

Basic Course Information

Semester:	Fall 2016	Instructor Name:	Jack Staton
Course Title & #:	Legl 119 Civil Procedure and Discovery	Email:	Jack.staton@imperial.edu
CRN #:	11121	Webpage (optional):	NONE
Classroom:	212	Office #:	NONE
Class Dates:	Aug 15 - Dec 09	Office Hours:	BY APPOINTMENT
Class Days:	Wednesdays	Office Phone #:	Dept. Secretary 760 355 6280
Class Times:	6:00 - 9:10 pm	Emergency Contact:	AS ABOVE
Units:	3		

Course Description

This course covers theory, concept, and rules of civil procedures. It includes types of evidence, prima facie cases, rules governing witness testimony, federal and state court systems, procedure for the removal of state court actions for transfer to the federal court system, initiation of federal and state court actions, remedies available under law and equity, alternative dispute resolution methods, drafting and filing complaints, answers, counterclaims, pre-trial motions, and in-court trial procedures. It also provides an examination of the rules of civil evidence and the admissibility of evidence, depositions, interrogatives, admissions, notices to produce, and related rules of discovery and evidence. (CSU)

Student Learning Outcomes

Upon course completion, the successful student will have acquired new skills, knowledge, and or attitudes as demonstrated by being able to:
 Research the federal and state court systems and compare and contrast them including steps to initiate an action. (ILO1, ILO2, ILO4)
 Draft a complaint and outline the procedure for filing the complaint. (ILO1, ILO2, ILO4)
 Draft an answer and counterclaim. (ILO1, ILO2, ILO4)

Course Objectives

- Upon satisfactory completion of the course, students will be able to:
1. Discuss the theory and concept of evidence.
 2. Identify the sources of the rules of evidence.
 3. Describe the elements of admissible evidence.
 4. Identify types of evidence.
 5. Discuss the various rules of evidence.
 6. Explain the process of proving a prima facie case [suit in repleven] and the step-by-step procedure for settling the case.
 7. Identify the two major rules governing witness testimony.
 8. Review the federal court system.
 9. Define jurisdiction.
 10. Explain the types of jurisdiction under federal rules of civil procedure.
 11. Explain the procedure for the removal of a state court action [for transfer] to the federal court system.
 12. Describe the step-by-step procedure to initiate a federal court action.

Course Objectives

13. Describe the state court system.
14. Describe the step by step procedure to initiate a state court action.
15. Identify the basic causes of action at law [lawsuits].
16. Describe the various remedies that are available under law and equity.
17. Review alternative dispute resolution methods.
18. Describe the duties of a legal assistant [paralegal] in determining and creating capacity to sue.
19. Draft a complaint.
20. Explain the procedure for filing a complaint.
21. Recognize the chronology of pre-trial practice and procedure.
22. Explain the purpose of the answer and counterclaim.
23. Draft an answer and counterclaim.
24. Demonstrating knowledge of filing an answer and counterclaim [specified time].
25. Identify various pre-trial procedures.
26. Recognize in-court trial procedures.
27. Describe the role of the legal assistant [paralegal] in complex litigation employing electronic support systems.
28. Demonstrate understanding of civil discover, including modern law of evidence; California evidence code; meaning of evidence and proof; conflict of laws.
29. Describe exclusion of illegally obtained evidence including nature of problems; in federal courts; in California courts; identify what constitutes unreasonable search and seizure; define interception of communications.
30. Analyze burden of proof and presumptions, including the two burdens; allocation of burden of producing evidence, civil case; allocation of burden of proof, Civil cases; burdens in determining preliminary facts; degree of measure of proof; nature and effect of reputable presumptions; presumptions affecting burden of producing evidence; presumptions affecting burden of proof; former presumptions not restated as presumptions; presumptions not in evidence code; res ipsa iouquitur; inconsistent presumptions; conclusive presumptions.
31. Describe judicial notice, inducing compulsory judicial notice; optional judicial notice; procedure.
32. Describe circumstantial evidence, including direct and circumstantial evidence; relevancy and materiality; particular kinds of circumstantial evidence; evidence involving undue prejudice; other evidence affected by extrinsic policies.
33. Define the opinion rule, including opinion of lay witnesses; expert evidence; opinion on ultimate issue.
34. Define the hearsay rule, including nature and scope of rule; statements not within the rule; exceptions to the rule.
35. Analyze demonstrative, experimental and scientific evidence, including evidence of experiment; evidence of chemical and physical tests.
36. Analyze documentary evidence, including authentication; secondary evidence; official writings affecting property; the parole evidence rule.
37. Outline the procedures for witnesses, including attendance and compensation; competency; privilege (in general); particular privileges.
38. Analyze discovery and producing of evidence, including depositions; interrogatories to adverse parties; inspection of adverse party's records and things; physical and mental examinations; request for admissions; subpoena duces tecum; enforcement of right to discovery; protections against improper discovery proceedings.
39. Demonstrate knowledge of introduction of evidence at trial, including powers and functions of trial judge; jury's determination of credibility and weight; introduction of documentary evidence; introduction of demonstrative evidence; introduction of depositions; oral examination (form of questions and answer's) direct examination (special problems): cross-examination: impeachment (attach on credibility); redirect and recross-examination; objects to inadmissible evidence; exclusion of admissible evidence (offer of proof).

Textbooks & Other Resources or Links

Maerowitz, **Fundamentals of California Litigation for Paralegals**, 5th edition, ISBN 13-9781454816546

Course Requirements and Instructional Methods

The instructor may use lecture, classroom discussion in which each student is expected to contribute, video presentations, classroom group work and group presentations, written assignments, and case studies. Out of Class Assignments: The Department of Education policy states that one (1) credit hour is the amount of student work that reasonably approximates not less than one hour of class time and two (2) hours of out-of-class time per week.

Out of Class Assignments: The Department of Education policy states that one (1) credit hour is the amount of student work that reasonably approximates not less than one hour of class time and two (2) hours of out-of-class time per week over the span of a semester. WASC has adopted a similar requirement.

Course Grading Based on Course Objectives

Your grade will be calculated based on 4 tests or quizzes spaced over the semester as well as a final examination. All tests/quizzes are comprehensive. Pop-quizzes may be used. The dates of the tests depend on class progress and will be communicated to the class generally 2 weeks before the test, except when a pop-quiz is given. You may drop the lowest of your test/quiz grades (but not the final exam) unless the low grade is an F you receive for cheating. Consequently, **NO MAKE-UP TEST OR QUIZ WILL BE GIVEN**. You will also be assigned homework, which must be turned in to me by the beginning of the class period at which the assignment is due. Your ultimate grade will be calculated as follows:

THREE TESTS/QUIZZES = 20% each for 60% of your total grade

HOME WORK and CLASS PARTICIPATION = 10% of your total grade

FINAL EXAMINATION = 30% of your total grade

Again, all tests/quizzes are comprehensive and will employ a multiple testing methods, including multiple choice questions, true and false questions, short essay questions, and fill-in-the blank questions.

Attendance

- A student who fails to attend the first meeting of a class or does not complete the first mandatory activity of an online class will be dropped by the instructor as of the first official meeting of that class. Should readmission be desired, the student's status will be the same as that of any other student who desires to add a class. It is the student's responsibility to drop or officially withdraw from the class. See General Catalog for details.

- Regular attendance in all classes is expected of all students. A student whose continuous, unexcused absences exceed the number of hours the class is scheduled to meet per week may be dropped. For online courses, students who fail to complete required activities for two consecutive weeks may be considered to have excessive absences and may be dropped.
- Absences attributed to the representation of the college at officially approved events (conferences, contests, and field trips) will be counted as 'excused' absences.

Classroom Etiquette

- **Electronic Devices:** Cell phones and electronic devices must be turned off and put away during class, unless otherwise directed by the instructor.
- **Food and Drink** are prohibited in all classrooms. Water bottles with lids/caps are the only exception. Additional restrictions will apply in labs. Please comply as directed by the instructor.
- **Disruptive Students:** Students who disrupt or interfere with a class may be sent out of the room and told to meet with the Campus Disciplinary Officer before returning to continue with coursework. Disciplinary procedures will be followed as outlined in the General Catalog.
- **Children in the classroom:** Due to college rules and state laws, no one who is not enrolled in the class may attend, including children
- Students may not come and go from the classroom during class time. Come to class on time and be prepared to stay for the duration of the class. This is a once-a-week course. Thus, a single night is the equivalent of a week of class. If you leave early you cannot be truly counted as present for the week of class. Roll will be taken at the end of the class period.

Online Netiquette

- What is netiquette? Netiquette is internet manners, online etiquette, and digital etiquette all rolled into one word. Basically, netiquette is a set of rules for behaving properly online.
- Students are to comply with the following rules of netiquette: (1) identify yourself, (2) include a subject line, (3) avoid sarcasm, (4) respect others' opinions and privacy, (5) acknowledge and return messages promptly, (6) copy with caution, (7) do not spam or junk mail, (8) be concise, (9) use appropriate language, (10) use appropriate emoticons (emotional icons) to help convey meaning, and (11) use appropriate intensifiers to help convey meaning [do not use ALL CAPS or multiple exclamation marks (!!!!)].

Academic Honesty

Academic honesty in the advancement of knowledge requires that all students and instructors respect the integrity of one another's work and recognize the important of acknowledging and safeguarding intellectual property.

There are many different forms of academic dishonesty. The following kinds of honesty violations and their definitions are not meant to be exhaustive. Rather, they are intended to serve as examples of unacceptable academic conduct.

- **Plagiarism** is taking and presenting as one's own the writings or ideas of others, without citing the source. You should understand the concept of plagiarism and keep it in mind when taking exams and preparing written materials. If you do not understand how to "cite a source" correctly, you must ask for help.
- **Cheating** is defined as fraud, deceit, or dishonesty in an academic assignment, or using or attempting to use materials, or assisting others in using materials that are prohibited or inappropriate in the context of the academic assignment in question.

Anyone caught cheating or plagiarizing will receive a zero (0) on the exam or assignment, and the instructor may report the incident to the Campus Disciplinary Officer, who may place related documentation in a file. Repeated acts of cheating may result in an F in the course and/or disciplinary action. Please refer to the [General Catalog](#) for more information on academic dishonesty or other misconduct. Acts of cheating include, but are not limited to, the following: (a) plagiarism; (b) copying or attempting to copy from others during an examination or on an assignment; (c) communicating test

information with another person during an examination; (d) allowing others to do an assignment or portion of an assignment; (e) using a commercial term paper service.

Additional Student Services

Imperial Valley College offers various services in support of student success. The following are some of the services available for students. Please speak to your instructor about additional services which may be available.

- [Blackboard Support Site](#). The Blackboard Support Site provides a variety of support channels available to students 24 hours per day.
- [Learning Services](#). There are several learning labs on campus to assist students through the use of computers and tutors. Please consult your [Campus Map](#) for the [Math Lab](#); [Reading, Writing & Language Labs](#); and the [Study Skills Center](#).
- [Library Services](#). There is more to our library than just books. You have access to tutors in the [Study Skills Center](#), study rooms for small groups, and online access to a wealth of resources.

Disabled Student Programs and Services (DSPS)

Any student with a documented disability who may need educational accommodations should notify the instructor or the [Disabled Student Programs and Services](#) (DSP&S) office as soon as possible. The DSP&S office is located in Building 2100, telephone 760-355-6313. Please contact them if you feel you need to be evaluated for educational accommodations. I will accommodate you according to your needs to help you meet your potential.

Student Counseling and Health Services

Students have counseling and health services available, provided by the pre-paid Student Health Fee.

- [Student Health Center](#). A Student Health Nurse is available on campus. In addition, Pioneers Memorial Healthcare District provide basic health services for students, such as first aid and care for minor illnesses. Contact the IVC [Student Health Center](#) at 760-355-6128 in Room 1536 for more information.
- [Mental Health Counseling Services](#). Short-term individual, couples, family, and group therapy are provided to currently enrolled students. Contact the IVC [Mental Health Counseling Services](#) at 760-355-6196 in Room 2109 for more information.

Student Rights and Responsibilities

Students have the right to experience a positive learning environment and to due process of law. For more information regarding student rights and responsibilities, please refer to the IVC [General Catalog](#).

Information Literacy

Imperial Valley College is dedicated to helping students skillfully discover, evaluate, and use information from all sources. The IVC [Library Department](#) provides numerous [Information Literacy Tutorials](#) to assist students in this endeavor.

Anticipated Class Schedule/Calendar

The class schedule depends on class progress. Quiz dates and assignments are likely to change.

*****Tentative, subject to change without prior notice*****

Aug 17	Review Syllabus and Course Introduction	Chapter 1
Aug 24	Chapter 2 & 3	
Aug 31	Chapter 4	
Sep 7	QUIZ & Chapter 5	
Sep 14	Chapter 6 & 7	
Sep 21	Chapter 8 & 9	
Sep 28	QUIZ & Chapter 10	
Oct 5	Chapter 11 & 12	
Oct 12	Chapter 13, 14 & 15	
Oct 19	QUIZ & Chapter 16	
Oct 26	Chapter 17	
Nov 2	Chapter 18	
Nov 9	QUIZ & Chapter 19	
Nov 16	Chapter 20	
Nov 23	NO CLASS Thanksgiving Break	
Nov 30	Catch-up and Course review	
Dec 7	FINAL EXAMINATION	