

**WESTERN STATE UNIVERSITY
COLLEGE OF LAW**

**CALIFORNIA CIVIL PROCEDURE 416A (3 HOURS)
FALL 2023**

SYLLABUS & POLICIES

Professor: Renato L. Izquieta
Telephone: 714-914-3626 cell
E-Mail: rizquieta@ivc.edu
Class Time: Thursday 6:40 p.m. – 9:50 p.m.
Office Hours: By appointment

1. COURSE OBJECTIVES:

- **Doctrinal Knowledge:** Litigators who practice in California need to be at home in both federal and California state courts. 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 the two procedural codes. This comparison will also achieve the third objective reinforcing your understanding of federal civil procedure that you acquired in your first year of law study.
- **Legal Analysis:** Another course objective is to hone your 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 and 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 patter 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.

Legal Research: In addition to the cases and rules assigned for reading in the Heiser case book, you will develop the practical skill of locating relevant legal authority, including researching relevant civil procedure codes

- **Online Legal Research:** Navigate and effectively use Westlaw links to the Rutter Group-Civil Procedure Before Trial

2. **REQUIRED TEXTS AND ONLINE MATERIALS:**

- California Civil Procedure Before Trial, Fourth Edition, Walter W. Heiser (Carolina Academic Press)
- Westlaw links to the Rutter Group-Civil Procedure Before Trial
- California Code of Civil Procedure, as assigned.

3. **EXAMS AND GRADING:**

There will be an in-person final examination in essay format and no mid-term.

4. **CLASS PARTICIPATION, ATTENDANCE & RULES:**

Class Preparation and 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.**

The following are the various teaching and learning tools that will be implanted and used:

- *The case method:* The textbook contains cases, notes, and questions. Students are responsible for reading and briefing the case material in all assigned chapters.
- *The statute method:* The supplemental materials and Rutter Group Guide contains statutes and examples. Students are responsible to read all assigned statutes and case examples for applicability to case studies presented in class.
- *The problem method:* The textbook contains issues and questions and problems. Students are expected to prepare responses for class discussion.
- *The application method:* Problems will be presented during class that will require application of fact patterns to specific rules.
 1. Students are expected to complete the required reading and case questions and review problems.
 2. Students are expected to brief for cases in the assigned reading.
 3. Students are expected to have brief written outlines for the case questions and review problems.
 4. Students are expected to orally brief the cases in the assigned reading when called upon.
 5. Students are expected to provide in-depth analysis of case questions/review problems within the week’s assigned reading, including statutes.
 6. Students are expected to participate in all class discussions.

ABB Standard 310: Pursuant to ABA Standard 310, you are expected to devote at minimum two (2) hours of out of class time preparing for each hour of classroom instruction. The assigned readings and case book problems each week have been calibrated for you to achieve this minimum requirement.

Class Preparation: This class meets for 3 hours per week, you will be expected to read and prepare outside of class for a minimum of 6 hours in the week leading to each class. Note: Class coverage of reading assignments is fluid. We may not always cover all the assigned material during the scheduled class periods. However, it's your responsibility to make sure you are prepared for each class. In addition, I may distribute additional reading and other materials for additional review and class discussion.

Attendance:

1. A seating assignment will be created on the first day of class
2. Students must be in their assigned seat before the start of class.
3. Attendance will be taken every class.
4. Students must sign in.

Absences:

1. If students incur more than 2 (two) absences, you will be withdrawn from the course and receive a failing grade, which is in accordance with the policies of Western State College of Law.
2. Unpreparedness will be marked as an absence for the class.
3. Late to class will be marked as an absence and must not sign in.
4. If you depart early, you will be marked as absent.

Note, that pursuant to WSCL's attendance policy, students cannot make up an absence by attending another professor's class.

Seating Chart:

1. A seating chart will be created on the first day of class.
2. If you wish to change your seat, please notify the professor to consider your request to make any appropriate changes.

Electronic Devices:

1. *Computer Use:* Students may use a personal computer during class for note-taking only. Students are prohibited from being on the internet, checking email, playing games, texting, assessing social media, instant messaging, or the like. If a student violates this rule, the professor reserves the right to prohibit compute use in the class for the student.

2. *Cell Phones*: Students are required to shut-off or silent cell phones before the class begins. Students are prohibited from using cell phones in class. However, if you have a genuine emergency requiring you to monitor your cell phone, please inform me in advance for the use.
3. *Audio/Video Recording and Photography*: Taking or transmitting photographic images during class or recording transmitting audio or video of any portion of any lecture, comments, or remarks by the professor is prohibited unless by advance written permission.
4. *Commercial Materials*: Students may not recite from commercial outlines, briefs, or other commercial study aids.

EXAMS AND PARTICIPATION GRADING:

Each student will receive a numeric grade based upon a final exam and class participation.

- **Class Participation (30%)**: Each student will be required to participate in class. Participation will consist of either the student briefing for cases in the assigned reading, providing analysis and problem solving for the case questions/review problems, analyzing and applying rules and statutes, or providing analysis on any question posed in class by the professor. The student’s demeanor, professionalism, and how well they articulate the issues and analysis will be factors considered in the grade for class participation.
- **Final Exam (70%)**: The final examination will consist of an essay(s) in-person examination. The examination will require an analysis of the law, statutes, and policy issues covered in the reading materials and class discussions. The exam will be open book and notes. You will be expected to precisely cite and paraphrase applicable case law, statutes, rules, and public policy in your answer.

Grading:

Class participation:	30% of your grade
Final exam (in-person):	70% of your grade

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 Students Services Suite 119. 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 Dean Marisa Cianciarulo at mcianciarulo@wsulaw.edu or (714) 459-1168. Complaints will be handled in accordance with the College of Law's "Policy against Discrimination and Harassment."

WESERN 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 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.

READING ASSIGNMENTS AND COURSE CALENDAR

Week 1	Subject	Reading
Aug. 24th	<p><u>Introduction to California Civil Procedure: Sources of Procedural law</u></p> <p><u>Statute of Limitations:</u> Applicable Time Limitations Periods; Accrual and the California Discovery Rule</p>	<p>Course Book: pgs. 7-33</p> <p>Course Book: pgs. 57-88</p>
Week 2: August 31st	<p><u>Statute of Limitations:</u> Tolling; Commencement of an Action</p> <p><u>The Proper Court:</u> Subject Matter Jurisdiction</p>	<p>CB: 117-144; 144-155 [Estoppel and Other Equitable Tolling Doctrines]; 160 [starting with “Relations Back Doctrine and Cross-Complaints”]</p> <p>CB: 319-324</p>
Week 3: Sept. 7th	<p><u>The Proper Court:</u></p> <ul style="list-style-type: none"> • Personal Jurisdiction <p><u>Venue</u></p>	<p>CB: 325-348 <i>Daimler AG v. Bauman</i> (Google case)</p> <p>CB: 348-365</p>
Week 4: Sept. 14th	<p><u>The Proper Court:</u></p> <ul style="list-style-type: none"> • Service of Process • Forum Non Conveniens 	<p>CB: 366-391</p> <p>CB: 391-413</p>
Week 5: Sept. 21st	<p><u>Preclusive Effects of Prior Judgmts:</u></p> <ul style="list-style-type: none"> • Res Judicata 	<p>CB: 449-503</p>

<p>Week 6: Sept. 28th</p>	<p><u>Preclusive Effects of Prior Judgments:</u></p> <ul style="list-style-type: none"> • Collateral Estoppel • Privity • Law of the Case 	<p>CB: 503-538 CB: 538-551 CB: 551-559</p>
<p>Week 7: Oct. 5th</p>	<p><u>Pleadings:</u></p> <ul style="list-style-type: none"> • The Complaint • Amendments • “Doe” Defendant Practice 	<p>CB: 561-574 CB: 574-585 CB: 585-619</p>
<p>Week 8: Oct. 12th</p>	<p><u>Pleadings:</u></p> <ul style="list-style-type: none"> • Demurrers • Motion Related to Pleadings • The Answer • Cross-Complaints 	<p>CB: 619-633 CB: 633-636 CB: 636-644 CB: 644-653</p>
<p>Week 9: Oct. 19th</p>	<p><u>Joinder of Parties and Claims:</u></p> <ul style="list-style-type: none"> • Permissive Joinder • Compulsory Joinder of Parties • Interpleader • New Party Cross-Cross Complaints and Equitable Indemnity • Intervention 	<p>CB: 655-659 CB: 659-665 CB: 665-667 CB: 667-676 CB: 708-717; Supp: CCP§387</p>

Week 10: Oct. 26th	<p><u>Joinder of Parties and Claims:</u></p> <ul style="list-style-type: none"> • Class Actions 	CB: 733-767
Week 11: Nov. 2nd	<p><u>Discovery</u></p>	CB: 769-807
Week 12: Nov. 9h	<p><u>Discovery (continued)</u></p>	CB: 807-860
Week 13: Nov. 16th	<p><u>Resolution of Cases Before Trial:</u></p> <ul style="list-style-type: none"> • Summary Judgment • Default Judgment 	<p>CB: 861-881</p> <p>CB: 881--916</p> <p>Supp: CCP§§ 473b, 473.5.</p>
Nov. 23rd	<p>No Class-Thanksgiving Holiday</p>	
Week 14: Nov. 30th	<p><u>Trial Proceedings and Motions:</u></p> <ul style="list-style-type: none"> • Trial by Jury • Trial Without a Jury <p>Directed Verdict, JNOV and New Trial Motions</p>	<p>CB: 991-2015; 1024-1026</p> <p>CB: 1026-1028</p> <p>CB: 1028-1076</p>
Week 15: Dec 5 th -7 th	<p>Reading Period</p>	