1. **Objectives:**

   This course has three objectives. Litigators who practice in California need to be at home in both federal and California state courts. Therefore, one course objective is to introduce you to basic aspects of California civil procedure. Since the California bar exam tests on California, as well as federal, civil procedure, a second objective is to compare and contrast these two procedural codes. This comparison will also achieve the third objective of reinforcing your understanding of federal civil procedure that you acquired in your first-year of law study.

2. **Required Texts:**
   - Here are Westlaw links to the Rutter Group - Civil Procedure Before Trial – IF YOU ARE NOT YET REGISTERED FOR WESTLAW, DO SO ASAP:
     - **WestlawNext:**
     - **Westlaw Classic:**

3. **Exams and Grading:**

   There will be a final examination in essay format and no mid-term.
4. **Classroom Participation**

Legal education is a cooperative venture and this is especially critical in a small class such as ours. Therefore, each of you should be prepared to participate in class on a regular basis. If you are unprepared, *you will be deemed “absent” for that class session.*

5. **Attendance & Decorum**

Successful completion of this course is dependent upon satisfaction of the W.S.C.L. Attendance Policy which is reprinted in the Student Handbook. I will take attendance at the beginning of each class. **If you arrive late or depart early you will be marked absent for that session.** Late arrivals must not sign the sign-in sheet. **IF YOU MISS MORE THAN FOUR (4) CLASSES DURING THE SEMESTER YOU WILL RECEIVE A GRADE OF "F" AND WILL NOT BE PERMITTED TO ATTEND SUBSEQUENT CLASSES.**

**ALSO BE AWARE THAT, PURSUANT TO W.S.C.L.'S ATTENDANCE POLICY, STUDENTS CANNOT MAKE UP AN ABSENCE BY ATTENDING ANOTHER PROFESSOR'S CLASS.**

Students' leaving and returning to their seats while class is in session is a major distraction for other students as well as for myself. Therefore, **once class begins, students may not leave the classroom prior to the end of the class session unless you have notified the Dean of Students in advance** that you have a particular physical condition that renders you unable to comply with this rule. Violation of this rule may be deemed an "early departure" for which a student may be marked absent

6. **Seating Chart**

A seating chart will be distributed at the beginning of the second class session. Please print your name legibly in the seat you choose for your permanent seat. If you wish to change your seat, please notify me so that I can make the appropriate changes on the chart.

7. **Office Hours:**

Please make appointments through the Faculty Appointments Book located at the receptionist desk on the third floor. My office hours will be posted in this book. If you cannot make a scheduled appointment, please notify me or one of the faculty secretaries that you are canceling your appointment as soon as possible so that another student can see me during that time slot. I will also be available the rest of the week as time permits.
8. **DISABILITY SERVICES STATEMENT:**

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.”


**Reading Assignments on Page 4**
<table>
<thead>
<tr>
<th>Week</th>
<th>Subject</th>
<th>Assignment</th>
</tr>
</thead>
</table>
| 1    | **Introduction to California Civil Procedure; Sources of Procedural Law** | CB: 5 – 32  
|      | **Statutes of Limitations:**  
Applicable Time Limitations Periods; Accrual and the California Discovery Rule | CB: 57 – 89  
Supp: CCP §§ 335-340.6 |
| 2    | **Statutes of Limitations:**  
Tolling; Commencement of an Action | CB:118 – 145; 146 [Estoppel and Other Equitable Tolling Doctrines]; 146 – 156; 161 [starting with “Relation Back Doctrine and Cross-Complaints”] – 166; 167 [§405[A] and [B]]; 192 – 194.  
SUPP: CCP §§ 350, 583.210(a) |
|      | **The Proper Court:**  
• Subject Matter Jurisdiction: | CB: 333 – 339  
| 3    | **The Proper Court:** (cont’d)  
• Personal Jurisdiction | CB: 339 – 361  
http://www.supremecourt.gov/opinions/10pdf/10-76.pdf  
Supp: CCP §§ 410.10, 410.50. |
|      | • Venue | CB: 361 – 379  
Supp: CCP §§ 392-395.5, 396b-398 |
| 4    | **The Proper Court:** (cont’d)  
• Service of Process  
• Forum Non Conveniens | CB: 379 – 404  
Supp: CCP §§ 412.20, 413.10-417.40, 473.5; pp. 552-554 (form summons)  
CB: 404 – 427  
Supp: CCP § 410.30, 418.10,904.1(a)(3) |
<table>
<thead>
<tr>
<th>Page</th>
<th>Preclusive Effects of Prior Judgments:</th>
<th>CB: 465 - 520</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>• Res Judicata</td>
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<tr>
<td></td>
<td><strong>Collateral Estoppel</strong></td>
<td>CB: 521 – 556</td>
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<tr>
<td>6</td>
<td>• Privity</td>
<td>CB: 556 – 571</td>
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<td>• Law of the Case</td>
<td>CB: 571 - 579</td>
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<td></td>
<td><strong>Pleadings:</strong></td>
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<td>7</td>
<td>• The Complaint</td>
<td>CB: 581 – 595</td>
</tr>
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<td></td>
<td>• Amendments</td>
<td>SUPP: CCP §§ 411.10, 422.10-425.13, 446-452; pp. 555-559 (form complaint)</td>
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<td>• “Doc” Defendant Practice</td>
<td>CB: 595 – 606</td>
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<td></td>
<td></td>
<td>SUPP: CCP §§ 472, 473(a), 474</td>
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<tr>
<td>8</td>
<td><strong>Pleadings:(cont’d)</strong></td>
<td>CB: 607 – 642</td>
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<td>• The Demurrer</td>
<td>SUPP: CCP §§ 350, 474, 583.210, 583.250, 583.420(a)(1)</td>
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<td>• Motions Related to Pleadings</td>
<td>CB: 642 – 656</td>
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<td>• The Answer</td>
<td>SUPP: CCP §§ 430.10-430.80, 472a(a)-(c); CRC 3.1320</td>
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<td>• Cross-Complaints</td>
<td>CB: 661 – 668</td>
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<td>SUPP: CCP §§ 425.16-425.18, 435-437, 438, 472a(d)</td>
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<td>CB: 661 – 668</td>
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<td>SUPP: CCP §§ 431.10-431.30; pp. 563-564 (form answer)</td>
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<td>CB: 668 – 677</td>
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<td>SUPP: CCP 426.10-428.80, 432.10; pp. 560-562 (form cross-complaint)</td>
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| 9    | Joinder of Parties and Claims: | • Permissive Joinder | CB: 679 – 683  
SUPP: CCP §§ 378, 379 |
|      |         | • Compulsory Joinder of Parties | CB: 683 – 689  
SUPP: CCP § 389 |
|      |         | • Interpleader | CB: 689 – 691  
SUPP: CCP § 386 |
|      |         | • New Party Cross-Complaints and Equitable Indemnity | CB: 691 – 700  
SUPP: CCP §§ 428.10-428.20 |
|      |         | • Intervention | CB: 733 - 745  
SUPP: CCP § 387 |
| 10   | Joinder of Parties and Claims: (cont’d) | • Class Actions | CB: 760 – 791  
SUPP: CCP § 382; CRC 3.760-3.771  
Add: Cal. Civil Code § 1781 |
| 11   | Discovery | | CB: 793 - 835  
| 12   | Discovery (cont’d) | | CB: 836 - 885  
| 13   | Resolution of Cases Before Trial | • Summary Judgment | CB: 887 – 908  
SUPP: CCP §437c; CRC 3.1350 |
|      |         | • Default Judgment | CB: 908 – 947  
SUPP: CCP §§ 473(b), 473.5, 580, 585-586; pp. 565-566 (request for entry of default form) |
14 | **Trial Proceedings and Motions**  
- Trial by Jury  
- Trial Without a Jury  
- Directed Verdict, JNOV and New Trial Motions  

| CB: 1029 – 1053; 1068 – 1070  
SUPP: CCP §§ 662, 631.8(a); CRC 3.1590(a), (d), (h) and (n)  
CB: 1073 – 1125  
SUPP: CCP §§ 581c, 629, 630, 657 – 663, 662.5; CRC 3.1600 |

15 | Reading Week |
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<td>Constitutions: California &amp; US</td>
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### Daily Case Reporters for California

- **California Daily Opinion Service** (The Recorder)
- **Daily Appellate Report** (L.A. & S.F. Daily Journal)
- **California Courts Official Webpage**
  - Supreme Court & Court of Appeal
- **Generic California Motion Forms**
  - click here
  - How to present a case

_Last Home Page rev: 01/18/12_