

**CUYAMACA COLLEGE**  
**COURSE OUTLINE OF RECORD**

**PARALEGAL STUDIES 110 – CIVIL LITIGATION PRACTICE AND PROCEDURES**

3 hours lecture, 3 units

**Catalog Description**

The initial phase of an action, the issues of jurisdiction, the complaint and the discovery process will be examined. Court procedures, "Fast Track" and alternatives to litigation such as arbitration and mediation will be discussed. The basic elements of a tort claim will be reviewed as well as the Federal and State Rules of Evidence. Emphasis is placed on the paralegal's role and ethical and professional responsibilities in discovery procedures including e-discovery and trial practice.

**Prerequisite**

"C" grade or higher or "Pass" in PARA 100 or equivalent

**Entrance Skills**

This course will deal with a major area of substantive law and how it relates to other areas of the law, so an understanding of substantive and procedural law is critical. Without the following skills, competencies and/or knowledge, students entering this course will be highly unlikely to succeed:

- 1) Have a basic understanding of the legal system.
- 2) Be familiar with basic legal concepts and basic legal language.
- 3) Knowledge of state and federal court systems.

**Course Content**

- 1) Introduction to Litigation Practice and Procedure
- 2) The Interview including Ethics of Working with Clients and other Legal Professionals
- 3) Evidence and Investigation
- 4) Drafting the Complaint or Other Legal Pleadings
- 5) Filing the Lawsuit, Service of Process and Obtaining a Default Judgment
- 6) Defending and Testing the Lawsuit
- 7) Discovery including e-discovery
  - a. Overview of discovery
- 8) Discovery Analysis and Document Control
- 9) Settlement
- 10) Trial Preparation and Trial including Trial Presentation Software
- 11) Post-Trial Practice from Motions to Appeal

**Course Objectives**

Students will be able to:

- 1) Initiate the preparation of client files and gather and organize factual data.
- 2) Analyze notes and directions from the attorney and prepare an initial pleading such as a complaint or answer.
- 3) Prepare and respond in writing to interrogatories, requests for admissions, and requests for production of documents.
- 4) Draft various motions and demonstrate how to set their hearing dates and affect service of process.
- 5) Locate, interview and obtain witness statements including expert or lay witnesses
- 6) Obtain and analyze public records.

- 7) Draft deposition or interrogatories checklist and questions; prepare deposition outline; review and assemble documents.
- 8) Research and prepare legal memoranda and/or briefs.
- 9) Produce pretrial statements and settlement conference memoranda.
- 10) Carry out the preparation of charts, graphs and demonstrative exhibits for use at trial under the supervision of an attorney using technology where appropriate.
- 11) Attend trial, noting developments of the case as well as observing the reactions of jurors, witnesses and opposing counsel.
- 12) Organize and draft settlement documents including releases and dismissals.

### **Method of Evaluation**

A grading system will be established by the instructor and implemented uniformly. Grades will be based on demonstrated proficiency in subject matter determined by multiple measurements for evaluation, one of which must be essay exams, skills demonstration or, where appropriate, the symbol system.

- 1) Written assignments in which students are given fact scenarios and are asked to identify the issues raised and prepare sample pleadings such as a Complaint containing various causes of action or Interrogatories.
- 2) Quizzes and exams that measure students' ability to identify, explain and provide examples of rules of Civil Procedure in California Superior Courts, legal concepts pertaining to civil litigation and procedure, ethics, and local rules of court.
- 3) In-class discussions regarding recent cases or developments in civil law in which students demonstrate the ability to correctly use legal terminology and draw conclusions as to the applicability of the cases to their current course of study.

### **Special Materials Required of Student**

None

### **Minimum Instructional Facilities**

Smart classroom

### **Method of Instruction**

- 1) Lecture and discussion
- 2) Case study
- 3) Written assignments
- 4) Quizzes or examinations

### **Out-of-Class Assignments**

- 1) Reading assignments
- 2) Short writing assignments
- 3) Short research assignments

### **Texts and References**

- 1) Required (representative example): Maerowitz, Marlene and Thomas Mauet. *Fundamentals of California Litigation for Paralegals*. 5th edition. Wolters Kluwer Legal Education, 2013.
- 2) Supplemental: As assigned by instructor

### **Student Learning Outcomes**

Upon successful completion of this course, students will be able to:

- 1) Prepare a client file, gather and organize factual data.
- 2) Prepare pleadings such as complaints, various discovery tools, and exhibit for use at trial.
- 3) Research and prepare legal memoranda and briefs.
- 4) Locate and interview witnesses and prepare witness statements and depositions.
- 5) Analyze all materials and literature necessary for a case and write reports/memorandums.