Activities
law home
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Student Services & Support
Etudes Student Help Desk

Syllabus

Fall 2014

Academic Calendar
textbooks
online textbook chapters

Law 11 - Civil Litigation – Section #0301

Prof Jon Jackman - Activities - Textbooks

Read Dear Online Student - Study Guide and Welcome Message

Instructor: Jon Jackman, Esq.
Office: Online Office Hours Only
Office hours: Wednesdays and Fridays (by phone) 3:00 – 5:00 PM, or by appointment.
Phone: (818) 854-0080
Email: jonathanjack1@aol.com
Etudes site http://etudes.org
Textbook: ***Fundamentals of California Litigation for Paralegals*, 5th ed.**
Marlene A. Maerowitz, Thomas A. Mauet

ISBN: **ISBN-10: 1454816546 | ISBN-13: 978-1454816546| Edition: 5**

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order at LAMC Bookstore (click here) or on Amazon (click here)

Calendar **http://duedates.pbworks.com**

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

Distribution of Grades
Tests 40% of your grade
Assignments 45 % of your grade
Forum Discussions - Class Participation - 15%

A = 90% or above

B = 80% or above

C = 70% or above

D = 60% or above

A grade of C or greater is required to pass the class

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.

Week 1 - Due 9/7/14

- **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**
- **Read Dear Online Student**
- **Post your Introduction**
- **Read Law Study**
- **Read Legal Argumentation**
- **Read Learning Ethics**
- **Read Strategies against Procrastination**
- **Read Reading Law Cases-Codes**

Week 2 - Due 9/14/14

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

Week 3 - Due 9/21/14

- **Read Chapter 2 - Informal Fact Gathering and Investigation -http://profj.us/26sp/law11/outlinech2.htm**
- **#2 - 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 9/28/14

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

Week 5 - Due 10/5/14

- **Read Chapter 4 - Parties and Jurisdiction**
- **#4 Draft and Submit Dogbite Case**
- **Test #C - Chapter 3 - Case Evaluation & Strategy**

Week 6 - **Due 10/12/14**

- **Read Chapter 5 Pleadings**
- **#5 Case Evaluation and Pleading**
- **Test D - Chapter 4 - Parties & Jurisdiction**

Week 7 - **Due 10/19/14**

- **Read Chapter 6 Complaints, Answers and Cross Complaints**
- **Read Chapter 7 Special Pleadings**
- **#6 Analyze Landmark Jurisdiction cases**
- **Test #E - Chapter 5 - Pleadings,Chapter 6 - Complaints, Answers & Cross Claims, and Chapter 7 - Special Pleadings**

Week 8 - **Due 10/26/14**

- **Read Chapter 8 Introduction to Motions**
- **#7 Pleadings Discussion**
- **Test #F - Chapter 8 - Introduction to Motions**

Week 9 - **Due 11/2/14**

- **Read Chapter 9 - Motions Attacking the Pleading**
- **Read Chapter 10 - Summary Judgments**
- **#8 Practice Preparing your own motion**
- **Test G - Chapter 9 - Motions Attacking the Pleadings, and Chapter 10 - Summary Judgments**

Week 10 - **Due 11/9/14**

- **Read Chapter 11 Provisional Remedies**
- **#9 Submit your Demurrer**
- **Test H - Chapter 11 - Provisional Remedies**

Week 11 - **Due 11/16/14**

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

Week 12 - **Due 11/23/14**

- **Read Chapter 13 - Introduction to Discovery**
- **Read Chapter 14 - Written Discovery**
- **Read Chapter 15 - Depositions**
- **#12 Calendaring and Fast Track**
- **#13 Review Settlement Conference Brief and answer questions**

- **Test #J - Chapter 13 - Introduction to Discovery, Chapter 14 - Written Discovery, Chapter15 - Depositions**

Week 13 - Due 11/30/14

- **Read Chapter 16 - Settlements**
- **#14 Getting Ready for Trial**
  #15 Draft a Request to Produce Documents
- **Test #K - Chapter 16 - Settlements**

Week 14 - Due 12/7/14

- **Read Chapter 17 - Trial Preparation, Trial, and Appeal**
- **#16 Prepare a Trial Chart**
- **#17 Prepare a Release**
- **Test L - Chapter 17 - Trial Preparation, Trial and Appeal**

Week 15 - Due 12/14/14

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

Week 16 - Due 12/21/14

- **Read Chapter 19 Alternative Dispute Resolution**
- **#19 Prepare a Demand for Arbitration - AAA**
- **Test N - Chapter 19 - Alternative Dispute Resolution**

  updated: 8/21/14

Course Organization: Law 1I is organized into assignments, quizzes, and forum discussions.

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 Etudes Course Management system Carefully read our policies.

The class follows a weekly format. If you click on Assignments/tests in Etudes you will 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://etudes.org

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, 11:559pm, 9/7/14. 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 by 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
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 requiredsubstantial postings.**	**More than the 3substantial 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.

<u>EXPECTATIONS FOR WRITTEN WORK</u>:

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	Procedural history of the case is presented	Some procedural history is presented.	No procedural history is presented.

	proper chronology.	**but chronology is confusing.**		
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**	**Sentence structure, grammar, punctuation are substantially**	**Adherence to rules of writing is poor. Material lacks organization**	**Rules of writing are ignored or misunderstood. No apparent logic to the organization of**

material is logically organized and presented in a clear, concise manner.	**correct. Organization is logical but needs better consistency and clarity.**	**and/or is unclear, making it difficult to understand.**	**the material. Writing lacks clarity.**

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

Students who plagiarize will receive zero credit on the assignment.

Late Assignments **Our "Late Work" Policy is firm.**

Dropping your class/Exclusion: **See important dates for 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.

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

Check Academic Calendar For Important Dates

Website opens Sunday 2/9/14 @ 8 am

Last day to Drop classes with a "W" - Letter grade is required after this date and forward - check specified date in the Academic Calendar

***PLEASE NOTE: This is an earlier and revised deadline. A "W" will appear on your transcript record after this date. This is a new LACCD enrollment limit. The limit is now three times to take a class and includes both substandard grades and withdrawals.**
Drop classes with a "W" - Letter grade is required after this date and forward by specified date

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If you stop attending a class (or wish to drop a class), YOU MUST DROP THE CLASS YOURSELF ONLINE– OFFICIALLY . Failure to do so may result in a grade of "F" in that class.
REGISTRATION INFORMATION Website – http://www.laccd.edu (Student Information System)

Admission Regular Office Hours (Subject to change) Monday and Thursday – 8am-5pm Tuesday and Wednesday – 8am-7pm Friday – 8am-12noon

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New 3 Repeat Rule
IMPORTANT NOTICE
All Students Please Read
Beginning Summer 2012: New 3 Repeat Rule
EFFECTIVE SUMMER 2012, course withdrawal ("W") or a substandard grade ("D," "F," or "NP") count as an attempt at a course. Only three attempts at any one course will be allowed, with some exceptions. Listed below are the new rules that all students need to know about.

• Students who drop or are excluded after the last day to drop without a grade of "W" will have a "W" appear on their transcript. The "W" will count as an attempt for that course.
• For the Falll 2013 semester, September 8, 2013 is the last day to drop a 16-week semester length class without a "W." Students will be able to drop a class online until this date. Contact the office of Admissions and Records for deadlines on late start, short-term and special program classes.
• A course in a student's transcript which currently shows a recorded "W" counts as an attempt for that course.
• Students will not be allowed to register for any course within the LACCD if there are three recorded attempts for that course in any combination of W, D, F, or NP grades.
• Add permits for a course within the LACCD will not be processed if there are three recorded attempts for that course in any combination of W, D, F, or NP grades.
• For courses specifically designated as "repeatable," students may repeat up to three times (See Title 5 California Code of Regulations sections 55040, 55041, 58161).
• Where the student's number of enrollments in a course exceeds the allowable amount, the student may petition for an additional enrollment in cases of extenuating circumstances.

What students should do:
• Be sure you are academically ready for classes you enroll in.
• If you must drop a course, drop before the specifi ed deadline for dropping a class without a grade of "W."

SPECIAL ACCOMMODATIONS

If you require special accommodations for a disability, religious holiday, or any other reason please inform your instructor(s) within the first week of the course and we will accommodate you if at all possible. For accommodations due to disability, you must consult with the Disabled Students Programs and Services Office after which we will abide by their recommendations.

COLLEGE RESOURCES FOR LAMC STUDENTS

Admissions and Records: Students can register for classes, request transcripts, file petitions for graduation, and drop classes at this office. For more information call 818-833-3322 or visit:http://www.lamission.edu/admissions/

Assessment Center: **Offers student assessments in English, English-as-a-Second-Language (ESL) and Mathematics. Please contact the Assessment Center at (818) 364-7613 for more information or visit**http://www.lamission.edu/assessment/

Bookstore: For hours of operation, book availability, buybacks, and other information call 818-364-7767 or 7768 or visithttp://eagleslanding.lamission.edu/default.asp

Counseling Department: For appointments and information call 818-364-7655 or visit http://www.lamission.edu/counseling/

Disabled Students Programs and Services (DSP&S): For appointments, eligibility and information call 818-364-7732 or visit http://www.lamission.edu/dsps/

Extended Opportunity Programs and Services (EOP&S): For appointments, eligibility and information call 818-364-7645 or visit http://www.lamission.edu/eops/

Financial Aid: For information and applications call 818-364-7648 or visit http://www.lamission.edu/financialaid/

Library: For information on hours, resources, workshops, and other services contact 818-364-7106 or visithttp://www.lamission.edu/library/

STEM Office: For information on free tutoring, resources and academic counseling for STEM (Science, Technology, Engineering, and Technology) students visit: http://www.lamission.edu/stem

Tutoring Services in Learning Center: Laboratories for Learning, Writing, Math & Science. Walk-in and appointment services offered. Call 818-364-7754 or visit www.lamission.edu/learningcenter/

Three Attempt Limit

A new state policy in effect as of 2012 limits students to three attempts per course. Receiving a grade or a "W" for a course counts as an attempt, regardless of when the course was taken. Withdrawal by the deadline to avoid a "W" will not count as an attempt.

Updated: 8/21/14