

LAW R115: CIVIL PROCEDURE AND LITIGATION

Originator

ehess

College

Oxnard College

Attach Support Documentation (as needed)

PLS Advisory Committee Minutes - 10-6-21.pdf

Discipline (CB01A)

LAW - Paralegal Studies

Course Number (CB01B)

R115

Course Title (CB02)

Civil Procedure and Litigation

Banner/Short Title

Civil Procedure and Litigation

Credit Type

Credit

Start Term

Fall 2022

Formerly

PLS R106 - Civil Procedure and Litigation

Catalog Course Description

Students will learn, analyze, and examine the basic principles of civil procedures and court rules as applicable to civil practice and litigation including jurisdiction, venue, and preparation of pleadings in a civil action by both parties in the California Court system.

Taxonomy of Programs (TOP) Code (CB03)

1402.00 - *Paralegal

Course Credit Status (CB04)

D (Credit - Degree Applicable)

Course Transfer Status (CB05) (select one only)

B (Transferable to CSU only)

Course Basic Skills Status (CB08)

N - The Course is Not a Basic Skills Course

SAM Priority Code (CB09)

C - Clearly Occupational

Course Cooperative Work Experience Education Status (CB10)

N - Is Not Part of a Cooperative Work Experience Education Program

Course Classification Status (CB11)

Y - Credit Course

Educational Assistance Class Instruction (Approved Special Class) (CB13)

N - The Course is Not an Approved Special Class

Course Prior to Transfer Level (CB21)

Y - Not Applicable

Course Noncredit Category (CB22)

Y - Credit Course

Funding Agency Category (CB23)

Y - Not Applicable (Funding Not Used)

Course Program Status (CB24)

1 - Program Applicable

General Education Status (CB25)

Y - Not Applicable

Support Course Status (CB26)

N - Course is not a support course

Field trips

Will not be required

Grading method

(L) Letter Graded

Does this course require an instructional materials fee?

No

Repeatable for Credit

No

Is this course part of a family?

No

Units and Hours

Carnegie Unit Override

No

In-Class

Lecture

Minimum Contact/In-Class Lecture Hours

52.5

Maximum Contact/In-Class Lecture Hours

52.5

Activity

Laboratory

Total in-Class

Total in-Class

Total Minimum Contact/In-Class Hours

52.5

Total Maximum Contact/In-Class Hours

52.5

Outside-of-Class

Internship/Cooperative Work Experience

Paid

Unpaid

Total Outside-of-Class

Total Outside-of-Class

Minimum Outside-of-Class Hours

105

Maximum Outside-of-Class Hours

105

Total Student Learning

Total Student Learning

Total Minimum Student Learning Hours

157.5

Total Maximum Student Learning Hours

157.5

Minimum Units (CB07)

3

Maximum Units (CB06)

3

Prerequisites

LAW R104

Entrance Skills

Entrance Skills

Analysis of legal resources.

Prerequisite Course Objectives

LAW R104-Demonstrate the use of legal encyclopedia in researching legal issues

LAW R104-Locate and utilize statutes and statutes annotated

LAW R104-Cite cases and other legal publications as set forth in the legal citation manuals which may include the Indigo Book, Blue Book, White Book, ALWD, and other commonly accepted legal style manuals.

LAW R104-Locate points and authorities in digests and have general understanding of the use of the digest system

LAW R104-Utilize the Shepard's Citator to determine if a specific case has been subsequently cited, revised or distinguished

LAW R104-Locate local ordinances

LAW R104-Summarize facts of a lengthy legal opinion

LAW R104-Research and write basic case briefs, legal office memorandums, and associated legal support tasks.

Entrance Skills

Ability to spot and articulate legal issues.

Prerequisite Course Objectives

LAW R104-Demonstrate the use of legal encyclopedia in researching legal issues

LAW R104-Locate and utilize statutes and statutes annotated

LAW R104-Cite cases and other legal publications as set forth in the legal citation manuals which may include the Indigo Book, Blue Book, White Book, ALWD, and other commonly accepted legal style manuals.

LAW R104-Locate points and authorities in digests and have general understanding of the use of the digest system

LAW R104-Utilize the Shepard's Citator to determine if a specific case has been subsequently cited, revised or distinguished

LAW R104-Locate local ordinances

LAW R104-Summarize facts of a lengthy legal opinion

LAW R104-Research and write basic case briefs, legal office memorandums, and associated legal support tasks.

Entrance Skills

Ability to locate necessary resources to dispose of legal issues.

Prerequisite Course Objectives

LAW R104-Demonstrate the use of legal encyclopedia in researching legal issues
LAW R104-Locate and utilize statutes and statutes annotated
LAW R104-Cite cases and other legal publications as set forth in the legal citation manuals which may include the Indigo Book, Blue Book, White Book, ALWD, and other commonly accepted legal style manuals.
LAW R104-Locate points and authorities in digests and have general understanding of the use of the digest system
LAW R104-Utilize the Shepard's Citator to determine if a specific case has been subsequently cited, revised or distinguished
LAW R104-Locate local ordinances
LAW R104-Summarize facts of a lengthy legal opinion
LAW R104-Research and write basic case briefs, legal office memorandums, and associated legal support tasks.

Entrance Skills

Assessment of legal issues by incorporating information from performed legal research.

Prerequisite Course Objectives

LAW R104-Demonstrate the use of legal encyclopedia in researching legal issues
LAW R104-Locate and utilize statutes and statutes annotated
LAW R104-Cite cases and other legal publications as set forth in the legal citation manuals which may include the Indigo Book, Blue Book, White Book, ALWD, and other commonly accepted legal style manuals.
LAW R104-Locate points and authorities in digests and have general understanding of the use of the digest system
LAW R104-Utilize the Shepard's Citator to determine if a specific case has been subsequently cited, revised or distinguished
LAW R104-Locate local ordinances
LAW R104-Summarize facts of a lengthy legal opinion
LAW R104-Research and write basic case briefs, legal office memorandums, and associated legal support tasks.

Entrance Skills

Ability to identify and locate legal resources in traditional and online libraries.

Prerequisite Course Objectives

LAW R104-Demonstrate the use of legal encyclopedia in researching legal issues
LAW R104-Locate and utilize statutes and statutes annotated
LAW R104-Cite cases and other legal publications as set forth in the legal citation manuals which may include the Indigo Book, Blue Book, White Book, ALWD, and other commonly accepted legal style manuals.
LAW R104-Locate points and authorities in digests and have general understanding of the use of the digest system
LAW R104-Utilize the Shepard's Citator to determine if a specific case has been subsequently cited, revised or distinguished
LAW R104-Locate local ordinances

Requisite Justification**Requisite Type**

Prerequisite

Requisite

LAW R104

Requisite Description

Course in a sequence

Level of Scrutiny/Justification

Required communication/computation skill

Student Learning Outcomes (CSLOs)

Upon satisfactory completion of the course, students will be able to:

- | | |
|---|---|
| 1 | Apply knowledge of civil procedure in order to provide direct assistance to attorneys including research, client interviews, problem resolution and the examination of ethics in the legal workplace. |
| 2 | Draft pleadings/memoranda including court forms in a manner sufficient for submission to the applicable court. |
| 3 | Understand and apply theories and principles of civil procedure to interpret legal documents |

Course Objectives

Upon satisfactory completion of the course, students will be able to:

- | | |
|----|---|
| 1 | Define Litigation |
| 2 | Locate and Prepare Proper California Civil Court Judicial Criminal Forms |
| 3 | Distinguish Between Criminal Litigation and Civil Litigation |
| 4 | Describe the Structure of a Typical Court System |
| 5 | Explain the Function of an Intermediate Appellate Court |
| 6 | Identify the Trial Courts in the Federal Court System |
| 7 | Explain the Difference Between Procedural Rules and Substantive Law |
| 8 | Explain the Differences Between Legal Remedies and Equitable Remedies |
| 9 | Differentiate a Law Firm Partner from an Associate |
| 10 | Define an Of-Counsel Attorney |
| 11 | List Several Categories of Law Firm Staff Personnel |
| 12 | Draft a Simple Retainer Letter |
| 13 | Identify the Eight Subfiles in the Typical Litigation Case File |
| 14 | Perform a Conflicts Check |
| 15 | Explain the Importance of a Statute of Limitations |
| 16 | Identify the Focus of Litigation |
| 17 | Explain What a Law Firm Should do if a Client Wants to Pursue a Frivolous Claim |
| 18 | Explain the Importance of an Interview Checklist |
| 19 | Prepare a Post Interview Memorandum |
| 20 | Follow the Four Cardinal Rules of Investigation |
| 21 | Locate and Retain an Expert Witness |
| 22 | Distinguish Direct Evidence from Circumstantial Evidence |
| 23 | Explain the Distinction Among Relevance, Materiality and Probative Value |
| 24 | Explain What is Meant by a Chain of Custody |
| 25 | Identify the Requirements for Federal Diversity Jurisdiction |
| 26 | Identify the Two Key Purposes of a Summons |
| 27 | Explain Default |
| 28 | Explain a Class Action |
| 29 | Describe Circumstances that Would Justify Intervention |
| 30 | Define Discovery |
| 31 | Explain What is Meant by a Dismissal with Prejudice |
| 32 | Identify Four Types of Pretrial Conference |
| 33 | List Three Qualities of a Good Mediator |

Course Content**Lecture/Course Content**

1. Define Litigation
2. Initiating the Client Relationship
3. Courts in California

4. Subject Matter Jurisdiction
5. Personal Jurisdiction
6. Introduction to Pleading
7. Complaints and Cross-complaints
8. Answering the Complaint
9. Attacking the Pleadings
10. Amending the Pleadings
11. Calendaring Pleadings
12. Discovery Overview
13. Interrogatories
14. Depositions
15. Requests for Admissions
16. Obtaining and Using Tangible Evidence
17. Independent Medical Examinations
18. Using Expert Witnesses and Expert Discovery
19. Calendaring Discovery
20. Law and Motion
21. Summary Judgment
22. Trial-setting Procedures
23. Trial Preparation
24. Trial Procedures
25. Arbitration
26. Judgments and Post-trial Motions
27. Appeals
28. Provisional Remedies and Extraordinary Writs
29. Ethics in Litigation

Laboratory or Activity Content

None.

Methods of Evaluation

Which of these methods will students use to demonstrate proficiency in the subject matter of this course? (Check all that apply):

- Written expression
- Problem solving exercises

Methods of Evaluation may include, but are not limited to, the following typical classroom assessment techniques/required assignments (check as many as are deemed appropriate):

- Essay exams
- Individual projects
- Objective exams
- Problem-solving exams
- Quizzes
- Reports/papers
- Research papers
- Essays
- Problem-Solving Assignments

Instructional Methodology

Specify the methods of instruction that may be employed in this course

- Audio-visual presentations
- Case studies
- Class activities
- Class discussions
- Collaborative group work
- Distance Education
- Group discussions
- Instructor-guided interpretation and analysis
- Internet research
- Large group activities

Lecture
 Readings
 Role-playing
 Small group activities

Describe specific examples of the methods the instructor will use:

The instructor will utilize the following methods:

1. Directed analysis of case law and statutes.
2. Group observations of and participation in the litigation process.
3. Lectures on the substance and application of individual rules of evidence and related topics.
4. The use of sample motions for the purpose of identification of civil procedure and development of practical skills.
5. Leading discussion on the use of the rules of civil procedure from an ethical, practical, and legal perspective.
6. Simulations that engage students in practical skills related to client counseling, conferring with opposing counsel and the court, and processing a case from pre-complaint through trial.

Typical graded assignments (methods of evaluation):

1. Over the semester students are evaluated with written tests that measure the student's knowledge in legal research and writing skills gained from instructor's presentations, discussions, and reading assignments on such topics subject matter jurisdiction, personal jurisdiction, complaints and cross complaints, and others.
2. Students are evaluated in classroom discussions on their ability to explain and demonstrate their knowledge of information from textbook reading assignments on such topics as criminal and civil litigation, the structure of a typical court system, the differences between procedural rules and substantive law, between legal remedies and equitable remedies and others.
3. Students are evaluated on chapter assignments by requiring students to write a variety of assignments such as complaints and cross-complaints, requests for admissions, summary judgments and others.
4. Lecture

Representative Course Assignments

Writing Assignments

1. Students are required to write, for example, a California Judicial Council Form Complaint.

Critical Thinking Assignments

Students will be tested on their ability to take the legal concepts learned in the course and apply them to a given scenario and identify all legal issues presented in the scenario and successfully analyze the legal outcome of the case.

Reading Assignments

1. Students are required to read and study the information on civil litigation in each chapter of the text.
2. Students are required to read and study material on civil litigation presented from the syllabus, lecture, or assignments

Problem-Solving and Other Assignments (if applicable)

1. Students are required to use Law Library, online, or computerized legal resources.

Outside Assignments

Representative Outside Assignments

Typical outside of classroom assignments:

1. Reading
 - a. Students are required to study the information on civil litigation in each chapter of the text.
 - b. Students are required to study material on civil litigation presented from the syllabus, lecture, or assignments
2. Writing
 - a. Students are required to write, for example, a California Judicial Council Form Complaint.
3. Other
 - a. Students are required to use Law Library, online, or computerized legal resources.

District General Education

A. Natural Sciences

B. Social and Behavioral Sciences

C. Humanities

D. Language and Rationality

E. Health and Physical Education/Kinesiology

F. Ethnic Studies/Gender Studies

CSU GE-Breadth

Area A: English Language Communication and Critical Thinking

Area B: Scientific Inquiry and Quantitative Reasoning

Area C: Arts and Humanities

Area D: Social Sciences

Area E: Lifelong Learning and Self-Development

Area F: Ethnic Studies

CSU Graduation Requirement in U.S. History, Constitution and American Ideals:

IGETC

Area 1: English Communication

Area 2A: Mathematical Concepts & Quantitative Reasoning

Area 3: Arts and Humanities

Area 4: Social and Behavioral Sciences

Area 5: Physical and Biological Sciences

Area 6: Languages Other than English (LOTE)

Textbooks and Lab Manuals

Resource Type

Textbook

Description

Goren, J., *Litigation by the Numbers*, Sherman Oaks, Lawdable Press, (current edition that is updated every 6 months)

Resource Type

Manual

Description

Goren, J., *California Civil Litigation and Discovery.*, Sherman Oaks, Lawdable Press (current edition published every 6 months).

Distance Education Addendum

Definitions

Distance Education Modalities

Hybrid (1%–50% online)
 Hybrid (51%–99% online)
 100% online

Faculty Certifications

Faculty assigned to teach Hybrid or Fully Online sections of this course will receive training in how to satisfy the Federal and state regulations governing regular effective/substantive contact for distance education. The training will include common elements in the district-supported learning management system (LMS), online teaching methods, regular effective/substantive contact, and best practices.

Yes

Faculty assigned to teach Hybrid or Fully Online sections of this course will meet with the EAC Alternate Media Specialist to ensure that the course content meets the required Federal and state accessibility standards for access by students with disabilities. Common areas for discussion include accessibility of PDF files, images, captioning of videos, Power Point presentations, math and scientific notation, and ensuring the use of style mark-up in Word documents.

Yes

Regular Effective/Substantive Contact

Hybrid (1%–50% online) Modality:

Method of Instruction	Document typical activities or assignments for each method of instruction
Video Conferencing	Video conferencing will involve professor lecture, professor demonstrations, class discussions/student questions, and case study analysis by students (either as a class or in groups) with follow-up discussions.
Telephone	The telephone media of communication will be used between the professor and students needing additional help on either a scheduled or unscheduled basis.
Synchronous Dialog (e.g., online chat)	The students will be involved in synchronous dialogue during webinar presentations by the professor in which they use the chat feature of the webinar to discuss issues brought up in the professor's lecture and ask questions of the professor and other students.
Other DE (e.g., recorded lectures)	Prerecorded lectures on the learning for a given week will be made and placed in the modules to be replayed by the students for additional assistance in learning the concepts involved for a given week.
Face to Face (by student request; cannot be required)	This media of communication will be used between the professor and students needing additional help by meeting at a specific location during normal office hours.
E-mail	The professor will be involved in email communication with students needing additional help via this communication media.
Asynchronous Dialog (e.g., discussion board)	Students will be involved in a online discussion forum where they will exchange ideas and viewpoints regarding the learning concepts involved for a given week and share their thoughts and viewpoints with the class.

Hybrid (51%–99% online) Modality:

Method of Instruction	Document typical activities or assignments for each method of instruction
Video Conferencing	Video conferencing will involve professor lecture, professor demonstrations, class discussions/student questions, and case study analysis by students (either as a class or in groups) with follow-up discussions.
Telephone	The telephone media of communication will be used between the professor and students needing additional help on either a scheduled or unscheduled basis.

Synchronous Dialog (e.g., online chat)	The students will be involved in synchronous dialogue during webinar presentations by the professor in which they use the chat feature of the webinar to discuss issues brought up in the professor's lecture and ask questions of the professor and other students.
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E-mail	The professor will be involved in email communication with students needing additional help via this communication media.
Asynchronous Dialog (e.g., discussion board)	Students will be involved in a online discussion forum where they will exchange ideas and viewpoints regarding the learning concepts involved for a given week and share their thoughts and viewpoints with the class.

100% online Modality:

Method of Instruction	Document typical activities or assignments for each method of instruction
Video Conferencing	Video conferencing will involve professor lecture, professor demonstrations, class discussions/student questions, and case study analysis by students (either as a class or in groups) with follow-up discussions.
Telephone	The telephone media of communication will be used between the professor and students needing additional help on either a scheduled or unscheduled basis.
Synchronous Dialog (e.g., online chat)	The students will be involved in synchronous dialogue during webinar presentations by the professor in which they use the chat feature of the webinar to discuss issues brought up in the professor's lecture and ask questions of the professor and other students.
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E-mail	The professor will be involved in email communication with students needing additional help via this communication media.
Asynchronous Dialog (e.g., discussion board)	Students will be involved in a online discussion forum where they will exchange ideas and viewpoints regarding the learning concepts involved for a given week and share their thoughts and viewpoints with the class.

Examinations

Hybrid (1%–50% online) Modality

- On campus
- Online

Hybrid (51%–99% online) Modality

- On campus
- Online

Primary Minimum Qualification

LEGAL ASSISTING

Review and Approval Dates

Department Chair

10/19/2021

Dean

10/19/2021

Technical Review

MM/DD/YYYY

Curriculum Committee

10/27/2021

DTRW-I

MM/DD/YYYY

Curriculum Committee

11/10/2021

Board

MM/DD/YYYY

CCCCO

11/29/2021

Control Number

CCC000603473

DOE/accreditation approval date

MM/DD/YYYY