

Cerro Coso College

Course Outline of Record Report

05/07/2020

PARAC130 : Civil Litigation and Procedure

General Information

Author (s):	<ul style="list-style-type: none"> Dawn Ward O'Connor, Karen Meehan, Barbara
Course Code (CB01) (CB01) :	PARAC130
Course Title (CB02) (CB02) :	Civil Litigation and Procedure
Department:	Business Information Technolog
Proposal Start:	Fall 2020
TOP Code (CB03) :	(1402.00) Paralegal
SAM Code (CB09) (CB09) :	Clearly Occupational
Distance Education Approved:	Yes
Course Control Number (CB00) (CB00) :	CCC000344842
Curriculum Committee Approval Date:	11/22/2019
Board of Trustees Approval Date:	03/12/2020
External Review Approval Date:	03/12/2020
Course Description:	This course prepares the paralegal student for the civil litigation process and focuses upon the federal and applicable state rules of civil procedure which guide that process. Topics include the steps involved in a civil lawsuit including investigation, filing the complaint, responsive pleadings, discovery, alternative dispute resolution, trial, and various motions. A hypothetical case is used to understand the litigation process.
Submission Type:	Improvement to Program of Study Change to Content
	This course is being revised as part of revision to the Paralegal Program. The course is currently offered as a two-part sequence with PARA C130 and C140 Civil Litigation and Procedure I & II. Two separate courses are not necessary to cover the information. One semester is sufficient to cover the material. In order to reduce required units and help with completion, it was approved by the advisory committee to reduce this area of study into one course - PARA C130 Civil Litigation and Procedure. The course description, SLOs, and outline have been revised to bring in the information from PARA C140. CATALOG NOTE: This course is revised and combines the prior PARA C130 and PARA C140 into one course. Students taking this course Fall 2020 or later do not need to take PARA C140. PARA C130 was last assessed SPRING 2019. The assessment did not influence the revisions. It is being revised overall for the program changes.

Faculty Minimum Qualifications

Master Discipline Preferred:	<ul style="list-style-type: none"> Law
Alternate Master Discipline Preferred:	No value
Bachelors or Associates Discipline Preferred:	<ul style="list-style-type: none"> Legal Assisting (Paralegal)
Additional Bachelors or Associates Discipline:	No value

Course Formerly Known As

Course Formerly Known As
 PARA C130 Civil Litigation and Procedure I

Course Development Options

<p>Basic Skills Status (CB08) (CB08) Course is not a basic skills course.</p> <p><input type="checkbox"/> Allow Students to Gain Credit by Exam/Challenge</p> <p>Rationale For Credit By Exam/Challenge No value</p>	<p>Course Special Class Status (CB13) (CB13) Course is not a special class.</p> <p>Allowed Number of Retakes 0</p> <p>Retake Policy Description Type: Non-Repeatable Credit</p>	<p>Grade Options</p> <ul style="list-style-type: none"> • Pass/No Pass • Letter Grade methods <p>Course Prior to College Level (CB21) Not applicable.</p> <p><input checked="" type="checkbox"/> Allow Students To Audit Course</p>
--	---	--

Associated Programs

Course is part of a program (CB24)

Associated Program	Award Type
CC Paralegal Studies --	Certificate of Achievement
CC Paralegal Studies	A.S. Degree Major
Paralegal Studies Certificate of Achievement	Paralegal Studies Certificate of Achievement
Paralegal Studies Associate in Science Degree	Paralegal Studies Associate in Science Degree

Transferability & Gen. Ed. Options

<p>Transferability Transferable to CSU only</p>	<p>Transferability Status Approved</p>
---	--

Units and Hours

Summary

Minimum Credit Units (CB07) (CB07)	3	Total Course In-Class (Contact) Hours	54	Total Student Learning Hours	162
Maximum Credit Units (CB06) (CB06)	3	Total Course Out-of-Class Hours	108	Faculty Load	-

Credit / Non-Credit Options

Course Credit Status (CB04) (CB04)	Course Non Credit Category (CB22) (CB22)	Non-Credit Characteristics
Credit - Degree Applicable	Credit Course.	No value

Course Classification Code (CB11) (CB11)	Funding Agency Category (CB23) (CB23)	<input type="checkbox"/> Cooperative Work Experience Education Status (CB10) (CB10)
Credit Course.	Not Applicable.	
<input type="checkbox"/> Variable Credit Course		

Weekly Student Hours

	In Class	Out of Class
Lecture Hours	3	6
Lab Hours	-	-
Activity Hours	-	-

Course Student Hours

Course Duration (Weeks)	18
Hours per unit divisor	54
Course In-Class (Contact) Hours	
Lecture	54
Lab	-
Activity	-
Total	54
Course Out-Of-Class Hours	
Lecture	108
Lab	-
Activity	-
Total	108

Time Commitment Notes for Students

No value

Faculty Load

Extra Duty: -

Faculty Load: -

Units and Hours - Weekly Specialty Hours			
Activity Name	Type	In Class	Out of Class
No value	No value	No value	No value

Requisites
<p>Prerequisite</p> <p>PARAC112 - Legal Research & Writing I</p> <p>Students must apply correct methods of legal research and analysis to civil litigation and procedure including locating and applying the federal and state rules of civil procedure.</p> <p>AND</p> <p>Advisory</p> <p>ENGLC101 - Freshman Composition</p> <p>In this course, students must employ many of the skills covered in English 101 in order to prepare legal documents. Specifically, students will need to demonstrate college-level vocabulary and reading comprehension; critical reading; analysis and critique of complex material; synthesis of university-level sources; and proper documentation format.</p>

Entrance Skills	
Skill	Content Review
No value	No value

Limitations on Enrollment	
Limitation	Provide Rationale
No value	No value

Specifications	
Methods of Instruction	Methods of Instruction Rationale
Discussion	

The primary subject matter for discussion prompts for the online or on-ground classes will be the same.

Online: Students will participate in weekly discussions. Students will post one individual initial posting per week and reply to a minimum of two classmates. The instructor will also participate in the board and student replies. For example, the instructor may rotate through one-half of the class each week to reply to all students equally throughout the course.

On-ground: Students will participate in class discussions with the instructor or/and fellow students.

Lecture	Online: Lecture will be give via audio PowerPoint or instructor written lecture notes in line with the PowerPoint. On-ground: Face to face lecture using similar material for online.
Written work	The students will complete weekly assignments from the textbook and those created by the instructor based upon the materials covered in the readings. Assignments will be similar for online and on-ground.
Instruction through examination or quizzing	Student will complete quizzes and examinations within the courses (online and on ground).

Assignments

- A. Reading - will include course text and selected readings with discussions.
- B. Discussion, students and instructor interact On-Line in conjunction with legal readings of substantive and case law. Students are presented legal questions for research, comment, opinion, and discussion with other students/instructor.
- C. Examination (multiple choice, true and false, and short answer), Short Answer Questions based on law application (procedural and substantive).
- D. Other assignments include homework and projects based upon weekly readings.

Methods of Evaluation

Methods of Evaluation Rationale

Tests	Examination - Examination will be by multiple-choice, matching or short answer questions. Additional questions posted for student to write answers to case law evaluation, law application, or research into hypothetical scenario.
Homework	The students will complete weekly assignments from the textbook and those created by the instructor based upon the materials covered in the readings. Assignments will be similar for online and on-ground. A sample assignment could include: For this week, you need to review the information within the Chapter Project section regarding the <i>Bennett Case</i> and the <i>Dougllass case</i> . Pay special attention to the requirements in the book and instructions given below. Each section is worth 50 points. <u>The <i>Bennett Case</i></u> Using Exhibit 6-3 as an example, prepare the Written Stipulation for an extension of time and use of e-mail or fax service to be filed with the court as outlined in the facts of the assignment. Remember we are filing in the U.S. District Court for the Southern District of New York. You must draft the pleading in accordance with the local court rules. (See prior week 11 for the rules). Make sure all parts of the stipulation are included on the one documents as in Exhibit 6-3 (caption, intro, body, signature lines, order). <u>The <i>Dougllass Case</i></u>

In our last assignment we drafted the Complaint for Jessica Hewitt. Now we are changing sides and drafting the Answer for our client Douglass Financial Services. Remember that Ms. Hewitt has filed in the Los Angeles Superior Court, so we must reply to the same court. You must use the California statutory forms to complete this assignment. You must prepare the answer with any appropriate cause of action forms (these are the same used forms that could be used on a complaint) and affirmative defense to the Complaint filed by Jessica Hewitt because based upon the fact Douglass believes she contributed to the accident.

Ms. Hewitt has already named Evan Portman and Creative Catering as defendants in her Complaint, so you must prepare the Cross-Complaint against each of the co-defendants. Douglass Financial believes they should be indemnified or in the least the other defendants are contributorily negligent relating to the injuries.

The individual forms must be completed as pdf or word files. Your assignment must be submitted as a word, doc/docx, or pdf. Your assignment is due by 11:59p.m. Sunday. Give yourself plenty of time to complete the assignment.

Participation

The primary subject matter for discussion prompts for the online or on-ground classes will be the same.

Online: Students will participate in weekly discussions. Students will post one individual initial posting per week and reply to a minimum of two classmates. The instructor will also participate in the board and student replies. For example, the instructor may rotate through one-half of the class each week to reply to all students equally throughout the course.

On-ground: Students will participate in class discussions with the instructor or/and fellow students.

A sample discussion forum could include:

Review the Nguyen case commentary at the beginning of chapter 3. The attorney has decided to take the case and has asked you to do a follow up interview with the client to make sure he has all the information the attorney needs before filing. Remember you cannot give legal advice but you can discuss procedural details and basic information. At the end of the interview Ms. Nguyen asks you the makes the following inquiries:

- Do you think I have a good case? Do you think I will get a large settlement? I would really like your opinion.
- Should I take photos of the scene of the accident?
- How long will the case take if we have to go to trial?
- What are my court costs for filing?

Respond to the following prompts for your discussion post.

1. Which questions, if any, can you ethically answer for the client? Why or why not? Explain.
2. State in your own words how you would respond to the questions. You may do so individually or at the same time. Just make sure your posting clearly addresses each inquiry.

You must post your initial response by 11:59p.m. Thursday. You must reply to a minimum of two classmates by 11:59p.m. Sunday.

Distance Education Description: how outcomes are evaluated

Assignments for the online course are in line and similar to the assignments that are offered on ground. The SLO's are assessed through rubric and objective assignments such as discussion boards, exams, and homework.

Equipment

none

Textbooks

Author	Title	Publisher	Date	ISBN
Kerley, P. , J. Banker Hames & P. Sukys.	Civil Litigation, 8th	Delmar-Cengage Learning	2018	ISBN-13: 9781337798839

Other Instructional Materials

No Value

Materials Fee

No

Learning Outcomes and Objectives**Course Objectives**

No value

CSLOs

Outline the main steps in a civil lawsuit. Expected SLO Performance: 75.0

Determine the correct jurisdiction and venue for a court case. Expected SLO Performance: 75.0

Outline the steps used to investigate and determine whether a client has a valid cause of action. Expected SLO Performance: 75.0

Apply the federal and/or state rules of civil procedure and evidence, including any applicable local court rules. Expected SLO Performance: 75.0

ISLOs Students who are completing a program will be able to think critically and creatively and apply reasoning.
Core ISLOs

Prepare various legal documents such as complaints, responsive pleadings, discovery, and motions. Expected SLO Performance: 75.0

ISLOs Students who are completing a program will be able to access, evaluate, and effectively use information.
Core ISLOs

Describe the various stages of alternative dispute resolution (ADR), including how to determine the most appropriate form of ADR and their advantages and disadvantages. Expected SLO Performance: 75.0

Outline

Outline

A. Introduction to Civil Procedure

1. The main phases of a lawsuit
2. Role of the paralegal
3. Terminology
4. Ethics
5. Attorney fees and time keeping
6. Keeping your calendar and meeting deadlines
7. Communication with the client

B. The Court System

1. Federal courts
2. State courts
3. Appellate courts
4. Jurisdiction
5. Venue

C. Rules of Civil Procedure

1. Federal
2. State
3. Local

D. Preliminary Considerations and Procedures

1. Federal/State Rules of Evidence
2. Investigation and interviewing techniques
3. Legal research
4. Meeting with the client
5. Determining the cause of action(s)

E. Court Documents

1. Complaint
2. Answer and other responsive pleadings
3. Motions
4. Default Judgment

F. Filing Requirements and Procedures

1. Service of Process
2. Failure of Service
3. Statute of Limitations
4. Default Judgment
5. e-filing

G. The Discovery Process

1. Nature and extent of discovery
2. Interrogatories
3. Depositions
4. Request to Produce
5. Request to Admit
6. Request for Physical and Mental Examinations
7. Ethical duty to supplement
8. Electronically Stored Information (ESI)
9. Keeping track of deadlines
10. Sanctions and "Meet and Confer" requirements

H. Alternatives to Trial

1. Settlement
2. Alternative Dispute Resolution
 - a. Negotiations
 - b. Mediation
 - c. Arbitration

- d. Court ordered
- e. Other forms
- 3. Consent Agreements
- 4. Dismissal
- 5. Motion for Summary Judgment

- I. Trial
 - 1. Trial preparation and pretrial motions
 - 2. *Voir Dire*
 - 3. Opening statements
 - 4. Presentation and admission of evidence
 - 5. Witnesses
 - 6. In trial motions
 - 7. Closing argument
 - 8. Jury instructions and deliberation
 - 9. Post trial motions
 - 10. Distinctions for a Bench Trial or Trial to the Court (no jury)

- J. Judgments
 - 1. Collections
 - 2. Garnishment
 - 3. Liens
 - 4. Motions
 - 5. Contempt

- K. Appellate Process
 - 1. Notice of Appeal
 - 2. The Appellate Briefs and Reply
 - 3. Oral arguments
 - 4. Calculating dates for filing

Delivery Methods

Delivery Method: Please list all that apply -Face to face -Online (purely online no face-to-face contact) -Online with some required face-to-face meetings ("Hybrid") -Online course with on ground testing -iTV – Interactive video = Face to face course with significant required activities in a distance modality -Other

- Face to face
- Online (purely online no face-to-face contact)
- Online with some required face-to-face meetings ("Hybrid")
- iTV – Interactive video = Face to face course with significant required activities in a distance modality

Rigor Statement: Assignments and evaluations should be of the same rigor as those used in the on-ground course. If they are not the same as those noted in the COR on the Methods of Evaluation and out-of-class assignments pages, indicate what the differences are and why they are being used. For instance, if labs, field trips, or site visits are required in the face to face section of this course, how will these requirements be met with the same rigor in the Distance Education section? Describe the ways in which instructor-student contact and student-student contact will be facilitated in the distance ed environments.

All paper assignments are identical to those in an onsite class except that they are submitted by "submission box" within the Learning Management System (LMS). Weekly class discussions are conducted by means of online weekly discussion forums within the LMS. Quizzes and exams will also be uploaded to the LMS and the student will take the quiz/exam through the LMS platform, however, content will be identical to any on-site courses. The instructor is responsible for providing feedback to the discussion within the discussions each week and also through grading feedback. Some instructors use rubrics, which are also stated in the syllabus, to grade course work and discussion forums but rubrics are not required and the need will vary by assignment. Objective answers would not require a rubric.

Outcomes are assessed. See Methods of Evaluation.

Faculty maintains regular and effective contact with students online through participation in discussion board forums, course announcements, annotated feedback comments on graded assignments, office hours, and responding to student inquiries via email, "ask the instructor" forum, phone or Zoom video conferencing. These same contacts would be provided face-to-face or via emails or announcements in hybrid courses.

Online students have regular contact with each other through the required weekly discussion boards. The students are required to post an initial response each week and reply to a minimum of two of their classmates. Students can also communicate with each other through email or LMS Inbox.

Good practice requires both asynchronous and synchronous contact for effective contact. List the methods expected of all instructors teaching the course. -Learning Management System -Discussion Forums -Message -Other Contact - Chat/Instant Messaging -E-mail -Face-to-face meeting(s) -Newsgroup/Discussion Board -Proctored Exam -Telephone -iTV - Interactive Video -Other

- Discussion Forums
- Message
- E-mail
- Face-to-face meeting(s)
- Newsgroup/Discussion Board
- Telephone
- iTV - Interactive Video

Software and Equipment: What additional software or hardware, if any, is required for this course purely because of its delivery mode? How is technical support to be provided?

none needed

Accessibility: Section 508 of the Rehabilitation Act requires access to the Federal government's electronic and information technology. The law covers all types of electronic and information technology in the Federal sector and is not limited to assistive technologies used by people with disabilities. It applies to all Federal agencies when they develop, procure, maintain, or use such technology. Federal agencies must ensure that this technology is accessible to employees and the public to the extent it does not pose an "undue burden". I am using -iTV—Interactive Video only -Learning management system -Publisher course with learning management system interface.

- Learning management system
- Publisher course with learning management system interface.

Class Size: Good practice is that section size should be no greater in distance ed modes than in regular face-to-face versions of the course. Will the recommended section size be lower than in on-ground sections? If so, explain why.

Same on ground and online