

Law in Action: Civil Litigation

Class Policies and Assignments

COURSES COVERED: Civil Procedure I and II
Torts I and II

REQUIRED TEXTS: Freer & Perdue, Civil Procedure Cases, Materials & Questions (6th Ed.)
Manning, Torts: A Context and Practice Casebook
Federal Rules of Civil Procedure (you may purchase a supplement or print the necessary rules from an online source)

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Please read this document very carefully—as a lawyer would. You will be held accountable for knowing all of the information contained in this document.

Law in Action: Civil Litigation is designed to take advantage of the natural synergy between Civil Procedure and Torts, the combination of which enhances student learning of both topics. Civil procedure is often difficult for students to understand in a vacuum. It also inevitably is intertwined with other substantive topics, and yet it is rarely taught with reference to the substance of the non Civil Procedure topics. Torts exists almost entirely within the constructs of the civil system and is primarily a civil litigation based topic, and yet it is usually taught without reference to the litigation context within which it occurs. Teaching the courses in combination helps students see how the law fits together. More specifically, using civil procedure to accomplish objectives such as obtaining evidence or prevailing in a lawsuit via a motion, helps you understand how civil procedure unfolds in a case. It removes the theoretical and replaces it with concrete understanding. Your learning of both subjects—Civil Procedure and Torts—is enhanced because you will be able to see how the topics work in real life— together.

With this combination course you will be better able to place what you are learning in the context of a lawsuit, you will develop a greater understanding of how a lawsuit is constructed, and you will be better able to apply what you learn, making you better prepared for law practice.

Why this course may be different from other courses:

Recently, the Carnegie Foundation published *Educating Lawyers: Preparation for the Practice of Law* and the Clinical Legal Education Association published *Best Practices for Legal Education*. Both were in-depth efforts to assess the effectiveness of modern legal education, and both concluded that legal education fell quite short of its goal of educating law students and

preparing them for the practice of law. According to both reports, some of the key reasons for this failure are: (1) law professors' rigid adherence to the case method, Socratic dialogue, and use of a single teaching method; (2) the inadequacies of law school assessment mechanisms; and (3) the absence of law school instruction aimed at teaching law practice skills and professional values. These reports cited to and relied on the wealth of educational research about how people learn and made suggestions for improving legal education. This course aims to follow many of the suggestions outlined in those reports, as well as the research on human learning, and is designed with these best practices in mind.

Additionally, the State Bar of California, in an effort to address the disconnect between law school and law practice will soon require law schools to provide a minimum of 15 units of professional skills instructions, aimed at preparing students to be "practice-ready" upon graduation. This course is designed to fulfill those requirements—and to prepare you for the practice of law.

Our Fundamental Expectations:

We expect you to:

- have fun (the research on learning shows that students learn more in class when they feel like class is fun);
- care as passionately about your learning as we do;
- treat the class as a professional obligation;
- impose high expectations on us, on yourself, and on your peers;
- be respectful to us and your peers;
- develop skills that will help you be a better lawyer;
- discover for yourself why Law in Action: Civil Litigation is the single most exciting course in law school!

Course Goals:

- Values
 - Demonstrate respect for other students, staff and faculty;
 - Develop an attitude of cooperation with students, faculty, lawyers, and judges;
 - Demonstrate honesty, reliability, responsibility, judgment, self-motivation, hard work, professionalism and critical self-reflection.
- Skills
 - Think strategically about problems—consider the law, facts, client needs, wants and emotions, and potential legal, monetary, physical and psychological ramifications
 - Identify relevant facts in cases, class discussion, simulated exercises and on examinations, and be able to use facts to support a position, evaluate a claim and identify potential alternatives;

- Present an effective oral argument
 - Advocate for a client's position
 - Develop effective client communication skills
 - Generate potential solutions to client problems, and understand the relative merits of each solution
 - Investigate facts, including preparing for and taking depositions and conducting discovery
 - Understand the necessary steps to prepare a civil case for trial
 - Draft civil litigation documents;
 - Know when and how to employ procedural devices;
 - Articulate policy arguments to convince a court to adopt, extend or modify a rule of law and/or to demonstrate the soundness of a conclusion on an examination;
 - Demonstrate in writing how lawyers solve problems—by understanding what laws they use, how they apply the law to new facts, and how they use those facts to make arguments to judges or juries;
 - Identify legal issues when presented with a client problem or examination question;
 - Respond to an exam question using an IRAC format;
 - Apply and analyze the law of torts and civil procedure.
- Knowledge/Content Goals:
 - Develop knowledge of the civil system, including how tort claims are litigated;
 - Recognize documents used by practitioners engaged in civil litigation and understand the purpose or context for using such documents;
 - Know the elements of each of the torts and defenses covered during the course of the semester and the definitions for each of those elements;
 - Know the requirements for each of the procedural devices covered during the course of the semester, when to use the devices and how those devices are employed
 - Understand the policies underlying tort law and civil procedure and be able to apply those policies to new situations to reach a reasoned conclusion.

Teaching and Learning Methods used in this course:

- Reading background material
- Oral and Written Exercises
- Reading and briefing cases
- Lecture
- Reviewing and drafting documents used by practitioners
- Writing assignments
- Small group quizzes and other exercises
- Whole class, small group and team discussion and problem solving
- Simulations

Professional Engagement:

As you may know, you are creating your professional reputation in the law. Accordingly, please behave as the best attorneys do. This includes paying attention and listening to what others say, as well as working with others to collectively learn the material.

Please be prepared for class and be ready to work. Please listen to others, avoid dominating the discussion, take the initiative to improve your skills, take risks and be resourceful.

Please seek help when you realize you need it or when recommended. Please show up every day on time and stay in class the whole time.

When you are assigned to work in teams, everyone in the team has the responsibility of making sure that the team works together effectively and efficiently.

Professional engagement includes:

- **Resourcefulness.** If you have problem, first try to figure out a way to solve it.
- **Taking appropriate risks.** For some this means volunteering to speak in a class. For others it is the risk of being silent and not leading a discussion. It may mean admitting you are off track or that you need help with an aspect of the course.
- **Behavior in class.** Be respectful of others by encouraging others to talk during group work. Listening is an enormous part of effective lawyering. If you finish an exercise early or before others, ask for feedback or work on other aspects of the course. Arrive early and be ready to work, and be engaged during the entire class session—it is important not to disrupt others learning, or the class session, by doing things like eating during class or leaving to use the restroom.
- **Electronic Device usage.** Using a computer, smartphone, tablet or any other electronic device in a way that does not support your learning in this course (texting, twitter, facebook, email, on-line shopping, etc.) will be considered an absence.
- **Attitude.** Have a positive approach to working with others. If you have a complaint, including one about the course, voice it directly, in person to those that are involved (and be prepared to offer a solution).
- **Timeliness.** Complete and turn in all work on time.
- **Attention to work product.** Be thoughtful about what you say and what you turn in.
- **Growth.** If you have received feedback on an assignment, try to understand and use it. If one approach doesn't work, try another—and reflect on what works. Struggle with analyzing a problem before asking about it or giving up—but also remember to ask questions when your struggle doesn't produce the results you hope for.
- **Perseverance.** A student that does not give up, but keeps working to develop his or her skills, regardless of where he or she is, is acting professionally.

Preparation:

Legal education is a cooperative venture, and lawyers must be able to orally communicate their ideas. Class participation therefore is a mandatory part of this course. Please note there is a significant difference between being unprepared and being unable to “answer” a question. You do not need to be an expert, but you must read and think about the assigned materials, prepare answers to assigned exercises, complete assigned work and be ready to engage and discuss this work and your thoughts with others. **If you are not prepared for some classes we may ask you to leave, because we will be discussing materials related to assignments and it is only appropriate to have the discussion with students who have already completed the assignment.**

You should stay sufficiently ahead on your assignments to ensure your readiness to participate for each class. Neither the assertion that you did not anticipate the class or group getting so far, nor that you read the assignment too long ago to remember it will excuse a failure to be prepared. You will not be deemed unprepared simply because you venture an incorrect answer in class (unless, of course, your answer reflects inadequate preparation). In some limited circumstances, such as an emergency or crisis, you may be excused from participating if you request an excuse **prior to the commencement of class** (subject to professor approval). Aside from the above-referenced excuse, there is no such thing as an excused failure to be prepared.

Attendance:

As required by the American Bar Association, the body that accredits law schools, class attendance is mandatory. I understand that this may differ from what you have been used to in your undergraduate or other graduate education. Please inform me of actual or anticipated excessive absences (more than 2 classes). Excessive absences may result in your grade being lowered and/or in your receiving a failing grade in the course. If you come late to class, or leave for an extended period of time during class, that will count as an absence for that day. Additionally, a student who has missed more than three classes may be prohibited from sitting for the exam or receiving credit for the course. If you are concerned about your absences or ability to meet this policy, please let me know as soon as possible, so we can work through any problems.

Course Grading:

- ***Class preparation and participation (10% of grade):*** You must complete all assigned preparation activities and have completed all assigned readings and problems prior to coming to class. Each time you cannot contribute to the class discussion of a case or problem or fail to hand in (on time) a complete version of an assignment, you will lose points for class preparation and participation and your grade will be reduced accordingly. **Please bring a copy of your answer to each of the assigned exercises. We will periodically collect your answers to these problems.**

- **Team Contribution (20% of grade):** This course uses the strategy of team-based learning, which has been used for over 30 years and is implemented in 23 countries across a wide range of disciplines, including medicine, business, science, technology, and many others. Teams mimic the professional environment you will be entering and help develop essential lawyering skills. In practice, you will frequently work with others to serve your clients effectively. You will work with lawyers, clients, consultants, court and agency staff, and assistants. Studies have shown that, across all disciplines, the ability to work well with others is as important to success as substantive expertise. Team-based learning develops the skills and values necessary for law practice, while also allowing you to apply class materials and get immediate feedback on your analysis.

You will form heterogeneous teams at the beginning of the course. In this course, you will be working in teams of three to five students; these teams will last the entire semester. Teams will be assigned during the first week of the semester. Teams will develop and refine team contribution guidelines, and assess how well each member of the team contributes at various points in the semester. Throughout the course you will be assigned problems and exercises to work on in your teams. One half of the grade for this section will be assigned based upon the work that the team produces. The other half of this grade will be based upon your contribution to your team's efforts as set out in the evaluations submitted periodically by your own team members and my observations during class sessions. We expect each team to work together effectively and efficiently; each team member is responsible for seeing that the team achieves these goals.

Team-based learning has two major components: individual out-of-class preparation and in-class teamwork focusing on applying the materials prepared out-of-class on exercises.

If you have a problem with your team, try to work it out. The biggest reason that teams do not function effectively is that team members avoid conflict. To promote conflict resolution, you will establish team contribution guidelines first, and then check in with the team every few weeks to see if all of you are following the guidelines. Be aware that most teams take about 4-6 weeks to become truly effective. Be patient, keep the lines of communication open, and come talk to us if you have questions or concerns. You may have addressed conflicts between teammates effectively in your previous work, service, academic, and extracurricular experiences. Address the issue with your team as you would in a professional office. Consider how you would want to hear the message if your behavior was a challenge for your teammates. If the problem is not resolved using the team contribution guidelines, talk to us, and we can suggest ways for you and your teammates to work through the problem. In the rare case of alleged student misconduct, one of us will likely intervene.

Though each teammate will assign points to his or her team members, and evaluate your performance, we consistently monitor teams to observe

professionalism. If there is evidence that a team member is awarding points (high or low scores) without proper justification, we reserve the right to nullify the team points and award a substitute grade entirely within my discretion. Awarding such a grade is not a preferred option, as it indicates that the team was unable to work professionally.

- **Midterm Examination (20% of course grade):** Three hour examination (which may include some combination of short answer, essay/performance and multiple choice questions) dealing with the main topics covered during the first half of the semester.
- **Final Examination (50% of grade):** Six hours, in two three hour blocks. The final exam may include short answer, essay/performance and multiple choice questions.
- **Penalty for Falsifying Assignments.** A student who falsifies any exercise, required or optional, will receive an F in the class and will have her or his name reported to the state bar where he or she is planning to sit for the bar. This includes, but is not limited to, submitting work of another as your own.

- **Office Hours, Appointments and E-mail:**

Students may use office hours to address their concerns and confusion regarding any of the course material or for other guidance.

- **Professor Manning:** You may make an appointment by signing up on the sign-up sheets posted each week on the bulletin board outside my office, on the second floor. A new sheet is posted at the end of each week. Additionally, I will arrive to class several minutes before the scheduled start of class, and I do take questions at such times; when possible, I also stay after class to answer questions. Unfortunately, due to the large volume of emails I receive, questions posed by e-mail will not always elicit an immediate response—know that I make every effort to respond to email as soon as I am able, but if you need a more immediate response, you may text me using the cell phone number provided to you on the first day of class. If you have questions about the course or course material please post them to the course webpage (see below).
- **Professor Williams:** You may make an appointment by signing up on the sign-up sheets posted each week outside my office door, on the first floor. A new sheet is posted each week. Additionally, I will arrive to class several minutes before the scheduled start of class, and I do take questions at such times; when possible, I also stay after class to answer questions. If the spots are filled, please e-mail me directly and I will do my best to accommodate everyone.

- **Course Web Page:** Law in Action: Civil Litigation has its own webpage on TWEN. The password is “_____”.

Please get into the habit of checking TWEN frequently for new postings. We will post

assignments, preparation questions, announcements, this packet, and other information and materials on the site. TWEN also gives us the ability to easily communicate with one another through discussion forums where we will continue and clarify the classroom conversation, ask and answer questions as they arise, and appraise one another of relevant items of interest we may come across in the news or elsewhere. **If you have a question, comment or interesting thought, please post it to the TWEN discussion board, rather than send an email.** We will wait for other students to respond, and then, if there is no response, or if we have something to add to the response, we will post our responses to the discussion board. Other than very personal questions, all questions should be directed first to TWEN, rather than to email. It allows you to work collaboratively with others, ensures that if everyone has a question or confusion it will be readily apparent to us, and it means that others will have the benefit of having thought about any questions that are asked.

***Adjustment for Extraordinary Course Webpage Participation:** We may adjust your final course grade for extraordinary Course Webpage participation as follows: We will adjust up to two-tenths upward (e.g., from a 3.0 to a 3.2) the grades of students whose efforts are extraordinary. To achieve this “extraordinary” standard, students must volunteer to participate frequently on the webpage and must contribute ideas and analysis that reflect original and valuable insight.*

- **Disability Services:** Western State College of Law provides accommodations to qualified students with disabilities. The **Disabilities** Services Office assists qualified students with disabilities in acquiring reasonable and appropriate accommodations and in supporting equal access to services, programs, and activities at Western State College of Law.

To seek reasonable accommodations, a student must contact Senior Assistant Dean Donna Espinoza, Student Services Director and Disabilities Services Coordinator, whose office is in the Second Floor Students Services Suite. Dean Espinoza’s phone number and email address are: (714) 459-1117; despinoza@wsulaw.edu. When seeking accommodations, a student should notify Dean Espinoza of her or his specific limitations and, if known, her or his specific requested accommodations. Students who seek accommodations will be asked to supply medical documentation of the need for accommodation. Classroom accommodations are not retroactive, but are effective only upon the student sharing approved accommodations with the instructor or professor. Therefore, students are encouraged to request accommodations as early as feasible with Dean Espinoza to allow for time to gather necessary documentation. If you have a concern or complaint in this regard, please notify Dean Espinoza; or please notify Associate Dean of Students Charles Sheppard at csheppard@wsulaw.edu or (714) 459-1152. Complaints will be handled in accordance with the College of Law’s “Policy against Discrimination and Harassment.”

- **Academic Misconduct Policy:** All students are expected to conduct themselves appropriately and ethically in their academic work. Inappropriate and unethical behavior includes (but is not limited to) giving or receiving unauthorized aid on examinations or in

the preparation of papers or other assignments, or knowingly misrepresenting the source of academic work.

- **Assignments:** Assignments include materials found in the required texts, and other materials that will be distributed in class. You are expected to complete, on average, at least 12 hours of outside reading/work per week (or 2 hours for each unit of study). Some weeks will be more intensive than others, and we will preview for you in class what is coming each week.

Please note that class meets twice on Monday, from 11:30-1:00, and from 2:30-4:00, so you will need to be prepared for the topics listed for both sessions. For your convenience the Monday class sessions are listed in bold below. The following is a roadmap of the planned readings. First year law courses do not always follow the same pattern and vary depending on the class discussion. Though not anticipated, any changes to the syllabus will be clear and announced in advance.

FRCP refers to the Federal Rules of Civil Procedure; TCPC refers to *Torts, A Context and Practice Casebook*; CPCMQ refers to Freer & Purdue, *Civil Procedure, Cases, Materials and Questions*

Topic	Date	Reading Assignments
Introduction to Law in Action	Th 8/13	
Litigation 101: An Introduction to the civil litigation process	M 8/22	TCPC: xv; xix-xxii
Resolving Cases without the Need for Trial—Pre-Trial Law and Motion Part 1: Motions to Dismiss for Failure to State a Claim—Rule 12(b)(6)	M 8/22	FRCP 12(b)(6); CPCMQ: 289-92
Evaluating the claim—barriers to filing; immunity;	W 8/24	TCPC: Pages 1-15 (Exercises 1-1, 1-2, 1-3)
Evaluating the claim—the prima facie case; introduction to intentional torts; proving intent requirement for battery	Th 8/25	TCPC: 15-29 (Exercise 1-4)
Evaluating the claim— Establishing Defendant’s State of Mind	M 8/29	TCPC: 29-34
12(b)(6) Simulation	M 8/29	FRCP 12(b)(6); CPCMQ: 289-92; TCPC: 34-45 (Exercises 1-6 and 1-7)
Evaluating the claim—the prima facie case; harmful or offensive contact; fact investigation and analysis; using a court’s reasoning to apply a rule to a new situation; organizing information	W 8/31	TCPC: Pages 46-50 (Exercises 1-8 through 1-10)
Evaluating the claim—defenses; consent; using factors; Assault; synthesizing material	Th 9/1	TCPC: Pages 50-54(Exercise 1-11); Pages 54-55 (Exercise 1-12)
Evaluating the claim—IIED; synthesizing material	9/7 & 9/8	TCPC: Pages 55-77

Topic	Date	Reading Assignments
Resolving Cases without the Need for Trial—Pre-Trial Law and Motion Part 2: Motions for Summary Judgment—Rule 56	M 9/12	FRCP 56; CPCMQ: 487-89; 499 n.2; 500 n.6; 501-08
Resolving Cases without the Need for Trial—Pre-Trial Law and Motion Part 2: Motions for Summary Judgment, Winning and Losing as a Matter of Law	M 9/12	FRCP 56; CPCMQ: 487-89; 499 n.2; 500 n.6; 501-08
Motion for Summary Judgment Simulation; Affirmative Defenses: Self Defense and Defense of Others	W 9/14	TCPC: Pages 91-116 (Exercises 1-18 through 1-20)
Motion for Summary Judgment Simulation; Affirmative Defenses: Self Defense and Defense of Others; professionalism	Th 9/15	TCPC: Pages 91-116 (Exercises 1-18 through 1-20)
Drafting and Amending Pleadings: Drafting the Complaint; Amending the Complaint; Drafting an Answer; Rule 11 Certification and Sanctions	M 9/19	FRCP 8, 11 and 15; CPCMQ: 324; 330-38; 341-56
Investigating the claim and developing a theory of the case—introduction to Negligence; assessing risk; valuing loss	W 9/21	TCPC: Pages 117-123 (Exercises 2-1 through 2-3)
Investigating the claim and developing a theory of the case—the negligence cause of action: proving the existence of a duty; establishing the scope of the duty owed, ordinary care	Th 9/22	TCPC: Pages 123-144 (Exercise 2-4); Pages 144-45 (Exercise 2-5)
Investigating the claim and developing a theory of the case—the negligence cause of action: establishing the scope of the duty owed, professional standards; developing subject matter expertise; developing an initial theory	M 9/26	TCPC: Pages 146-163 (chapter problem and exercise 2.6)
Investigating the claim and developing a theory of the case—the negligence cause of action: establishing the scope of the duty owed, evaluating conflicting theories and testimony; establishing the standard of care	M 9/26	TCPC: Pages 163-177 (Exercise 2-7); Pages 178-79 (Exercise 2-8)
Investigating the claim and developing a theory of the case—the negligence cause of action: duty defined by common law, premises liability; land entrant status; understanding variations of a rule; duty defined by common law, premises liability; using policy arguments to change the law	W 9/28	TCPC: Pages 179-193 (Exercises 2-9 through 2-10); Pages 193-98 (Exercises 2-11 through 2-12)
Investigating the claim and developing a theory of the case—the negligence cause of action: duty defined by common law, premises liability for third party acts; synthesizing materials	Th 9/29	TCPC: Pages 198-213 (Exercise 2-13)

Topic	Date	Reading Assignments
Investigating the claim and developing a theory of the case—the negligence cause of action: premises liability for third party acts; foreseeability; duty imposed by statute; negligence per se; rescuers and good Samaritan statutes	M 10/3	TCPC: Pages 213-220 (Exercise 2-14); Pages 220-222 (Exercises 2-15 through 2-17)
Investigating the claim and developing a theory of the case—the negligence cause of action: using circumstantial evidence; res ipsa	M 10/3	TCPC: Pages 222-240 (Exercise 2-18)
Investigating the claim and developing a theory of the case—proving damages, recovery for emotional injury; direct and bystander recovery; noneconomic damage caps	W 10/5	TCPC: Pages 241-60 (Exercises 2-19 through 2-23)
Investigating the claim and developing a theory of the case—proving damages, recovery for emotional injury; direct and bystander recovery; noneconomic damage caps	Th 10/6	TCPC: Pages 241-60 (Exercises 2-19 through 2-23)
Investigating the claim and developing a theory of the case—Establishing Causation, factual cause	M 10/10	TCPC: Pages 260-64 (Exercise 2-26)
Investigating the claim and developing a theory of the case—Establishing Causation, proximate cause	M 10/10	TCPC: Pages 264-272 (Exercises 2-27 through 2-28)
Investigating the claim and developing a theory of the case—Establishing Causation via expert opinion	W 10/12	TCPC: Pages 272-298 (Exercise 2-29)
Investigating the claim and developing a theory of the case—Defenses: Contributory Negligence and Comparative Fault; Statute of Limitations	Th 10/13	TCPC: Pages 298-99 (Exercise 2-30)
Midterm Examination	Sat 10/15	
Putting it all together—representing defendant in a defamation action: using a practice guide	M 10/17	TCPC: Pages 427-63 (Exercises 5-1 though 5-3)
Putting it all together—representing defendant in a defamation action: summarizing and organizing materials to identify issues and direct research	M 10/17	TCPC: Pages 427-63 (Exercises 5-1 though 5-3) Pages 303-07 (Exercise 2-32)
Putting it all together—representing defendant in a defamation action; enhancing existing knowledge; integrating new information;	W 10/19	TCPC: Pages 464-87 (Exercises 5-4 though 5-5)
Finding the Evidence—How to Get What You Need: The Types and Purposes of Discovery Devices	Th 10/20	FRCP 26, 30, 33, 34, 36; CPCMQ: 361-75
Using Discovery Devices to “Win” Your Client’s	M 10/24	TCPC: Page 487 (Exercise 5-6)

Topic	Date	Reading Assignments
Case—Representing a Defendant in a Defamation Action--developing a discovery plan;		
Taking and Defending Depositions	M 10/24	TCPC: Pages 488-91
Preparing for a client deposition	W 10/26	TCPC: Exercise 5-7
Putting it all together—representing defendant in a defamation action; adapting learning to new claims	Th 10/27	TCPC: Pages 491-92 (Exercise 5-8)
Putting it all together—representing defendant in a defamation action; developing understand of constitutional concerns	M 10/31	TCPC: Pages 493-94 (Exercise 5-9); Pages 495-96 (Exercises 5-10 though 5-11)
Resolving Cases without the Need for Trial—Pre-Trial Law and Motion Part 3: Motions for Summary Judgment revisited	M 10/31	FRCPC 56; CPCMQ: 489-98
Protecting Your Client During Discovery: Privilege	W 11/2	CPCMQ: 388-401
Protecting Your Client During Discovery: Work Product	Th 11/3	CPCMQ: 415
Protecting Your Client During Discovery Simulation	M 11/7	
Protecting Your Client During Discovery Simulation	M 11/7	
Managing the Jury: Instructing the Jury; Judicial Comment; Handling Juror Misconduct	W 11/9	CPCMQ: 528-33
Second Guessing the Jury: Judgment as a Matter of Law; Renewed Judgment as a Matter of Law; Motions for New Trial	Th 11/10	CPCMQ: 508-10; 518-24
Using a prior judgment to prevail in a new lawsuit: Claim Preclusion	M 11/14	CPCMQ: 613-632
Same Claim, Different Suit, Doesn't Matter: Knowing when you can't use Claim Preclusion	W 11/16	CPCMQ: 632-33
Using a prior judgment to prevail in a new lawsuit: Issue Preclusion	Th 11/17	CPCMQ: 633-662
Using a prior judgment to prevail in a new lawsuit— Issue Preclusion: Do I have the right parties?	M 11/21	CPCMQ: 633-662
Same Issue, Different Suit, Doesn't Matter: When Issue Preclusion Isn't Allowed	M 11/28	CPCMQ: 633-662
Using a prior judgment to prevail in a new lawsuit	M 11/28	

Western State College of Law – Programmatic Learning Outcomes

Western State College of Law’s curriculum is designed so that every student achieves a level of competency prior to graduation in each of the eight Programmatic Learning Outcomes listed below:

(1) Doctrinal Knowledge

Students will demonstrate knowledge of substantive and procedural law in the core curriculum subjects, including Contracts, Criminal Law, Criminal Procedure, Torts, Real Property, Business Association, Evidence, Civil Procedures, Constitutional Law, Estates, Community Property, Remedies, and Professional Responsibility.

(2) Practice Skills

Students will demonstrate the development of other law practice skills. Each student’s chosen outcomes within this category will be varied based on the student’s particular interests, coursework and work experiences. They may include, but are not limited to, the following topics: oral presentation and advocacy; interviewing; counseling; client service and business development; negotiations, mediation, arbitration, or other alternate dispute resolution methods; advanced legal research and writing (excluding purely academic papers and the first four units earned in introductory first-year legal research and writing class); applied legal writing such as drafting contracts, pleadings, other legal instruments; law practice management or the use of technology in law practice; cultural competency; collaboration or project management; financial analysis, such as accounting, budgeting project management, and valuation; cost benefit analysis in administrative agencies; use of technology, data analyses, or predictive coding; business strategy and behavior; pre-trial preparation, fact investigation, such as discovery, e-discovery, motion practice, assessing evidence, or utilizing experts; trial practice; professional civility and applied ethics; a law clinic that includes a classroom component; or a legal externship that includes a classroom component.

(3) Legal Analysis

Students will demonstrate the ability to identify the factual and legal issues implicated by a fact pattern and to appropriately use cases (including identifying the salient features of an appropriate precedent case, identifying legally significant similarities or differences between the precedent case and a fact pattern and explaining why those are legally significant) and rules (including the ability to connect legally significant facts in a fact pattern to the rule) to predict how a court would decide the issue. Students will also demonstrate the ability to identify and evaluate the public policies of a precedent case or rule, and be able to evaluate how public policy can impact the application of a rule to the legal issue.

(4) Legal Research

Students will demonstrate the ability to locate relevant legal authority using a variety of book and electronic resources, and to properly cite to such legal authority.

(5) Communication

Students will demonstrate the ability to communicate both orally and in writing in a manner appropriate to a particular task to effectively convey the author or speaker's ideas. This includes audience sensitivity in written and oral communication (the ability to adopt a tone, style and level of detail appropriate to the needs, knowledge and expertise of the audience); and written communication basic proficiency (the ability to use the conventions of grammar, spelling, punctuation, diction and usage appropriate to the task and sufficient to convey effectively the author's ideas).

(6) Advocacy of Legal Argument

Students will demonstrate the ability, in both oral and written formats, to evaluate the legal, economic and social strengths and weaknesses of a case and use case and statutory authority as well as public policy to persuade others. Making policy-based arguments includes the ability to identify and evaluate the public policies of a precedent case or rule and their implications, and be able to assert such appropriate arguments to support a particular application or distinction of a precedent case to a legal controversy or a particular resolution of the application of a rule to the legal controversy.

(7) Client Sensitivity and Cultural Competency

Students will demonstrate an awareness of clients' needs and goals, including a sensitivity to clients' background and circumstances (including, but not limited to, socio-economic, gender, race, ethnicity, educational, disability and/or religious background(s)), the ability to make decisions that reflect an appropriate focus on those needs and goals, and awareness that cultural issues may affect the relevance of facts and application of the law.

(8) Legal Ethics

Students will demonstrate the ability to identify ethical issues in law practice contexts and make appropriate decisions to resolve such issues.

Argosy University Institutional Learning Outcomes:

1. Analytical Reasoning

Analyze issues objectively, interpret and synthesize data and ideas, and develop feasible, flexible, and creative solutions to real world problems

2. Effective Communication

Identify audiences, assess information provided, interpret needs, and present relevant information using appropriate written, oral, and listening skills and media to meet the needs of the situation

3. Information Competency

Gather, evaluate, and ethically use information from a variety of relevant technological and library resources to make decisions and take action

4. Interpersonal Effectiveness

Develop individual and group interpersonal skills to improve and foster participation and interaction critical for achieving individual and group goals

5. Personal and Professional Integrity and Ethical Behavior

Demonstrate a multi dimensional awareness of individual and social responsibility to act ethically and with integrity in a diverse, global society.

6. Professional Competence

Apply skills appropriate to program objectives and employ critical reasoning to contribute to one's field and profession