

# Legal Procedures

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## 1) What “Legal Procedures” Means

### Goals of legal procedure

- Ensure fairness (due process), notice, opportunity to be heard
- Create predictable steps for resolving disputes
- Manage deadlines, filings, and evidence rules

Core idea for legal assistants: procedure = **rules + timelines + documents + court workflow.**

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## 2) Court Systems and Jurisdiction (Foundation)

### A. Court structure

- **Trial courts** (fact-finding): state superior/circuit/district; federal district court
- **Appellate courts** (review): state appellate; federal circuit courts
- **Courts of last resort**: state supreme courts; U.S. Supreme Court

### B. Types of jurisdiction

- **Subject matter jurisdiction** (power over case type)
- **Personal jurisdiction** (power over parties)
- **Venue** (proper location)
- **Standing** (right to sue)
- **Removal** (state → federal, when allowed)
- **Diversity & federal question basics** (high-level)

Study drill: be able to answer: “*Where is this filed and why?*”

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## 3) Legal Case Types & Tracks

### Civil

- Contract, torts, property, landlord/tenant, small claims
- Remedies: **damages, injunction, declaratory relief**

## **Criminal**

- Misdemeanor vs felony
- Parties: state vs defendant
- Burdens: probable cause, beyond a reasonable doubt

## **Family / Probate (overview)**

- Divorce/custody/support; probate administration; guardianship

## **Administrative proceedings (overview)**

- Hearings before agencies; appeals to courts

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# **4) Civil Procedure Workflow (Start to Finish)**

## **A. Pre-suit**

- Client intake, conflict check, engagement letter
- Demand letters, record collection, investigating facts
- Statute of limitations check

## **B. Pleadings stage**

- **Complaint / Petition**
- **Summons**
- **Answer** (and affirmative defenses)
- **Counterclaim / Crossclaim / Third-party complaint**
- **Motions to dismiss** (general concept)
- **Amended pleadings** (timing and permission rules)

## **Key assistant skills**

- Drafting templates, proofreading captions, party names
- Proper formatting, signatures, exhibits, verification/notary if needed

## **C. Service of process**

- Purpose + methods (personal service, substituted service, certified mail where allowed)
- Proof of service / return of service
- Deadlines triggered by service

## **D. Discovery stage**

### **Discovery tools**

- Interrogatories
- Requests for production (RFPs)
- Requests for admissions (RFAs)
- Depositions (notice, subpoena, transcript)
- Subpoenas (records + testimony)

### **Discovery concepts**

- Relevance, privilege, work product
- Protective orders
- Discovery deadlines and responses/objections
- E-discovery basics: holds, metadata, collections

## **E. Motions practice (common)**

- Motion to compel
- Summary judgment (high-level)
- Motions in limine (pre-trial evidentiary limits)
- Scheduling/continuance motions

## **F. Pretrial preparation**

- Case management conference
- Pretrial statement/order
- Witness/exhibit lists
- Trial binder preparation
- Jury instructions / verdict forms (overview)

## **G. Trial and post-trial (overview)**

- Direct/cross examination basics
- Judgments
- Post-trial motions (overview)
- Appeals: notice of appeal + record designation (high-level)

## 5) Criminal Procedure Workflow (High-Level)

- Arrest → booking → bail/bond
- Charging: complaint/information/indictment (concept)
- Arraignment (plea)
- Preliminary hearing / grand jury (overview)
- Motions (suppress, discovery, continuance)
- Plea bargaining
- Trial → verdict → sentencing
- Appeals / post-conviction relief (overview)

**Assistant focus:** calendaring, filings, subpoenas, records requests.

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## 6) Filing Procedures (Court + E-Filing)

### A. Captions and case identifiers

- Correct court name, parties, case number, division/department, judge (if applicable)
- Document titles and formatting rules

### B. E-filing workflow

- Account setup, payment/waivers, filing codes
- Upload rules (PDF format, bookmarks, text-searchable)
- Proposed orders
- Service through e-filing system where permitted

### C. Conformed copies & file-stamped copies

- What they are, how to store, how to serve

### D. Court fees and fee waivers

- Typical civil filing fees, motion fees (varies by jurisdiction)
- Indigent/fee waiver process (concept)

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## 7) Calendaring, Deadlines, and Time Computation (Big Exam Topic)

- Triggering events: service date, filing date, court order date
- **Business days vs calendar days**
- Adding time for mail/e-service (jurisdiction-specific)
- “Next court day” rules
- Tickler systems: primary + backup reminders
- Deadline chains: response → meet & confer → motion → hearing → reply

**Study drill:** given a service date, calculate response deadline and reminder schedule.

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## 8) Communication & “Meet and Confer” Basics

- Professional emails/letters to opposing counsel
- Confirming calls in writing
- Meet-and-confer requirements before many motions (concept)
- Documentation of attempts

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## 9) Orders, Judgments, and Enforcement (Civil)

- Proposed orders vs signed orders
- Judgment entry
- Enforcement tools (overview): liens, garnishment, execution, debtor exams
- Post-judgment interest (concept)

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## 10) Document Control and Case File Management

- Physical + digital file structure
- Naming conventions and version control
- Redaction basics and privacy rules
- Exhibit management (labeling, authentication notes)
- Trial notebook sections (pleadings, discovery, motions, exhibits, witnesses)

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## 11) Ethics, Confidentiality, and Unauthorized Practice of Law (UPL)

- What legal assistants **can** do vs **cannot** do
- Confidentiality and client data handling
- Attorney-client privilege: protecting communications
- Conflicts checks
- Avoid giving legal advice; use approved scripts

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## 12) Common Forms You Should Recognize

### Civil

- Complaint, summons, answer
- Proof of service
- Discovery requests and responses
- Subpoenas
- Motion, memorandum, declaration/affidavit, proposed order
- Notice of hearing
- Stipulation

### Criminal

- Notice of appearance, motion to continue, subpoenas
- Discovery demands (varies)

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## 13) Vocabulary List (Must-Know)

- Plaintiff/defendant; petitioner/respondent
- Filing vs service
- Affidavit vs declaration
- Stipulation
- Continuance
- Default / default judgment
- Injunction
- Subpoena duces tecum / ad testificandum
- Pro se
- Docket, caption, certificate of service

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## 14) Practice Assignments (Turn Outline Into Mastery)

1. **Label a civil case timeline** from intake → trial.
2. Draft (template style): **caption, proof of service, notice of hearing**.
3. Build a **deadline worksheet** with 10 sample service dates.
4. Create a **discovery tracker** (date served, due date, objections, follow-up).
5. Make a **motion packet checklist** (motion + memo + exhibits + proposed order).

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