: Law11-Fall2012

Paralegal Studies Program

Los Angeles Mission College

Syllabus

Law 11 - Civil Litigation – 3:00 Units

Fall 2012

Fall 2012 - Section #0301

Instructor: Jon Jackman, Esq.
Office: Online Office Hours Only
Office hours: Wednesdays and Fridays (by phone) 3:00 – 5:00 PM, or by appointment.
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Moodle page http://moodle.lamission.edu
Textbook: ***Fundamentals of California Litigation for Paralegals***, 4th ed.
Marlene A. Maerowitz, Thomas A. Mauet

ISBN: ISBN 9780735587298 - Aspen Publishers

Course Description: Study of civil and criminal procedures. Emphasis is on parties and jurisdiction, pleadings, discovery, pre-trial and trial preparation, appeal, enforcement of judgments, and alternative dispute resolution.

Below are the Tests from your textbook

Test # A - Chapter 1: Introduction to Litigation
Test # B -Chapter 2: Informal Fact Gathering and Investigation
Test # C -Chapter 3: Case Evaluation and Strategy
Test # D -Chapter 4: Parties and Jurisdiction
Test # E -Chapter 5: Pleadings & Chapter 6 - Complaints, Answers, and Cross Claims & Chapter 7 - Special Pleadings
Test # F -Chapter 8: Introduction to Motions
Test # G -Chapter 9 Motions Attacking the Pleadings & Chapter 10 Summary Judgments
Test # H -Chapter 11: Provisional Remedies
Test # I -Chapter 12: Evidence
Test # J -Chapter 13: Introduction to Discovery, Chapter 14 Written Discovery, and Chapter 15 Depositions
Test # K -Chapter 16: Settlements
Test # L -Chapter 17: Trial Preparation, Trial, and Appeal
Test # M -Chapter 18: Enforcement of Judgments
Test # N -Chapter 19: Alternative Dispute Resolution

Course Organization: Law 1I is organized into assignments, quizzes, and forum discussions. **Read "Where to Start"**

Student Learning Outcomes: Upon successful completion of this course, a student will be able to:

1. Brief law cases in Civil Litigation including civil procedures in the State of California, and Federal, court mediation and arbitration, and motions, demurrers, and pleadings.

2. Critically analyze and argue issues of Civil Litigation including the above matters listed in #1.

3. Prepare legal documents, forms or papers for initiating a lawsuit, various motions including Motion to Dismiss, and Motion for Summary Judgment, interrogatories, requests for admissions, and other discovery devices, and a Mandatory Settlement Conference Statement, and Trial Brief.

Skill Level: College level reading and writing; ability to access the internet. Necessary skills include proficiency using a word processing program, including spell checker, using a web browser, sending and receiving email, saving documents as RTFs (rich text format), uploading and attaching documents.

Estimated Time per Week: 10 hours (see Carnegie Rule)

Class format: The class is entirely online. No on campus meetings are required. . We use the Moodle Course Management System. Carefully read our policies.

The class follows a weekly format. If you click on "Section Links" in upper left corner of your moodle class, you will see the weekly assignments, quizzes, forums and activities. There are many opportunities for you to participate and earn points to attain a good grade.

Online classes require your attention and effort. If you fail to log into the class during the first two weeks you will be excluded from the class. There are activities and assignments each week; you will need to log into the class several times a week.

To be a successful online/hybrid student, you need to do schedule a regular time for studying, read and complete on line activities, and more.

Technical Requirements: The minimum computer requirements are: Computer, either a Macintosh or IBM compatible; modem, minimum 28.8, broadband or high speed internet access is preferred and is required to view the videos. Software: Web browser software, preferably Firefox 3.5 or Internet Explorer 8, an e-mail address and a word processing program.

Get Firefox: http://www.mozilla.com/en-US/firefox/all.html

Get Internet Explorer: http://www.microsoft.com/windows/Internet-explorer/default.apx

Get a free email account at: www.mail.google.com
Students who do not have regular computer access may use computers in the campus Learning Resource Center. Be sure to save all your papers and assignments on a flash drive.

Course Login: http://moodle.lamission.edu

First Assignment: Introduce yourself to the class under the forum discussions for the first week. This is where you will get to know your classmates. Post your introduction by Sunday evening, 11:55 pm, 9/16/12. You may be withdrawn from class if you do not post your introductions by the end of the 2nd week of class.

Contacting Your Instructor: I check my email several times a day and respond to emails within 24 hours. Please don't hesitate to contact me with any questions; email me at: jonathanjack1@aol.com, in the subject line put: Law 11 #0301. I am also available by telephone on Wednesdays and Fridays 3:00 – 5:00 PM, and o email during the week.

CLASS BIOGRAPHIES/INTRODUCTIONS: You will find your instructor's autobiography posted in the "Discussion Board" of the class website. Please post your bio in the discussion board by Friday of week one. In your bio, please be sure to include:

Your name (firstname only),
Academic/Career GoalsExpectations of the class
How you found out about the class/program
Other items of interest, and
Include any preliminary questions or concerns you have at this point.

DISCUSSION FORUMS: Every week a discussion questions posted to the website "FORUMS." You are required to post a answer to each discussion question by Wednesday of the forum week. Further, you are required to post, at least, one response to two or more of your classmates' initial responses. You are not required to respond to every classmate. You may, although this is a decision each student will make.

Minimum THREE different days per forum week. As we begin our online work together I want to discuss an important aspect of online learning, namely participation**. Participation** is an important part of this collaborative online learning environment. It is well documented that participation and collaboration does enhance learning & whether it be in-class or at a distance. You are encouraged to initiate and respond regularly and make sure ***your ideas are presented clearly and are substantive. Postings that lack substance will receive little or no credit. For example, "I agree," "Good posting," or similar messages that add little or nothing to the discussion will receive few, if any credits***. Discussions posted to the website are an important part of the learning that takes place in this class. In essence, we learn from each other. Share ideas or questions with your colleagues. Ask them questions. Share your own experiences.

SOME SPECIFIC EXPECTATIONS ABOUT PARTICIPATION:

Class Meeting Discussions:

- **Please read, review, and reflect on each message PRIOR to posting to the forums.** Remember: Others cannot get visual clues as to meaning, therefore, be careful in what and how you communicate.**Once posted, messages cannot be deleted!**
- All postings to any meeting in this class are to be considered CONFIDENTIAL and for consideration and discussion only by members of this class.
- Ask questions about areas of the subject that you wish to better understand or for clarification and/or amplification.
- Read your classmates comments and presentations, and respond constructively.
- Offer personal/professional experiences/observations relevant to the items being discussed.

Participation Rubric:

	Unsatisfactory	**Satisfactory**	**Exemplary**
A minimum of 3 postings per forum on at least 3 separate days.	Less than 3 **substantial postings**.	Three required**substantial postings.**	More than the 3**substantial required posting.**
Answers by Wednesday - - - - - - - - - - - - - - - Respond to classmates by Sunday	Posting answers after Wednesday	Posting answers on Wednesday	Posting answers before Wednesday
Well reasoned with appropriate analysis.	No response or lacks applicability.	Response is applicable, but may not be thorough or lacks depth.	Thorough response with appropriate depth.
Appropriate dialog with classmates	Responses do not clearly relate to topic.	Responses relate to topic.	Responses clearly relate to topic.
Appropriate grammar, spelling, and APA references.	Spelling and/or grammar errors.	No spelling or grammar errors..	No spelling, grammar errors, or punctuation errors.

Student deliverables should be submitted on the specified date by midnight of the student's time zone. For purposes of scheduling, each week or module begins on Monday 12:01 AM and concludes the following Sunday at Midnight.

EXPECTATIONS FOR WRITTEN WORK:

VOCABULARY - You are expected to read and understand the material presented in the assigned text and articles you locate.

FORMAT - Papers submitted should be written in accordance with the ***APA***, ***Bluebook***, or ***other recognized formatting style***.

GRAMMAR - Use active voice in your writing. Also use the spelling and grammar check feature of your Word Processor before submitting your papers.

Homework Assignments: Assignments require you to read and brief law cases. Read the information on"briefing law cases". Below is the grading rubric for your case "briefs"

CASE BRIEF GRADING RUBRIC

	Outstanding A	Proficient B	Adequate C	Inadequate D/F
Case Name and Citation	Complete case name and properly formatted citation appear at the top of the case brief	Complete case name is provided but citation is incomplete	Complete case name is provided but no citation is give	Neither the case name nor the citation appears at the top of the case brief OR both case name and citation are incorrect.
Operative Facts	Operative facts are relevant to the issue being examined by the court and are logically organized.	Facts are relevant to the question being answered but lack coherence or organization.	Irrelevant facts are included. Lack of logical organization.	Relevant facts are omitted or lost in discussion of unrelated information.
Procedural Facts	Procedural history of the case is clearly and logically presented in proper chronology.	Procedural history of the case is presented but chronology is confusing.	Some procedural history is presented.	No procedural history is presented.
Issue/Short Answer	Includes all elements (applicable law, issue being examined and relevant facts) in a well crafted, grammatically correct question. Answer responds to question being posed.	Issue is separately articulated, but does not include all elements; applicable law, issue being examined and relevant facts. Answer responds to question being posed.	Issue is not separately articulated, but implied through description of facts or discussion of law. Answer does not respond to question being posed.	Issue is not articulated No answer is given.
Law	Law is correct and is relevant to the question being answered. Rule(s) of law succinctly paraphrased rather than quoted.	Law is correct and is relevant to the question being answered, but is not paraphrased	Rules of law are used in providing answer, but it is unclear if writer understands the law and is properly applying it.	Rules of law are omitted from answer or incorrect law is used.
Rationale	The court's reasoning is presented in a clear and logical fashion, leading the reader to an understanding of the rationale behind the law.	Law is applied to the facts, but the underlying rationale is not clear.	Analysis is unclear, causing the reader to question whether the law is correct.	No analysis of the law is given.
Writing Mechanics	Sentence structure, grammar, punctuation are substantially correct. Each component's material is logically organized and presented in a clear, concise manner.	Sentence structure, grammar, punctuation are substantially correct. Organization is logical but needs better consistency and clarity.	Adherence to rules of writing is poor. Material lacks organization and/or is unclear, making it difficult to understand.	Rules of writing are ignored or misunderstood. No apparent logic to the organization of the material. Writing lacks clarity.

**above adopted from case grading rubric - AAFPE.org website

Students who plagiarize will receive zero credit on the assignment.

Quizzes: The class is divided into weekly quizzes (10 short answers quizzes). This is 40% of your grade.

Assignments: The class is divided into weekly assignments. This is 45% of your grade

Forums: The class is divided into weekly discussions . This is 15% of your grade

Late Assignments Our "Late Work" Policy is firm.

Dropping your class/Exclusion: November 18, 2012 is the last day to drop the class with a "W"

College regulations state that a student **may be excluded** from a course following accumulation of absences equal to a week of course work. The 12th week of class is the last date a student may drop a class with a "W". (or the 8th week in a "Late Start" class). Thereafter, the student must receive a grade in the class.

If a student has a accumulated score of 50 or below in the 12th week (or the 8th week in a "late Start" class) , it is deemed that the student has accumulated absences in excess of a week of course work, and the instructor MAY, but is NOT required to DROP the student from class, with or without notice. **It is the sole responsibility of the student, and not the instructor, to drop the class.**

In addition, students who fail to login and post their introduction to class within the first (ten) days of class may be dropped from their online class.

Grading Policy: Letter grades will be determined based upon the following:

Grade Distribution

Quizzes - 40 % of your grade
Assignments- 45 % of your grade **Forum Discussions**- 15 % of your grade

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Grade Scale:		
	A	90-100
	B	80-89
	C	70-79
	D	60-69
	F	≤ 60

Please note that a grade of C or higher is required for each of the 12 paralegal certificate classes.

Points will be posted on the class website after each activity closes.

Reasonable Accommodation: For students requiring accommodation the DSPS office provides special assistance in areas like: registering for courses, specialized tutoring, note-taking, mobility assistance, special instruction, testing assistance, special equipment, special materials, instructor liaisons, community referrals, and job placement. The phone number for the Office of Students with Disabled Student Programs and Services is: (818) 364-7732 and also their website at http://lamission.edu/dsps

Important Dates

Website opens Sunday 8/26/12 at 6 pm

Fall 2012

August 26, 2012 Residency Determination Date.
August 27, 2012 DAY AND EVENING CLASSES BEGIN.
September 01, 2012 Saturday Classes Begin

September 07, 2012 LAST DAY TO ADD FULL TERM CLASS.
September 07, 2012 LAST DAY FOR REFUND.
September 07, 2012 LAST DAY TO RECEIVE A "W" (IN PERSON)
September 09, 2012 LAST DAY TO DROP ON LINE
October 05, 2012 Last day to Petition for Credit/No-Credit.
October 19, 2012 Deadline to Petition for Fall 2012 GRADUATION.
November 02, 2012 Last Day for Section Transfer.
November 16, 2012 LAST DAY TO WITH "W" (IN PERSON)
November 18, 2012 LAST DAY TO DROP ON LINE WITH A "W".
December 08, 2012 Classes End.
December 10, 2012 - December 15, 2012 FINAL EXAMS
December 16, 2012 SEMESTER ENDS

Calendar of Activities

Week 1 - Due 9/2/12

- Read the syllabus for the class and order the textbook - "*Fundamentals of California Litigation for Paralegals*" - *4th ed.* (hereafter FCLP4) by Marlene A. Maerowitz, Thomas A. Mauet - ISBN:0735524785 order the textbook online - go to http://lamission.edu/online - and login to your class - follow the login formula athttp://profj.us/login -
- Review civil-litigation-resources
- Post your Introduction
- Read Dear Online Student
- Read "How to Study Law and post to moodle
- Read Good Legal Writing and post to moodle
- Read The Uses of Argument and post to moodle
- Read Analytic Thinking and post to moodle
- Read "Character Counts" and post to moodle
- Read Differences between a "Case" and a "Code" (10 Hour Law School) and post to moodle
- Read "Recognizing Plagarism" and take the test

Week 2 - Due 9/9/12

- Read Chapter 1 Litigation Overview - see lecture notes -http://profj.us/26sp/law11/chp1outline.htm
- #1 Prepare Summons and Complaint - general negligence forms
- #2 Brief a recent litigation case

Week 3 - Due 9/16/12

- Read Chapter 2 - Informal Fact Gathering and Investigation -http://profj.us/26sp/law11/outlinech2.htm
- #3 Summarize Pre-Trial Procedures
- #4 - Read and Analyze elements necessary to prove slip and fall Alcaraz case - analyze Alcaraz -headnotes-summary
- Test #A Chapter 1 - Introduction to Litigation

Week 4 - Due 9/23/12

- Read Chapter 3 - Case Evaluation & Strategy
- #5 Prepare Slip and Fall Lawsuit - Alcaraz v. Vece Case
- #6 California Code
- Test #B - Chapter 2 - Information Fact Gathering & Investigation

Week 5 - Due 9/30/12

- Read Chapter 4 - Parties and Jurisdiction
- #7 Unauthorized Practice of Laaw - Alfredo Case
- #8 Draft and Submit Dogbite Case
- Test #C - Chapter 3 - Case Evaluation & Strategy

Week 6 - Due 10/7/12

- Read Chapter 5 Pleadings
- #9 Case Evaluation and Pleading
- #10 Administrative Remedies and Judicial Review
- Test D - Chapter 4 - Parties & Jurisdiction

Week 7 - Due 10/14/12

- Read Chapter 6 Complaints, Answers and Cross Complaints
- Read Chapter 7 Special Pleadings
- #11 LA Superior Court
- #12 Analyze Landmark Jurisdiction cases
- Test #E - Chapter 5 - Pleadings,Chapter 6 - Complaints, Answers & Cross Claims, and Chapter 7 - Special Pleadings

Week 8 - Due 10/21/12

- Read Chapter 8 Introdcution to Motions
- #13 Pleadings Discussion
- #14 Research Problem
- Test #F - Chapter 8 - Introduction to Motions
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Week 9 - Due 10/28/12

- Read Chapter 9 - Motions Attacking the Pleading
- Read Chapter 10 - Summary Judgments
- #15 Necessary elements in plain tiffs' pleadings and defenses
- #16 Practice Preparing your own motion
- Test G - Chapter 9 - Motions Attacking the Pleadings, and Chapter 10 - Summary Judgments

Week 10 - Due 11/4/12

- Read Chapter 11 Provisional Remedies
- #17 Submit Standard Complaint
- #18 Submit your Demurrer

- Test H - Chapter 11 - Provisional Remedies

Week 11 - Due 11/11/12

- Read Chapter 12 - Evidence
- #19 Discuss Problems with the TRO in the Gallo vs. Acuno case
- #20 Submit your five (5) Interrogatories
- Test I - Chapter 12 - Evidence

Week 12 - Due 11/18/12

- Read Chapter 13 - Introduction to Discovery
- Read Chapter 14 - Written Discovery
- Read Chapter 15 - Depositions
- #21 Calendaring and Fast Track
- #22 Review Settlement Conference Brief and answer questions
- Test #J - Chapter 13 - Introduction to Discovery, Chapter 14 - Written Discovery, Chapter15 - Depositions

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Week 13 - Due 11/25/12

- Read Chapter 16 - Settlements
- #23 Getting Ready for Trail
  #24 Draft a Request to Produce Documents
- Test #K - Chapter 16 - Settlements

Week 14 - Due 12/2/12

- Read Chapter 17 - Trial Preparation, Trial, and Appeal
- #25 Prepare a TRial Chart
- #26 Prepare a Release
- Test L - Chapter 17 - Trial Preparation, Trial and Appeal

Week 15 - Due 12/9/12

- Read Chapter 18 Enforcement of Judgments
- #27 Enforce a Judgment
- Test M - Chapter 18 - Enforcement of Judgments

Week 16 - Due 12/16/12

- Read Chapter 19 Alternative Dispute Resolution
- #28 PRepare a Demand for Arbitration - AAA
- Test N - Chapter 19 - Alternative Dispute Resolution

updated: 6/30/12