

Florida Department of Education
CURRICULUM FRAMEWORK

Program Title: Paralegal Studies (Legal Assisting)
Occupational Area: Public Service Occupations

PSV

CIP Number 0722.010300 AAS
1722.010300 AS
Grade Level College Credit
Standard Length AAS Degree/AS Degree/64 Hours
Program SOC Code - 232011 - Paralegals and Paralegals

- I. **MAJOR CONCEPTS/CONTENT:** The purpose of this program is to prepare students for employment as paralegals and paralegals (SOC 232011), title examiners (SOC 232093) or abstractors (SOC 232093), or to provide supplemental training for persons previously or currently employed in these occupations. The program should meet the requirements of paralegal education programs recommended by the American Bar Association.

The content includes, but is not limited to, legal research and legal writing; litigation and trial practice; corporate law; wills, estates and trusts; tort law; family law; law office management; real property law; tax law; criminal law; constitutional law; ethics and code of professional responsibility; contract law; employability skills; leadership and human relations skills; and health and safety.

Reinforcement of basic skills in English and mathematics or science appropriate for the job preparatory programs is provided through vocational classroom instruction and applied laboratory procedures or practice. This program focuses on broad, transferable skills and stresses understanding and demonstration of the following elements of the public service industry; planning, management, finance, technical and production skills, underlying principles of technology, labor issues, community issues and health, safety and environmental issues.

- II. **LABORATORY ACTIVITIES:** Legal research experience is an integral part of the program. Word processing and computer competencies should also be developed.

- III. **SPECIAL NOTES:** The National Association of Paralegals (NALA) certification examination is available to graduates of this program.

The Florida Public Service Association, Inc. (FPSA) is the appropriate Career Student Organization (CSO) for providing leadership training and for reinforcing specific career and technical skills. Career Student Organizations, when provided, shall be an integral part of the career and technical instructional program, and the activities of such organizations

are defined as part of the curriculum in accordance with State Board of Education Rule 6A-6.065.

Planned and supervised work-based learning experiences may be provided through directed laboratory experience, practicum, cooperative training (OJT), or internship.

Whenever the cooperative method is offered, the following is required for each student: (1) a training plan signed by the student, the instructor and the employer which includes instructional objectives and a list of on-the-job and in-school learning experiences; and (2) a work station which reflects equipment, skills, and tasks which are relevant to the occupation which the student has chosen as a career goal. The student must receive compensation for work performed. The employer will evaluate the student's job performance of the instructional objectives and competencies each grading period.

Students who choose the internship option are required to have a job performance skills plan, signed by the student/intern, parent/guardian (if applicable), teacher, and employer. The plan should include competencies developed through classroom experiences, a list of on-the-job duties and tasks to be performed, and applicable student performance standards. The Internship course may provide paid or non-paid work experience based on the needs of the students and availability of positions.

In accordance with State Board of Education Rule 6A-10.0315, minimum basic skill levels have been established for admittance into a college associate degree program.

When the word demonstrate is used in a student performance standard, it shall require that actual performance and operation be accomplished, unless otherwise indicated.

Federal and state legislation requires the provision of accommodations for students with disabilities to meet individual needs and ensure equal access. Adult students with disabilities must self-identify and request such services. Students with disabilities may need accommodations in such areas as instructional methods and materials, assignments and assessments, time demands and schedules learning environment, assistive technology and special communication systems. Documentation of the accommodations requested and provided should be maintained in a confidential file.

The standard length of this program is an associate degree. The standard credit hour length for this program is 64 credit hours.

IV. INTENDED OUTCOMES: After successfully completing this program, the student will be able to:

- 01.0 Demonstrate knowledge of the ethical and professional standards of the paralegal.
- 02.0 Demonstrate ability to utilize the law library and apply knowledge to legal writing.

- 03.0 Demonstrate knowledge of tort law, constitutional law, and criminal law concepts and their application to factual situations.
- 04.0 Demonstrate knowledge of all phases of trial practice and procedure.
- 05.0 Demonstrate knowledge of real property law and its application to real property transactions.
- 06.0 Demonstrate knowledge of estate planning and probate administration concepts and their application to probate procedures.
- 07.0 Demonstrate knowledge of the fundamental principals of the law of business organizations.
- 08.0 Demonstrate knowledge of the fundamental principles of contract law including the Uniform Commercial Code.
- 09.0 Demonstrate knowledge of, and ability to perform, litigation techniques and procedures.
- 10.0 Demonstrate knowledge of management techniques and procedures.
- 11.0 Demonstrate knowledge of family law and procedure.
- 12.0 Demonstrate employability skills.
- 13.0 Demonstrate an understanding of entrepreneurship.

Florida Department of Education
STUDENT PERFORMANCE STANDARDS

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Postsecondary Number: 0722.010300 AAS
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01.0 DEMONSTRATE KNOWLEDGE OF THE ETHICAL AND PROFESSIONAL STANDARDS OF THE PARALEGAL--The student will be able to:

- 01.01 Define a variety of legal terms and concepts relating to professionalism and the Unauthorized Practice of Law.
- 01.02 Contrast the duties and responsibilities of the legal secretary with those of the paralegal.
- 01.03 List five typical duties of the paralegal.
- 01.04 List four activities paralegals are prohibited from doing.
- 01.05 Briefly outline the history and development of the occupation of paralegal.
- 01.06 Write a convincing statement as to why a lawyer should hire a graduate of a good paralegal program.
- 01.07 Explain how lawyers and paralegal personnel function in our legal system.
- 01.08 List, discuss and apply the rules of ethics in the legal profession, with special emphasis on client confidentiality.
- 01.09 Describe methods for resolving ethical dilemmas within the legal environment.
- 01.10 Discuss what constitutes legal malpractice and illustrate the discussion with examples of malpractice.

02.0 DEMONSTRATE ABILITY TO UTILIZE THE LAW LIBRARY AND APPLY KNOWLEDGE TO LEGAL WRITING--The student will be able to:

- 02.01 Explain the court system of the State of Florida.
- 02.02 List the basic steps in legal research.
- 02.03 List and explain the different State and Federal courts, and describe the jurisdiction of each.
- 02.04 Discuss the fundamental features of civil litigation, criminal litigation and administrative procedures.
- 02.05 Discuss the term "authority" as it is used in legal writing, and explain the hierarchy of authority, and the difference between mandatory and persuasive authority.
- 02.06 Discuss case law, how it is made, its component parts, and how to use cases to resolve a legal problem.
- 02.07 Contrast case law with statutory law, and explain how to interpret statutes, using intrinsic and extrinsic sources.
- 02.08 Demonstrate how to "brief" a case.
- 02.09 Explain the difference between legal publications, treatises, and other legal writings.
- 02.10 List the legal publications most commonly used in the practice of law.
- 02.11 Explain administrative rules or regulations and that they have the force of law.
- 02.12 Given a hypothetical case, find applicable statutory law.
- 02.13 Given a hypothetical case, find applicable regulatory law.

- 02.14 Given a hypothetical case, find applicable case law.
 - 02.15 Demonstrate how to analogize or distinguish the facts and law of one case to the facts of a given legal problem.
 - 02.16 Demonstrate a working knowledge of the legal research system, by writing a short memorandum on a given question of law, and explaining the steps taken in finding the sources and reaching the conclusions.
 - 02.17 Demonstrate the ability to use a uniform system of citing cases, and to update and cross-reference cases.
 - 02.18 Demonstrate the ability to locate and update legal authority using computer-assisted legal research tools.
 - 02.19 Discuss the purpose of, and draft, a legal memorandum.
- 03.0 DEMONSTRATE KNOWLEDGE OF TORT LAW, CONSTITUTIONAL LAW, AND CRIMINAL LAW CONCEPTS AND THEIR APPLICATION TO FACTUAL SITUATIONS--The student will be able to:
- 03.01 Define the following tort concepts as well as apply the concepts to factual situations:
 - a. Intentional torts as regards interference with persons
 - b. Intentional torts as regards interference with property
 - c. Defenses to an intentional tort
 - d. Negligence and the elements of negligence
 - e. Reasonable person
 - f. Res Ipsa Loquitur
 - g. Proximate cause
 - h. Defenses to negligence actions
 - i. Strict liability
 - j. Product liability
 - 03.02 Discuss the United States Constitution in the following areas:
 - a. The philosophical underpinnings of the Constitution
 - b. The structure of the Constitution
 - c. The Bill of Rights
 - d. The Fourteenth Amendment as regards:
 - 1. Due process clause, and substantive due process, as contrasted to procedural due process
 - 2. Equal Protection Clause
 - 03.03 Discuss and define terms and concepts of Criminal Law to include:
 - a. The Theory of Criminal Law - distinguish the concepts of Malum in se and Malum prohibitum
 - b. The evolving nature of criminal law, e.g. the legal definition of a viable human being
 - c. Crimes against persons: types, and the elements of each
 - d. Crimes against property: types, and the elements of each
 - e. Overlapping crimes against the person and against property
 - f. Inchoate crimes
 - g. Defenses to Criminal Prosecution

- 03.04 Discuss each stage in a criminal proceeding from investigation to disposition and post conviction procedures.
- 04.0 DEMONSTRATE KNOWLEDGE OF ALL PHASES OF TRIAL PRACTICE AND PROCEDURE--The student will be able to:
- 04.01 Define a variety of terms associated with litigation and trial practice.
- 04.02 Explain the sequence and basic contents of pleadings.
- 04.03 Prepare pleadings from information given in a simple hypothetical situation.
- 04.04 List and briefly explain six causes of action in civil cases.
- 04.05 Explain the basic concept of the Statute of Limitations.
- 04.06 Discuss and prepare discovery documents.
- 04.07 Discuss the basic rules of procedure and evidence code.
- 04.08 10.08 Describe how evidence/exhibits are organized for trial.
- 04.09 Describe the purpose and contents of a trial notebook.
- 04.10 Describe the typical steps in jury and nonjury civil trials from pretrial through the appeal, if any.
- 05.0 DEMONSTRATE KNOWLEDGE OF REAL PROPERTY LAW AND ITS APPLICATION TO REAL PROPERTY TRANSACTIONS--The student will be able to:
- 05.01 Define a variety of terms associated with real estate transactions.
- 05.02 Discuss real property concepts to include, but not be limited to, the types of estates that can be conveyed under Florida law.
- 05.03 Contrast the basic responsibilities of the lawyer and the real estate broker in the conveyance of real property, from the sales or option contract to the recording of the deed.
- 05.04 Describe the basic requirements of, and prepare, a contract for sale of real property.
- 05.05 Describe and prepare real property deeds.
- 05.06 Discuss the purpose of title insurance, a title search and how the "search" is made.
- 05.07 Explain how "recording" is accomplished and the importance of recording a deed, mortgage, or other real estate documents.
- 05.08 List and explain the most common forms of limitations on real property use such as covenants, easements, zoning laws, and land use regulations.
- 05.09 Briefly explain the various encumbrances that can be placed against real property.
- 05.10 Describe, plan and execute the steps and procedures in a typical real estate closing.
- 05.11 Describe and prepare a variety of real property documents such as a lease, a promissory note, an option contract, an agreement for deed or a mortgage.
- 05.12 Distinguish personal property from real property.
- 06.0 DEMONSTRATE KNOWLEDGE OF ESTATE PLANNING AND PROBATE ADMINISTRATION CONCEPTS AND THEIR APPLICATION TO PROBATE PROCEDURES--The student will be able to:

- 06.01 Define a variety of terms and concepts associated with wills, trusts and probate administration.
 - 06.02 Explain the purposes and requirements of wills and codicils.
 - 06.03 Define a simple Inter Vivos, and a Testamentary trust.
 - 06.04 Explain the procedures of Probate in general.
- 07.0 DEMONSTRATE KNOWLEDGE OF THE FUNDAMENTAL PRINCIPALS OF THE LAW OF BUSINESS ORGANIZATIONS--The student will be able to:
- 07.01 Define a variety of terms associated with business organizations.
 - 07.02 State the major advantages and disadvantages of the various types of business organizations.
 - 07.03 Describe the procedures and steps leading to formation, modification and dissolution of various types of business organizations.
 - 07.04 Discuss the rights, duties and liabilities of the owners, officers, directors and employees of various types of business organizations.
 - 07.05 Explain the financial structure of various business organizations.
 - 07.06 Discuss the nature of the agency relationship to include the duties and liabilities of the principal, the agent, and third parties.
- 08.0 DEMONSTRATE KNOWLEDGE OF FUNDAMENTAL PRINCIPLES OF CONTRACT LAW INCLUDING THE UNIFORM COMMERCIAL CODE--The student will be able to:
- 08.01 Demonstrate knowledge of the elements of a contract.
 - 08.02 Demonstrate knowledge of contract terminology.
 - 08.03 Recognize and identify the differences between void and voidable contracts.
 - 08.04 Demonstrate knowledge of the statute of frauds.
 - 08.05 Demonstrate knowledge of the Parol Evidence Rule.
 - 08.06 Recognize and identify various types of contracts, such as adhesion, bilateral, unilateral, implied, and express.
 - 08.07 Prepare a basic contract given a set of facts.
 - 08.08 Demonstrate knowledge of specific performance, breach of contract, and remedies for breach of contract.
 - 08.09 Demonstrate knowledge of third party beneficiary contracts.
 - 08.10 Demonstrate knowledge of requirements for modification of contracts and assignments of contracts.
- 09.0 DEMONSTRATE KNOWLEDGE OF, AND ABILITY TO PERFORM, LITIGATION TECHNIQUES AND PROCEDURES--The student will be able to:
- 09.01 Describe the various types of interviews that a paralegal would conduct.
 - 09.02 State what the paralegal would need to know prior to the interview, and also describe the materials needed in preparation for the interview.
 - 09.03 Describe the techniques for asking questions, and also list the basic points for good listening.

- 09.04 Describe the form, or format, that the paralegal would use to present the results of the interview to the attorney.
 - 09.05 Describe the purpose of background investigations and analysis.
 - 09.06 List the sources of information for conducting the background investigations.
 - 09.07 Describe how the results of the background investigation and analysis can be presented to the attorney.
 - 09.08 Discuss the evaluation and use of the evidence.
- 10.0 DEMONSTRATE KNOWLEDGE OF MANAGEMENT TECHNIQUES AND PROCEDURES--The student will be able to:
- 10.01 Define a variety of terms and concepts relating to law office management and structure.
 - 10.02 List and discuss techniques for improving the confidence that clients will have in the personnel of the law office.
 - 10.03 Discuss the various aspects of fee setting in the law office to include fixed fees, minimum fees, contingent fees, retainers, payment schedules and billing practice.
 - 10.04 Describe the steps and procedures involved in recruiting and selecting personnel for the law office.
 - 10.05 Describe how client files are opened, maintained and closed.
 - 10.06 Describe the purpose and content of an employee handbook.
 - 10.07 Describe a typical law office; its purposes and uses.
 - 10.08 Describe a filing system that would be suitable for a small law office.
 - 10.09 List the advantages of data management and microcomputer skills in a law office.
 - 10.10 Describe the elements of an emergency preparedness plan for a law office.
- 11.0 DEMONSTRATE KNOWLEDGE OF FAMILY LAW AND PROCEDURE--The student will be able to:
- 11.01 Define a variety of legal terms and concepts relating to family law.
 - 11.02 Define the requirements for a valid marriage in the State of Florida.
 - 11.03 Discuss aspects of a dissolution of marriage, including; dissolution, child custody, child support, alimony, property rights, and modification of these items.
 - 11.04 List the grounds needed to obtain a dissolution of marriage and an annulment of a marriage in Florida.
 - 11.05 Discuss pre- and post- nuptial agreements.
- 12.0 DEMONSTRATE KNOWLEDGE OF EMPLOYABILITY SKILLS--The student will be able to:
- 12.01 Conduct a job search.
 - 12.02 Secure information about a job.
 - 12.03 Identify documents that may be required when applying for a job.
 - 12.04 Complete a job application or resume.
 - 12.05 List and discuss four rules of interviewing.
 - 12.05 Demonstrate competence in job interview techniques.

- 12.06 Identify or demonstrate appropriate responses to criticism from employer, supervisor, or other persons.
 - 12.07 Identify acceptable work habits.
 - 12.08 Demonstrate knowledge of how to make job changes appropriately.
 - 12.09 Demonstrate acceptable employee health habits.
- 13.0 DEMONSTRATE AN UNDERSTANDING OF ENTREPRENEURSHIP--The student will be able to:
- 13.01 Define entrepreneurship.
 - 13.02 Describe the importance of entrepreneurship to the American economy.
 - 13.03 Identify the necessary personal characteristics of a successful entrepreneur.