

**AMERICAN RIVER COLLEGE
CIVIL PROCEDURE AND LITIGATION
LEGAL ASSISTING 310
COURSE SYLLABUS
SPRING 2012**

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DESCRIPTION:

This course is an introduction to the California legal system with emphasis on understanding the practical aspects of litigation and the proper procedures required by statutes and rules of court. The phases of California court procedure, including State and federal constitutional limitations, jurisdiction, venue, pleadings, motions, trial, alternative dispute resolution and appeal will be covered. The course also includes the forms by which matters are submitted to the court system from pre-litigation through appeals.

COURSE OBJECTIVES:

This course is designed to introduce the student to the fundamental principals of civil procedure and litigation with an emphasis on California law.

Upon completion of this course, the student will:

- Achieve an overview of the procedural aspects of the litigation process, proper parties, jurisdiction, venue, claims, pleadings, defaults, statutes of limitations, and various motions
- Achieve a basic knowledge of the California and federal court systems
- Learn how to read and understand statutes and case law
- Have a familiarity with the various forms and pleadings used in civil litigation
- Understand the duties and responsibilities of legal assistants in civil litigation

TEXT: *Litigation By The Numbers*, Goren, Julie A., Lawdable Press, Fifth Ed., revised January 2012

California Civil Litigation and Discovery (Litigation By The Numbers – Substantive Companion), Fifth Edition (Jan. 2012), Julie A. Goren, Barbara Pollinger

ATTENDANCE POLICY:

Regular attendance for entire class session is mandatory. Attendance will be a factor in determining course grade. Attendance will be taken. As a courtesy to other students, please arrive at class on time.

CLASS PARTICIPATION:

Participation in classroom discussion and timely submission of assignments is required and will be factored into course grade. Students are expected to have read the assignment prior to each class session and should be prepared to discuss and answer questions regarding the assigned reading. Students will be required to make oral presentations to the class as assigned.

WRITTEN ASSIGNMENTS:

There will be homework assignments. Students will prepare various pleadings, discovery requests and other documents throughout the course. Assignments must be typed and in a format sufficient to permit filing with the court. Access to a computer and/or word processor is required. Assignments which are not turned in by the due date will be reduced one full grade.

EXAMINATIONS:

There will be two midterm examinations and a final examination covering the entire course. Examinations will be multiple choice, true/false, vocabulary, and short answer.

Students will not be allowed to take the examinations other than at the scheduled time except under exceptional circumstances which must be pre-approved by the instructor. Grades will be determined as follows:

GRADING:

- Each Midterm Exam 20%
- Final Exam 35%
- Homework Assignments 20%
- Attendance 5%

EXAMINATION GRADING:

- 90 – 100% = A
- 80 – 89% = B
- 70 – 79% = C
- 60 – 69% = D
- Below 60% = F

EXTRA CREDIT:

Opportunities may arise during the term that allow for extra credit, although no extra credit is presently contemplated. Any extra credit must be approved in advance by the instructor. Students should not rely on the ability to submit extra credit as a substitute for completing the assigned work and performing on the examinations.

WITHDRAWAL:

Each student is responsible for withdrawing from the class. If a student stops attending class and does not officially withdraw, college policy dictates that the student will receive an “F” grade.

CLASS SCHEDULE
CIVIL PROCEDURE AND LITIGATION, LA 310
(Subject to Change)

SPRING 2012

Week #/Date	Class Topic and Reading Assignment <i>References to LBN and SC are: LBN are to the main text <i>Litigation by the Numbers</i> SC are to the <i>Substantive Companion</i></i>
1. January 17	Introduction to Civil Procedure; Sources of Procedural Law; The Role of Legal Assistants in Litigation; Ethical Issues Reading: SC – Chapters 1, 2, 3 (pp. 3-8), and 4
2. January 24	Pre-Litigation Considerations; The Court System (State & Federal Jurisdiction); Venue; Parties Reading: SC – Chapters 3 (pp. 1-3), 5 <i>Asahi Metal Industry Co. v. Superior Court</i> , 480 U.S. 102 (1987) <i>International Shoe Co. v. Washington</i> , 326 U.S. 310 (1945) [Use www.johanson-assoc.com/resources to locate case law.]
3. January 31	Preparing the Summons and Complaint; Filing/Service of Process Reading: SC - Chapters 6 and 7; LBN – Chapters 1 and 2
4. February 7	Defendant’s Answer/Cross Complaint; Demurrer; Motions to Strike, Default by Defendant Reading: SC - Chapters 8 and 9; LBN Chapters 3 and 4
5. February 14	Lecture and Midterm #1 (8:30-10:00)
6. February 21	Discovery Reading: SC - Chapters 11 – 17; LBN – Chapter 5 Homework assignment #1 due
7. February 28	Discovery Reading: SC – Chapters 11-17; LBN – Chapter 5
8. March 6	Pre-Trial Motions Reading: SC – Chapter 18; LBN – Chapter 6
9. March 13	Pre-Trial Motions Reading: SC – Chapter 18; LBN – Chapter 6 Homework assignment #2 due
10. March 20	Pre-Trial Procedures Reading: LBN - Chapter 7

11. March 27	Lecture and Midterm #2 (8:30-10:00)
April 3	Spring Recess
12. April 10	Settlement and Dismissal Reading: SC - Chapter 19(pp 6-9); LBN – Chapter 8
13. April 17	Trial and Trial Procedures Reading: SC - Chapter 20 Homework assignment #3 due
14. April 24	Alternative Dispute Resolution Procedures Reading: SC - Chapter 19 (pp 1-5)
15. May 1	Judgment; Enforcement of Judgment Reading: SC – Chapter 22; LBN - Chapter 9
16. May 8	Appeal Reading: SC - Chapter 21
17. May 15	Final Examination 8:00 to 10:00 PM