

Mt. San Jacinto College
Integrated Course Outline of Record

Form B

Submitted by: Scot Stirling Date: 03/12/2020

Department	Subject	Course Number	Title
Legal Assistant	Legal Assistant LEG	505	California Civil Procedure (formerly LEG-105)

Units/Hours

Each lecture unit requires 1 hour per week of class time, and 2 hours per week of study outside of class.
Each laboratory unit requires 3 hours per week of class time.
Each activity unit requires 2 hours per week of class time and 1 hour per week of study outside of class.

Lecture Units	Total Units
3.00	3.00
Lecture Contact Hours	Total Contact Hours
48.00 - 54.00	48.00 - 54.00
Lecture Homework Hours	
96.00 - 108.00	

Stand Alone:

Program Applicable

AA/AS Degree General Ed Breadth Area(s):

-none-

General Education Justification:

No GenEd status requested

Maximum Enrollment:	40
Maximum Enrollment Justification:	Justification:
Grading Method:	Letter Grade or P/NP
TOP code:	1402.00*

Can be Taken 1 time(s) for credit (max 4)

- ☐
- Visual or Performing Arts course that is required to meet major requirements for UC/CSU
-
- ☐
- Intercollegiate athletics course
-
- ☐
- Academic/vocational competition course

Catalog Description:

(Please do not refer to transferability or degree, certificate, or employment concentration applicability. Please only describe the course).
(75 words or less in gray box below).

This course prepares students to assist in drafting the many documents needed or required in litigation in California courts. It explains the civil litigation process in California courts. Students acquire an ability to analyze procedural issues that arise during litigation, including pre-litigation needs, drafting of pleadings and discovery, analysis of procedures for discovery, summary judgment and other pre-trial motions, trial preparation, trial procedures, enforcement of judgments, appeal and alternative dispute resolution procedures.

Schedule Description:

(Please do not refer to transferability or degree, certificate, or employment concentration applicability. Please only describe the course).
(25 words or less in gray box below).

This course explores fundamental civil procedure principles and practice requirements in California state and federal courts.

Need for the course:

An understanding of California civil procedure is needed in the majority of law firms and in-house corporate legal departments, as well as in many governmental agencies. Legal assistants need an understanding of the constitutional and other policy issues involved in the statutory rules and court rules that will be taught in this course.

Prerequisite(s):

Prerequisites go through a separate approval process. See Forms E1-E6 for details.
(For further clarification, contact the Prerequisite Subcommittee)

-none-

Corequisite(s):

Corequisites go through a separate approval process. See Forms E1-E6 for details.

-none-

Recommend Preparation:

Recommended Preparation goes through a separate approval process. See Forms E1-E6 for details.

-none-

Other Enrollment Criteria:

-none-

Learning Objectives:

(please number each objective and express in behavioral terms)
Upon the completion of the course the student will be able to do the following:

1. 1. Examine and analyze civil litigation procedures in California state and federal courts, including the differences between the two in various stages of litigation, including jurisdictional issues arising from constitutional and statutory protections for jurisdiction over the parties and the subject matter of the litigation and the litigation process.
2. Organize and investigate pre-litigation considerations, including client interviewing, legal research of potential causes of

- action and potential defenses to the causes of action.
- 3. Explain the process for drafting, serving and prosecuting a complaint on behalf of a plaintiff and the steps to be taken in representing a client served as a defendant in litigation, including possible attempts to dispose of any cause of action through demurrers or motions to strike.
 - 4. Analyze the availability of, and formulate a discovery plan utilizing, among other devices, interrogatories, requests for admissions, depositions, demands for production and demands for inspections and physical examinations.
 - 5. Assemble documents and information obtained through pre-trial discovery and investigations for use in pre-trial preparation and trial preparation, including the preparation of pretrial statements, exhibit lists, exhibit books, stipulations of fact and law and jury instructions and witness lists.
 - 6. Explain and document the process of preparing or opposing motions for summary judgment and other pre-trial motions, including motions to oppose or compel discovery.
 - 7. Examine and document trial and pre-trial and post-trial and motions, including motions in limine, motion for directed verdict, findings of fact and conclusions of law, motion for attorney’s fees, memorandum of costs, entry of judgment.
 - 8. Examine and analyze available trial procedures and post-trial procedures, including procedures to enforce a judgment and the initial steps to preserve the right to appeal from a judgment.

Course Content:

(please number the outline of main topics and subtopics)

- I. INTRODUCTION TO LITIGATION
 - A. THE LITIGATION PROCESS
 - 1. The Court System
 - 2. Primary Sources of Law
 - a. Constitutions
 - b. Statutes
 - c. Court Cases
 - d. Hierarchy within Sources
 - 3. Secondary Sources of Law
 - a. Treatises
 - b. Out-of-State Cases
 - 4. Substantive versus Procedural Laws
 - 5. Remedies
 - B. The Paralegal’s Role
 - C. Ethical Considerations
 - D. Subject Matter Jurisdiction
 - 1. California Courts
 - 2. California Federal Courts
 - 3. Removal
 - 4. Remand
 - E. Personal Jurisdiction
 - 1. Types of Jurisdiction
 - 2. Due Process Requirements
 - 3. Service of Process Requirements
 - F. Federal Versus State Court
 - G. Venue
 - 1. Determining Proper Venue
 - 2. Change of Venue
 - H. Choice of Court Based on Choice of Law
- II. INFORMAL FACT GATHERING AND INVESTIGATION
 - A. Factual Investigations
 - 1. Determining Needed Facts
 - 2. Structure of the Fact Investigation
 - 3. Likely Sources of Proof
 - 4. Allocation of Time Resources

- B. Client Interviews
 - 1. Client Attitudes and Disclosures
 - 2. Interview Preparation
 - 3. Initial Client Interview
 - a. Client Background
 - b. Parties
 - c. Defenses and Potential Cross-Claims
 - d. Liability and Damages
 - e. Statutes of Limitations
 - f. Percipient Witnesses
 - g. Pre-Litigation Expert Witness Opinion(s)
 - h. Records
 - i. Physical Evidence
 - j. Other Law Firms
 - (1) Opposing Counsel
 - (2) Co-Counsel
 - (3) Cooperating Counsel
 - k. Client Goals
 - l. Next Steps
 - 4. Sample Interview Checklist
 - 5. Follow-Up Client Interviews and Communications
- III. COMPLAINTS, ANSWERS, CROSS-COMPLAINTS
 - A. Complaints
 - 1. Identification of the Parties
 - 2. Causes of Action
 - a. Format
 - b. Pleading Ultimate Facts
 - c. Exhibits
 - d. Official Form Complaints
 - 3. Prayer for Relief
 - 4. Filing and Service of Summons
 - a. Issuing the Summons
 - b. Persons Who May Serve the Summons
 - c. Methods of Service
 - (1) On Individuals
 - (2) On Minors, Wards and Conservatees
 - (3) On Corporations and Other Entities
 - (4) On Officers, Agencies and Organizations of the Government
 - d. Timeliness of Service
 - e. Service by Mail
 - f. Proof of Service
 - B. Answers
 - 1. Timing
 - 2. General Requirements
 - 3. Specific Denials
 - 4. Affirmative Defenses
 - 5. Prayer for Relief
 - C. Cross-Complaints and Cross-Claims
 - 1. Compulsory Cross-Complaints and Cross-Claims
 - 2. Permissive Cross-Complaints and Cross-Claims
 - 3. Limitations on Joinder of Third Parties in Cross-Complaints and Cross-Claims
- IV. Motions Attacking the Pleadings
 - A. Demurrers

- B. Motions to Strike
- C. Judgment on the Pleadings
- D. Dismissals and Defaults
- E. Consolidations
- F. Separate Trials

V. INTRODUCTION TO DISCOVERY

- A. Overview
 - 1. Types of Discovery
 - 2. The Paralegal's Role
 - 3. Computerized Legal Support
 - 4. Discovery Cut-Off Date
- B. Scope of Discovery
 - 1. Relevancy Standard
 - 2. Insurance
 - 3. Experts
 - 4. Privileges
 - 5. Attorney Work Product
- C. Strategy
 - 1. Facts Needed to Establish Client's Claims
 - 2. Facts Already Obtained
 - 3. Facts To Be Obtained
 - 4. Selection of Discovery Methods
 - 5. Budget Constraints
 - 6. Order of Discovery

VI. WRITTEN DISCOVERY

- A. Interrogatories
 - 1. Form Interrogatories
 - a. Purpose, Scope and Number of Sets
 - b. Responses and Objections
 - 2. Special Interrogatories
 - a. Purpose, Scope and Number of Interrogatories
 - b. Headings
 - c. Definitions and Instructions
 - d. Interrogatory Style
 - 3. Execution and Service without Filing
 - 4. Responses to Interrogatories
 - a. Due Diligence in Response
 - b. Objections
 - c. Answers
 - d. Verification and Service without Filing
- B. Requests to Produce Documents
 - 1. Purpose and Scope
 - 2. Timing and Organization
 - 3. Drafting
 - 4. Signing and Service without Filing
 - 5. Responses to Requests to Produce
 - a. Due Diligence in Response
 - b. Objections
 - c. Answers
 - d. Verification and Service without Filing
 - 6. Document Production and Review
- C. Physical and Mental Examinations
- D. Site Inspections
- E. Requests for Admission of Facts or Genuineness of Documents

- 1. Purpose, Scope and Number of Requests
 - 2. Timing
 - 3. Drafting
 - 4. Responding: Objections and Responses
- F. Exchange of Expert Witness Information
- G. Motion to Compel Response
- H. Motion to Compel Further Responses
- I. Motion for Protective Order
- J. Requests for Sanctions on Motions to Compel or Motion for Protective Order
- VII. DEPOSITIONS
 - A. Subpoena for Depositions of Custodians of Records
 - 1. Non-Consumer Records
 - 2. Consumer Records
 - B. Depositions of Parties or Managing Agents
 - 1. Named Party or Managing Agent
 - 2. Deposition of Persons Most Knowledgeable
 - C. Expert Witness Depositions
 - D. Scheduling
 - 1. Location
 - 2. Date and Time
 - 3. Court Reporter
 - 4. Notice of Taking Deposition
 - E. Record of the Deposition
 - 1. Objections on the Record
 - 2. Obtaining the Transcript
 - 3. Stipulations for Reviewing, Correcting, and Maintaining the Transcript
 - F. Deposition Preparation
 - 1. Preparing to Take Deposition
 - 2. Preparing to Defend Deposition
 - 3. Preparing the Client for Deposition
 - G. Deposition Notes
 - H. Deposition Summaries
- VIII. WITNESSES.
 - A. Percipient Witnesses
 - 1. Competency
 - 2. Impeachment
 - B. Opinions and Expert Witnesses
 - C. Exhibits
 - 1. Real Evidence
 - 2. Demonstrative Evidence
 - 3. Writings
 - 4. Business Records
 - 5. Public Records
 - D. Best Evidence
 - E. Privileges
 - 1. Attorney-Client
 - 2. Attorney Work Product
 - 3. Physician-Patient
 - 4. Marital
 - F. Judicial Notice
 - G. Burden of Proof
- IX. SUMMARY ADJUDICATIONS AND SUMMARY JUDGMENTS
 - A. Distinctions Between Summary Adjudication and Summary Judgment

	1.	California Superior Courts
	2.	California Federal District Court
B.		Form and Content
	1.	Timing, Service and Notice of Motion
	2.	Standards of Proof and Matters Considered
	3.	Separate Statement
	4.	Memorandum of Points and Authorities
	5.	Opposition to Motion and Separate Statement
	6.	Reply to Opposition
	7.	Tentative Ruling, Oral Argument and Order
X.		TRIAL PREPARATION, TRIAL AND APPEAL
	A.	The Paralegal's Role
	B.	Pretrial Conferences
	C.	Organization of Witness and Exhibit Files
	D.	Trial Materials
	1.	Pleadings
	2.	Discovery
	3.	Motions
	4.	Witness Folders
	5.	Opening and Closing Argument Folders
	6.	Jury Instructions
	7.	Research
	E.	Jury Selection and Voir Dire
	F.	Theory of the Case
	G.	Witness Preparation
	H.	Preparation of Exhibits and Demonstrative Evidence
	I.	Assistance During Trial
	1.	Ensuring Witness Availability and Communication
	2.	Planning for the Courtroom
	3.	The Paralegal's Conduct During Trial
	J.	Burden of Proof at Trial
	K.	Overview of the Appellate Process
	1.	Deadline for the Notice of Appeal
	2.	Designation of the Record on Appeal
	3.	Written Briefs
	4.	The Paralegal's Role
XI.		ENFORCEMENT OF JUDGMENTS
	A.	Demand Letter
	B.	Abstracts of Judgment and Notices of Lien
	C.	Writs of Execution
	D.	Wage Garnishments
	E.	Asset Location
	F.	Debtor's Examination
XII.		ALTERNATIVE DISPUTE RESOLUTION
	A.	Mediation
	B.	Binding and Non-Binding Arbitration
	1.	Judicial Arbitration
	2.	Contractual Arbitration
	3.	Preparation for Arbitration
	4.	The Arbitration Hearing
	5.	Confirmation of the Arbitration Award.

Methods of Instruction:

Methods of instruction may include, but are not limited to the following:

- **Method:** Analyze and examine
Integration: Instructors will assist and enable students to analyze and examine the constitutional requirements underlying California civil procedure, lecture and use multi-media presentations, including PowerPoint, and internet searches of legislative history on procedural statutes, such as the California Discovery Act.
- **Method:** Legal analysis
Integration: Instructors will assist students in the study and evaluation of judicial forms and case law that demonstrates the applicable legal issues pertaining to California civil procedure and the reasons for applicable standards upon judicial review of decisions involving procedural issues and ensure student in-class participation in the analytical process.
- **Method:** Student presentations
Integration: Students, with the assistance of instructors, will conduct mock client interview sessions and analyze factors involved in the selection of strategies for prosecuting or defending a hypothetical civil litigation matter.
- **Method:** Guest Speakers
Integration: Guest speakers shall be used to comment on pertinent topics, such as motions for summary judgment or summary adjudication and factors in jury selection.
- **Method:** Analyze and devise
Integration: Instructors will provide students with the tools to enable them to analyze the civil litigation process. The instructor shall devise a mock scenario of oral argument on a motion, such as a demurrer to a complaint or a motion to compel discovery responses.
- **Method:** Lecture
Integration: Instructors will discuss the chronology of a civil lawsuit, as well as a criminal prosecution. Instructor will also discuss the types of documents that need to be filed in a civil or criminal case. Instructor will also discuss the chronology of trials, both civil and criminal, as well as the motions that one would file in such trials.

Methods of Evaluation:

A student's grade shall be determined by the instructor using multiple measures of performance related to the course objectives. Methods of evaluation may include but are not limited to the following:

- **Method:** Written analysis and evaluation
Integration: Analysis shall be conducted of mock depositions or trial testimony based on hypothetical facts relating to breach of contract and tort causes of action. These assignments shall be evaluated based on the accuracy and legal knowledge of the student.
- **Method:** Quizzes
Integration: Quizzes shall be administered covering the procedures applicable to different motions; e.g., discovery devices, demurrers, motions for summary judgment, pre-trial procedures and judgments. The questions will be designed to establish the students' understanding of the policy reasons behind the statutes and rules, as well as their creativity in using the hypothetical facts in favor of the designated client.
- **Method:** Mid-Term Examination
Integration: The Mid-Term shall test course content related to California civil procedure to that point in the term. The questions shall be designed to demonstrate the students' practical, academic, and analytical skill and understanding of the policy reasons for civil procedural rules.
- **Method:** Final Examination
Integration: The Final examination shall test course content related to California civil procedure. The questions shall be designed to demonstrate the students' analytical skill and understanding of the policy reasons for civil procedural rules in California.

Examples of Assignments:

Students will be expected to understand and critique college level texts or the equivalent. Reading and writing, as well as out of class assignments are required. These assignments may include but are not limited to the following:

- All assignments will require the students to follow acceptable practices with respect to grammar, syntax and punctuation. The assignments will also require the students to demonstrate knowledge of legal phraseology; i.e., terms of art.
1. Based on a hypothetical case, draft a questionnaire for the client interview to demonstrate the student's creativity in

- the use of facts and his or her understanding of applying applicable law to facts.
2. Based on hypothetical facts, draft a complaint for breach of contract and breach of the covenant of good faith and fair dealing and common counts to demonstrate the student's understanding of the essential requirements of causes of action and allegations to set out venue and jurisdictional requirements.
 3. Draft a legal memorandum setting out the applicable statutory service methods to serve process or motions on on defendants in the hypothetical case, which will demonstrate the student's analytical skill in applying the jurisdictional facts to the selected methods of service.
 4. Draft a demurrer to the complaint drafted for an earlier assignment, which will demonstrate the student's ability to analyze and attack the sufficiency of the complaint.
 5. Draft interrogatories and a demand for inspection for the hypothetical case, which will demonstrate the student's ability to investigate and discover facts relevant to the applicable causes of action.
 6. Draft a Notice of Motion for Summary Adjudication and a Separate Statement of Undisputed Facts in support of the motion with respect to facts in the hypothetical case.
 7. Research the elements of the causes of action in the hypothetical complaint and select jury instructions based on those elements, which will demonstrate the student's ability to analyze relevant case law and methods of proof of the cause of action.

Textbooks:

- Marlene A. Maerowitz; Thomas A. Mauet (2017). *Fundamentals of California Litigation for Paralegals (no newer text available)* Wolters Kluwer. ISBN: 9781454885672
- Walter W. Hesser (2019). *California Civil Procedure Handbook: Rules, Selected Statutes and Cases, and Comparative Analysis* Carolina Academic Press. ISBN: 9781531011635

Other Resources:

Minimum Qualification

- Law (Masters Required)