

Recommended Order of Reading Assignments

Litigation by the Numbers®

and

California Civil Litigation and Discovery

The purpose of this list is to illustrate how our two books are intended to work together. It is not a full list of topics. Generally, *California Civil Litigation and Discovery* ("CCLD") focuses on substance; *Litigation by the Numbers®* ("LBTN") on procedure. Some topics are covered in both books, some only in one. Depending upon the length and focus of the course, the instructor may wish to eliminate topics, devote several class sessions to individual topics, or rearrange topics.

Note: For Chapter 2, instructors may use a PowerPoint video narrated by Julie A. Goren, entitled "Calendaring in State Court: Steps and Traps for the Unwary" in lieu of lecture. See a preview here: <http://www.litigationbythenumbers.com/seminars>. Contact us about accessing the full version to show in class for free; it is not to be disseminated to students.

1. CCLD - Chapters 1-6 - Introduction and Pre-Litigation

- Paralegal defined/regulations, billable hours
- Court systems and sources of law
- Overview of civil litigation and the paralegal's role
- The pre-litigation stage of the civil lawsuit - interviewing client, investigating facts, identifying parties, standing, capacity, personal and subject matter jurisdiction, venue, considering causes of action, statutes of limitation

2. A. CCLD - Chapter 7 - Commencing the Lawsuit (drafting, filing, and serving the complaint from a substantive view)

- Parts of the complaint
- Jurisdictional, general, specific allegations
- Constitutional bases for service of summons and service methods

B. LBTN - Chapter 1 – Appearance By Plaintiff

- Preparing the complaint (parts and format, including format for eFiling) and accompanying forms
- Filing with the court (eFiling and hard copy filing)

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- Detail on each service of process method and step-by-step preparation of Proof of Service of Summons

3. LBTN, Chapter 2 - Filing, Service, and Calendaring [of subsequent documents throughout the case] and Appendix "E" - Calendar of California Court Holidays

- Service of documents and triggering deadlines
- Extensions of time based upon service method (mail, fax, overnight, eService)
- Preparing proof of service
- Calendaring in California State Court - step-by-step instructions on applying the codes and rules to calendar deadlines, e.g., when to start counting, calendar vs. court days, holidays, extensions for service method, application of C.C.P. § 12c.

(See Note page 1 re showing PowerPoint video narrated by Julie A. Goren, entitled "Calendaring in State Court: Steps and Traps for the Unwary," in lieu of lecture.)

4. A. CCLD, Chapter 8 - Default by Defendant

B. LBTN, Chapter 3 - Default by Defendant

- Requesting entry of default and entry of default
- Obtaining default judgment from clerk
- Obtaining default judgment from court

5. A. CCLD, Chapter 9 - Appearance By Defendant; Chapter 10 - Amending Pleadings

- Motion to quash; answering the complaint, attacking the complaint (demurrer, motion to strike)
- Cross-complaints
- Amending the complaint

B. LBTN, Chapter 4 - Appearance By Defendant; Chapter 6 - Motions (focus on demurrer and motion to strike samples)

- Preparation, filing, and service of answer
- Preparation, filing, and service of cross-complaint (against plaintiff vs. against new defendant)
- Demurrers and motions to strike

6. A. CCLD, Chapters 11-17 - Discovery (in general and each type)

- Discovery in General - purpose, scope, discovery plans, privileges, advantages and disadvantages of various methods
- Depositions - including preparation of deposition summaries
- Interrogatories)
- Inspection and Production of Documents) drafting hints for requests,
- Requests for Admission) objections, and responses
- Physical and Mental Exams
- Expert Witness Discovery

B. LBTN, Chapter 5 - Discovery (focus on format, restrictions on number, deadlines, and waivers of rights)

- Discovery and discovery motion cut-off dates
- Depositions - noticing, preparation, and service of required documents for depositions of parties and non-parties, with or without documents, including consumer records
- Interrogatories, requests for admission, document demands, expert witness discovery
- Deadlines and requirements for motions to compel further responses

7. A. CCLD, Chapter 18 - Motions

- Focused on purpose, strategy
- Includes motion for judgment on the pleadings and their bases
- Advantages and disadvantages of MSA's

B. LBTN, Chapter 6 - Motions; Appendix "C" - How to Type Citations

- Noticing motions with focus on calendaring and compliance with C.C.P. §12c
- Formatting each part of a motion (regular motion, *ex parte* application, MSJ's, MSA's, demurrers, motions to strike)
- Deadlines and page limitations for motions, oppositions, and replies
- Meet and confer requirements
- Arranging telephone appearances

8. A. CCLD, Chapter 19 - Alternative Dispute Resolution

- Arbitration - non-judicial, judicial, rules, determining award
- Mediation - advantages, procedure
- Settlement conferences; C.C.P. § 998 offers

B. LBTN, Chapter 8 - Settlement and Dismissal

- Form and deadlines for C.C.P. § 998 offer
 - Settlement and release
 - Forms and requirements for notifying court of settlement (conditional settlements vs. unconditional settlements)
 - Procedure for postponing dismissal where parties need more time to complete settlement
 - Forms and deadlines for dismissing case
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9. A. CCLD, Chapter 20 - Trial Preparation and Trial

- Jury trial, bench trial
- Jury selection, jury instructions
- Phases of trial
- Post-trial motions

B. LBTN, Chapter 7 - Pre-Trial Procedures

- Case management - statement and conference
 - Subpoenaing witnesses with and without documents
 - Jury instructions
 - Trial-related calendaring
 - Expedited Jury Trials - rules and forms
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10. CCLD, Chapter 21 - Appeals

11. A. CCLD, Chapter 22 - Enforcement of Judgment (basic methods)

B. LBTN Chapter 9 - Enforcement of Judgment (forms and deadlines)

- After jury trial
 - After trial by court - tentative decision, statement of decision, proposed judgment
 - Costs of suit
 - Enforcement - liens on real estate, levying on personal property
 - Judgment debtor exams
 - Recouping enforcement costs
 - Satisfaction of judgment
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