

Basic/Module 3/Small Group Work

1. Discuss specifically (1) what to say and (2) what to do when a plaintiff hands you an SCRA affidavit that states the defendant is not in the military and gives as a reason, "I see him around town all the time." Have a group member record and report your exact words and actions.

[The record-and-report role should be rotated among all group members, so take note!
(Pun intended!)]

2. Defendant is not present in an action for money owed case. What exact words do you use to direct the plaintiff to present her case?

Assume plaintiff presents her case but neglects to specifically testify to one essential element – for example, that she is the owner of the lawnmower that was wrongfully taken. Do you ask a follow-up question to elicit this information? If not, how do you rule? If so, what exact words do you use in phrasing your question?

[The record-and-report role should be rotated among all group members, so take note!
(Pun intended!)]

3. You note that a complaint for summary ejection lists the plaintiff as "Bob Jones Realty, Inc." and that it is signed by "Kendra Jones" as agent. Identify the two questions you need to ask before proceeding and indicate what action you will take if the answer is "wrong."

[The record-and-report role should be rotated among all group members, so take note!
(Pun intended!)]

4. When you call the first case, plaintiff is present and defendant – who has been served – is not. The plaintiff tells you that defendant called her last night and told her he had talked to a bankruptcy lawyer and agreed that defendant should file bankruptcy. What do you do?

[The record-and-report role should be rotated among all group members, so take note!
(Pun intended!)]