

: Law 11 - Spring 2012 - Syllabus



Paralegal Studies Program

Los Angeles
Mission College

Syllabus

Law 11 - Civil Litigation - 3:00 Units

Spring 2012

Spring 2012 - Section #0318

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/course/view.php?id=1001>

Textbook: ***Fundamentals of California Litigation for Paralegals***, 4th ed.
Marlene A. Maerowitz, Thomas A. Mauet
ISBN: ISBN 9780735587298 - Aspen Publishers

Course Description: Catalog: CSU 3 units. Law 11 is a continuation of Law 10 with a comprehensive study of the composition, location, and jurisdiction of all courts, a study of the production and administration within the judicial structure, a detailed examination of legal research of case law, statutes, and administrative regulations, and an introduction to legal drafting and writing.

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 11 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, February 19, 2012. 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 #0318. 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 Goals/Expectations 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.

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

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 2/5/12 at 6 pm

February 05, 2012 Residency Determination Date for Spring 2012.
February 06, 2012 Day and Evening Classes Begin for Spring 2012.
February 11, 2012 Saturday Classes begin for Spring 2012.
February 17, 2012 - February 20, 2012 HOLIDAYS PRESIDENT'S DAY (COLLEGE CLOSED).
February 21, 2012 Last day to DROP with our incurring fees or with a REFUND for Spring

2012.
March 04, 2012 Last day to DROP without a "W" (No REFUND).
March 09, 2012 Last day to petition for Credit/No-Credit for Spring 2012.
March 09, 2012 Last day to do Section Transfer for Spring 2012.
March 29, 2012 Deadline to petition for Spring/Summer 2012 graduation.
March 30, 2012 CESAR CHAVEZ DAY (COLLEGE CLOSED).
April 02, 2012 - April 09, 2012 SPRING BREAK.
May 06, 2012 Last day to DROP with a "W".
May 26, 2012 Classes end for Spring 2012.
May 28, 2012 - June 04, 2012 FINAL EXAMS FOR SPRING 2012.
May 28, 2012 MEMORIAL DAY(COLLEGE CLOSED).
June 05, 2012 Graduation Day for Spring 2012.

Calendar of Activities

Week 1 - Due 2/12/12

- 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 at <http://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 2/19/12

- Read Chapter 1 (FCLP4 Chp. 1 - pgs. 3-18) - Litigation Overview - see lecture notes -<http://profj.us/26sp/law11/chp1outline.htm>
- #1 summons-forms
- #2 recent-case
- Test #A Summary of pre-trial-procedures

Week 3 - Due 2/26/12

- Read Chapter 2 (FCLP4- Chp. 2 - pgs. 19-60)- Informal Fact Gathering and Investigation -<http://profj.us/26sp/law11/outlinech2.htm>
- #3 Read and Analyze elements necessary to prove slip and fall Alcaraz case - [analyze Alcaraz](#) -[headnotes-summary](#)
- #4 Prepare slip and fall lawsuit
- Test #B Codes Quiz

Week 4 - Due 3/4/12

- Read Chapter 3 (FCLP4 - Chp. 3 - pgs 61-86). - Case Evaluation & Strategy see case evaluation lecture notes
- #5 Unauthorized Practice of law - Alredo case - listen to podcast
- Test #C Draft and submit Dogbite Lawsuit

Week 5 - Due 3/11/12

- no chapter to read
- #6 Case Evaluation Hypothetical and Discuss
- Test D Administrative Remedies and Judicial Review ("Big Beef Lawsuit")

Week 6 - Due 3/18/12

- Read Chapter 4 (FCLP4 - Chp. 4 - pgs. 87-107) Parties and Jurisdiction
- #7 L.A. Superior Court
- #8 Analyze Landmark Jurisdiction Cases
- Test #E Apply your Knowledge to Jurisdiction

Week 7 - Due 3/25/12

- Read Chapter 5 (FCLP4 - Chp. 5,6,7 - pgs. 102-174) - Pleadings
- #9 Pleadings Discussion
- #10 Research Problem
- Test #F Apply your Knowledge to Pleadings
- Test G Necessary elements in plaintiffs' pleadings and defenses

Week 8 - Due 4/1/12

- Read Chapter 6 (FCLP4- Chp. 8 - pgs. 175-192) Law and Motions
- #11 Practice preparing you own motion
- Test H Submit Standard Complaint
- Test I Apply your Knowledge to Law and Motion

Week 9 - Due 4/8/12

- Read Chapter 7 (FCLP4 - Chp. 9, 10 - pgs. 193- 219) - Motions Practice
- #12 Submit your Demurrer - under "assignments" - what is a demurrer? -<http://en.wikipedia.org/wiki/Demurrer>
- Test #J Apply your Knowledge to Motions Practice
- Spring Break 4/9/12 - 4/15/12

Week 10 - Due 4/22/12

- Read Chapter 8 (FCLP4 - Chp. 11 - pgs. 221-242) - Provisional Remedies
 - #13 Discuss problems with the TRO in the Gallo vs. Acuno Case
 - Test #K Apply your knowledge to Provisional Remedies
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Week 11 - Due 4/29/12

- Read Chapter 10 - (FCLP4- Chp. 13,14,15 - pgs. 267-360) Discovery
 - #14 Submit your five (5) interrogatories
 - Test L Apply your Knowledge to Discovery
-

Week 12 - Due 5/6/12

- Read Chapter 11 - (FCLP4 - Chp. 16 - pgs. 361-374) Settlements
 - #15 Calendaring and Fast Track
 - #16 Review Settlement Conference Brief and answer questions
 - Test M Apply your Knowledge to Settlements
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Week 13 - Due 5/13/12

- Read Chapter 12 - (FCLP4 - Chp. 17 - pgs. 375-412) Trial Preparation
 - Read Chapter 13 - (FCLP4 - Chp. 18 - pgs. 413-427) Enforcement of Judgments
 - #17 Read "Getting Ready for Trial" and outline the steps to take in the last 100 days before trial
 - Test N Apply your Knowledge to Trial Preparation and Appeal
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Week 14 - Due 5/20/12

Test O Apply your Knowledge to Enforcement of Judgments

Week 15 - Due 5/27/12

- Read Chp. 14 (FCLP4 - Chp. 19 - pgs. 427-437) - Alternative Dispute Resolution
- Test N Apply your Knowledge to Alternative Dispute Resolution

Week 16 - Due 6/3/12

- TBA
- TBA