

WESTERN STATE COLLEGE OF LAW
Fall 2026
Introduction to Personal Injury

Professor Jeff Roberts
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REQUIRED TEXT

There is no required text to purchase. Reading will be available online.

Rutter Group is found: Westlaw Advantage - State Materials - California - Secondary Sources - Rutter Group Practice Guides - Personal Injury

Must enroll in the Lexis Classroom page titled “PersonalInjury-Fall2026-Roberts.” I will use this web page to post material and to make class announcements throughout the semester.

- **I will have office hours by appointment only.**

Course Description

This course provides an overview of the practice of personal injury law in California. Using the backdrop of a real-world case, the course will explore the practical and ethical approach to the representation of people involved in personal injury matters. Students will learn how to analyze the strengths and weaknesses of injury cases, sign up clients, prepare cases for presentation of settlement demands, weigh the pros and cons of filing lawsuits and the strategies of litigation.

Students will learn both sides of handling an injury case, both as the attorney for an injured person and the attorney defending a person who is alleged to have caused injury.

Learning Outcomes:

- 1) Legal Analysis
- 2) Legal Research
- 3) Communication
- 4) Advocacy of Legal Arguments
- 5) Other practical skills

ATTENDANCE, GRADES, & UPPER LEVEL WRITING REQUIREMENT

Class attendance is important, and it is mandatory. WSCL Attendance Policy for classes meeting 1x / week states that students may not miss more than two class sessions; a third absence subjects students to dismissal from the course.

This class satisfies the Western State College of Law upper-level writing requirement (ULWR) and follows guidelines established by the American Bar Association. You must earn a 2.0 or higher on the Mediation Brief to obtain ULWR credit.

Each student will earn a numeric grade for the course.

- 1) Demand letter (15%)
- 2) An in-class presentation (15%)
- 3) A mediation brief (50%).
- 4) P&P (participation & professionalism) (20%)

GENERATIVE AI, LATE ASSIGNMENTS, & GENERAL MISCONDUCT POLICIES

Generative AI may be used in this course for preliminary tasks, such as brainstorming, researching, planning, or organizing ideas. You may NOT use AI to draft, write, revise, or edit your submissions. All writing must be your own original work product. Any use of generative AI within the permitted scope must be reviewed, verified, and acknowledged.

To that end, a footnote must be included in any document acknowledging the use of generative AI and confirming that the student has reviewed and verified all information. The footnote should appear after the first use of generative AI. Details to be provided in class.

To be sure, generative AI (including Lexis+AI, CoPilot, Gemini, Claude, CoCounsel, Spellbook, Grammarly Go, and all versions of ChatGPT) can serve as an aid to learning. However, it cannot replace the fundamental skills required for legal practice. Critical thinking, analysis, and the ability to write clearly and persuasively are core components of your legal training and must come from you alone.

Late outlines and/or late final papers will receive point deductions. Do not plagiarize. Do not buy a research paper online. Do not misuse generative AI or fail to acknowledge its permitted use.

Participation & Professionalism (P&P): This class is most effective (and enjoyable) if you have thought about the material and are willing to engage in active class discussion. All views are welcome. 20% of your final course grade will be based on the quality and quantity of your contributions to class discussions, attendance, punctuality, conduct during class time, and overall professionalism. This includes good faith completion of all in-class group activities, ungraded writing assignments (marked as “UA” on the syllabus), and participation in guest speaker and networking events. Any incomplete or late assignment, or any assignment that does not appear to have been completed with a good faith effort, will result in a decrease.

Outside Preparation: You should anticipate that, on average, preparing for class (including researching and writing your paper) will take you a minimum of two hours for every one hour of class time. This course is a three-unit class, so you should estimate that your preparation for class will require at least six hours outside of class to complete.

August 18 – What is a Personal Injury

Assigned Reading Before Class: *Rutter Chap. 1, B. Initial Evaluation of Case* 1:61 -- 1:72, 1:73– 1:77

- Overview of class
- Personal Injury vs. Worker's Comp
- Severity of Injuries vs. difficult liability, Prop 51
- Client . . .likeable, believable, tolerable?
- Case examples
- Introduction to “OUR” case

Assignment for next week: Memo evaluation of our case (UA)

August 25 -- Client Intake

Due Beginning of Class: Memo evaluation of our case

Assigned Reading Before Class: *Rutter Chap. 1, A. Initial Client Interview* 1:1 -- 1:7.6, 1:10 – 1:27.2, 1:28.3 – 1:38, 1:42 – 1:54.1, 1:55.3, 1:60 *Chap 1, B. Formation of Attorney-Client Relationship* 1:102 – 1:103.6, 1:104 – 1:111.1c, 1:112 – 1:117; 1:132 – 1:134, 1:146 – 1:148, 1:176 – 1:181, 1:188.5, 1:1888.11-1; *California Business & Professions Code* § 6147

- Questions to ask and info to get from prospective client. Prop 213
- Loss of consortium
- What is Statute of Limitations
- Contingent, hourly, flat fee agreements
- Client signed. . .now what???
- Medical Care: health ins., lien based, Medicare and Medi-Cal
- Be a Detective – investigating the claim
- Client fires you. . .can fees be recovered?

Assignment for next week: prepare a California compliant contingent fee agreement (UA)

September 1 – The Demand Letter

Due Beginning of Class: California compliant contingent fee agreement

Assigned Reading Before Class: *Rutter Chap. 4, A. General Considerations* 4:44 – 4:45, *Chap 4 C. Effective Settlement Negotiations* 4:163- 4:191, 4:206 – 4:210, 4:255-4:255.16, *Chap 4 D. Techniques Where Settlement Not Forthcoming* 4:320 – 4:331.

- GET ALL RECORDS!
- Essentials of the Demand
- Policy Limits Demand
- Uninsured and Under Insured Motorist Demand
- The limitations of AI Demands
- Demand Letter is Framework for Mediation Brief

Assignment due September 15, 2026: Draft a demand letter

September 8 – Pre-Litigation Negotiations

Assigned Reading Before Class: *Chap 4 C. Effective Settlement Negotiations* 4:215 – 4:246, *Chap 4 B. Determining Settlement Value* 4:75 – 4:118

- The call from the Adjuster
- Client communication – in-class mock communication with client.
- The call back to the Adjuster
- Release of Liability
- Lien reduction negotiations
- **GUEST** – hear from an actual adjuster

Assignment for next week: Watch “A Civil Action”

September 15 – to File or Not to File. . .that is the question

Due Beginning of Class: Demand Letter

Assigned Reading Before Class: *Chap 4 C. Effective Settlement Negotiations* 4:265 – 4:270, *Chap 5 B. When to Sue – Statute of Limitations* 5:105 – 5:107, 5:122-5:124, (gov’t) 5:176, *Chap 5 D. Classification as Limited or Unlimited Civil Case* 5:322 – 5:323, 5:326 – 5:326.1, *Chap 5 E. Selected Pleading Issues* 5:420 – 5:427, 5:428, 5:431, 5:470 – 5:471.1, 5:515 – 5:517, 5:546 – 5:547; *Chap 8 A. Case Management* 8:5 (know local rules), 8:6 – 8:16 (case mgt.), 8:44, 8:47 – 8:54 (jury trial demand)

- Evaluating the costs v. benefits
- The Complaint
- The Demurrer/Answer/Cross-Complaint
- The Court

Assignment for next week: -- Draft a Complaint (UA)

September 22 – Discovery. . .Looking for What You Need to Prove

Due Beginning of Class: Complaint

Assigned Reading Before Class: *Chap 6 B. Overview of Selected Discovery Procedures* 6:206 – 6:210.1, 6:211, 6:216 – 6:217.4, 6:217.4, 6:218 – 6:218.3, 6:220 – 6:226 (interrogatories); 6:240 – 6:225.4, 6:259 – 6:260 (Admissions); 6:271 – 6:276, 6:278 – 6:284.1, 6:289 – 6:289a, 6:290 (Documents); *Chap 6 A. Scope of Discovery and Limitations* 6:2 – 6:10, 6:29 – 6:30, 6:36.1 – 6:36.3, 6:70.4 – 6:70.5, 6:110 – 6:111, 6:117 – 6:117.1 (work product), 6:131 – 6:134a (privacy), 6:166.3 (immigration status); *Chap 8 B. After Trial Date Set, 3-4 Months before Trial* 8:221 – 8:223.3 (timing to compel)

- The Discovery Plan
- Written discovery -- in class Draft 20 discovery requests
- Site and vehicle inspections
- Meet and confer and Motions to get further responses

Assignment due September 29, 2026: Outline of mediation brief (UA)

In addition to class this week students should attend an optional 30 minute Westlaw and 30 minute Lexis training.

September 29 – Depositions. . .A Preview of Trial

Due Beginning of Class: Outline of mediation brief

Assigned Reading Before Class: *Chap 6 B. Overview of Selected Discovery Procedures* 6:179 – 6:180, 6:181 -- 6:184, 6:188 – 6:193.1 (notice), 6:195 (public employees), 6:197 – 6:198 (distance), 6:199 – 6:199.1 (recording), 6:200.2 (demonstration)

- Who, Why, How
- Fishing expedition vs. spear fishing
- The difficult deponent and opposing counsel

October 6 – Depositions. . .Practice makes Perfect return of briefs w/ comments

- **GUEST** – hear from a defense lawyer
- Deposition conduct – in class students conduct depositions

October 13 – Experts. . .The Paid Witness

In addition to class, each student must schedule an appointment with Professor Roberts between October 12th and October 16th to discuss their Mediation Brief; Students must bring a completed draft to the meeting.

Assigned Reading Before Class: *Chap 6 C. Physical and Mental Examinations* 6:300 – 6:321.1, 6:330 – 6:334, 6:348 – 6:362.2, 6:363 – 6:370 (observer), 6:372 (prep), 6:376 – 6:385.1 (reports); *Chap 6 D. Expert Witness Information Exchanges* 6:410 – 6:422, 6:425 – 6:429, 6:434 – 6:437, 6:440 – 6:452, 6:462 – 6:463 (supplemental), 6:465 (depos), 6:466 – 6:475 (exclusion). *Chap 8 C. Two Months Before Trial* 8:278.1 (depo = locked), 8:279 (to depose?), 8:279.4 – 8:279.7 (notice)

- Consultant Experts
- Medical Exam of Plain
- Designation of Experts
- Costs of Experts
- Deposition of Experts

October 20 – Mediation. . .Time to Settle?

Assigned Reading Before Class: CCP § 998; *Chap 4 D. Techniques Where Settlement Not Forthcoming* (998) 4:345, 4:347, 4:455 – 4:458, 4:464 – 4:465

- What is mediation
- Getting the mediation scheduled
- Finalizing the mediation brief
- 998 Offers
- **GUEST** – hear from an actual mediator

October 27 – The Mediation

Due Beginning of Class: final mediation brief

- Conduct Zoom mediations

November 3 – Case Settled. . .now what?

- Settlement agreements
- Annuities
- Minor's Compromises
- **GUEST** – hear from a settlement advisor

November 10 [NO CLASS – Legislative Day]

November 17 – Didn't Settle. . .time for trial/Arbitration

Due Beginning of Class: *Chap 8 A. Case Management* 8:21.6, 8:99 – 8:100 (expedited); *Chap 8 B. After Trial Date Set, 3-4 Months before Trial* 8:153 – 8:156 (disco cut-off), 8:166 (supp rog); *Chap 8 C. Two Months Before Trial* 8:292 – 8:326 (collect evidence) --

Assigned Reading Before Class:

- Cost v. benefit analysis
- Client's buy-in and understanding
- Summary Judgments CCP § 437c
- Trial check list
- Uninsured/Under Insured Motorist Arbitration

November 24 – Who are You. . .Marketing Yourself as an Attorney

- In Class Presentation

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 Room 276. 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 Halim Dhanidina at hdhanidina@wsulaw.edu or (714) 459-1168. Complaints will be handled in accordance with the College of Law's "Policy against Discrimination and Harassment."

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.