlesome Mediators

C. The Foxgate Case – Good Faith & Confidentiality

Cases and Statutes:

Travelers Casualty & Surety Co. v. Superior Court

Foxgate Homeowners' Association Inc. v. Bramalea California, Inc.

Documents for Review:

Mediation Status Report

Motion to Remove a case from Mediation

Examination # 2 will be posted at this point.

CLASS 12 Thursday, March 17, 2016

In this class, we will begin the largest area in our study of alternate dispute resolution: the field of arbitration. We will discuss arbitration agreements in contracts and other manners in which people choose to submit their disputes to an arbitrator. We will also discuss the arbitration process and the jurisdiction and authority that arbitration panels have and the limits to that authority. In addition, we will discuss legislation passed (mostly on the state level) that impacts arbitrators and their awards.

Courseware Reading:

Chapter 7: Arbitration

- A. Arbitration's History Prior to the Twentieth Century
- B. The Rise of Arbitration Legislation

Cases and Statutes:

Textile Workers Union v. Lincoln Mills of Alabama

Citizens Bank v. Alafabco, Inc.

Documents for Review:

Arbitration Agreement

Demand for Arbitration

CLASS 13 Tuesday, March 22, 2016

Tonight, we will continue our study of arbitration. We will compare arbitration to other alternatives of dispute resolution, including mediation and litigation. We will also examine when and how courts will enforce arbitration awards, including the procedural steps necessary to enforce an arbitration award. We will finish the class by discussing other forms of arbitration, such as "high-low arbitration" and "court-annexed arbitration."

Courseware Reading:

Chapter 7: Arbitration

- C. Arbitration vs. Mediation
- D. Arbitration vs. Litigation
- E. High-Low Arbitration
- F. Court-Annexed Arbitration

Cases and Statutes:

Raytheon Co. v. Automated Business Sys.

Bonar v. Dean Witter Reynolds, Inc.

Application of Smith

Documents for Review:

Binding Arbitration Award

Judgment on Arbitration Award

Spring Break: March 24 – March 31

CLASS 14 Tuesday, April 5, 2016

We will spend tonight's class discussing the very important question of to what extent a court can, should and will review an arbitration award. The courts have struck a delicate balance between preventing the courts from being used as appellate courts for every arbitration decision (thereby discouraging arbitration) on the one hand, and making an arbitrator's decision always absolute (risking unfairness). We will discuss various fact patterns that straddle this border and discuss the standards to which courts hold arbitrators in terms of fairness and accuracy in applying the law.

Reading:

Handout to be posted on the message board

Cases and Statutes:

Application of Smith

CLASS 15 Thursday, April 7, 2016

We will conclude the course by looking at various actual arbitration cases that have occurred in the recent past. We will discuss the various practical, strategic and ethical issues that arose in those cases and how they demonstrate pitfalls that should be carefully avoided by legal professionals involved in alternate dispute resolution cases.

Courseware Reading:

Chapter 8: Arbitration: Case Studies

A. Arbitration: Case Studies

Cases and Statutes:

Ting v. AT&T

Iberia Credit Bureau, Inc. v. Cingular Wireless LLC

Green Tree Fin. Corp. v. Bazzle

Assignments # 3 and #4 can be completed at this point.

Examination # 3 will be posted at this point.

All examinations and assignments are due no later than Sunday, May 8, 2016, at 11:59 PM <u>EASTERN TIME</u>; that's EASTERN time. That means 8:59 PM Pacific time, 9:59 PM Mountain time, 10:59 PM Central time, etc.

PLEASE SEE THE FOLLOWING PAGE FOR A NOTE ON NPC DEADLINE EXTENSIONS POLICY.

NPC EXTENSIONS POLICY

- 1) Extensions that conform to the rules below may be requested from the "assignments and exams" page on the NPC student website.
- 2) No extensions are possible unless the student has first submitted at least one assignment or examination.
- 3) No extensions of more than thirty (30) days beyond the deadline are possible for any reason at all.
- 4) Requested extensions are granted automatically. It is not necessary to give any reason for the request. However, for each day of extension you request, you will be penalized 4 raw points (of 500 that determine your final grade see page 8 of this syllabus). This accounts for 0.8% of your course grade, per day of extension. This is necessary to compensate for the advantage that students who take more time to do their work enjoy over those who complete their work on time. This also means that a short extension (e.g., a day or two) is unlikely to affect your grade, but a long extension (e.g., two weeks) is guaranteed to affect your grade.
- 5) The penalty referenced in Paragraph 4 may be waived by an instructor in extreme cases only. Extreme cases include circumstances beyond the control of the student that caused the student to be unable to complete work for a significant period of time. Circumstances such as being busy at work or at home, vacations, family occasions or power or internet outages lasting a few days, are foreseeable life circumstances. Extensions may be taken for these reasons (or, for that matter, for any reason at all), but the grade penalty will not be waived for anything short of a true, unforeseeable emergency.