

**PLS 54 Course Outline as of Fall 2012****CATALOG INFORMATION**

Dept and Nbr: PLS 54 Title: CIV PROC: DISCOVERY

Full Title: Civil Procedure: Discovery

Last Reviewed: 9/14/2020

Units		Course Hours per Week		Nbr of Weeks	Course Hours Total	
Maximum	3.00	Lecture Scheduled	3.00	17.5	Lecture Scheduled	52.50
Minimum	3.00	Lab Scheduled	0	17.5	Lab Scheduled	0
		Contact DHR	0		Contact DHR	0
		Contact Total	3.00		Contact Total	52.50
		Non-contact DHR	0		Non-contact DHR	0

Total Out of Class Hours: 105.00

Total Student Learning Hours: 157.50

Title 5 Category: AA Degree Applicable

Grading: Grade Only

Repeatability: 00 - Two Repeats if Grade was D, F, NC, or NP

Also Listed As:

Formerly:

**Catalog Description:**

This course addresses pre-trial discovery and evidence considerations in civil litigation. Students learn procedures and tactics for initiating, managing, and compelling discovery and drafting major discovery documents in current use from sample problems. Evidence questions that commonly occur during trial preparation are examined. Methods of informal fact gathering, including interviewing, investigation, and public document retrieval are also covered.

**Prerequisites/Corequisites:**

Course Completion of PLS 51 and PLS 52 and BOT 85.5 and PLS 50 OR Course Completion of PLS 51 and PLS 52 and BOT 85.5A and BOT 85.5B and PLS 50

**Recommended Preparation:****Limits on Enrollment:****Schedule of Classes Information:**

Description: This course addresses pre-trial discovery and evidence considerations in civil litigation. Students learn procedures and tactics for initiating, managing, and compelling discovery and drafting major discovery documents in current use from sample problems.

Evidence questions that commonly occur during trial preparation are examined. Methods of informal fact gathering, including interviewing, investigation, and public document retrieval are also covered. (Grade Only)

Prerequisites/Corequisites: Course Completion of PLS 51 and PLS 52 and BOT 85.5 and PLS 50 OR Course Completion of PLS 51 and PLS 52 and BOT 85.5A and BOT 85.5B and PLS 50

Recommended:

Limits on Enrollment:

Transfer Credit: CSU;

Repeatability: Two Repeats if Grade was D, F, NC, or NP

## **ARTICULATION, MAJOR, and CERTIFICATION INFORMATION:**

**AS Degree:**      **Area**      Effective:      Inactive:

**CSU GE:**      **Transfer Area**      Effective:      Inactive:

**IGETC:**      **Transfer Area**      Effective:      Inactive:

**CSU Transfer:** Transferable      Effective:      Fall 2010      Inactive:

**UC Transfer:**      Effective:      Inactive:

**CID:**

**Certificate/Major Applicable:**

Major Applicable Course

## **COURSE CONTENT**

**Outcomes and Objectives:**

Upon completion of the course, students will be able to:

1. Draft form and special interrogatories
2. Summarize depositions
3. Perform the paralegal's role in medical examinations
4. Draft Requests for Admissions
5. Draft Requests for Production of Documents and Things, and manage that resultant production
6. Seek and evaluate expert witnesses
7. Calculate calendaring deadline

**Topics and Scope:**

1. Discovery Overview
  - a. Purposes
  - b. Advantages and disadvantages
  - c. Discovery devices (tools)
  - d. Discovery plans
  - e. Limits to discovery
  - f. Motions to compel
2. Interrogatories
  - a. Advantages and disadvantages
  - b. Form and special interrogatories

- c. Formatting and drafting
  - d. Responding to interrogatories
  - e. Analyzing responses to interrogatories
  - f. Challenging responses
  - g. Service of interrogatories
  - h. Interrogatories in federal courts
  - i. Drafting tips
3. Depositions
    - a. Advantages and disadvantages
    - b. Basic deposition rules
    - c. Party and third party depositions in Superior Court
    - d. Personal and consumer records
    - e. The role of the paralegal in depositions
    - f. Depositions in Federal Court
    - g. Deposition summaries
  4. Requests for Admission
    - a. Purpose
    - b. Drafting Requests for Admissions
    - c. Responding to Requests for Admissions
    - d. Failure to respond to Requests for Admission
  5. Requests for Production of Documents and Things
    - a. Drafting format
    - b. Timing of Request
    - c. Response to Request
    - d. Scope of inspection
    - e. Enforcing the demand
    - f. The role of the paralegal in Requests for Production
    - g. Organizing and analyzing documentary evidence
  6. Independent Medical Examinations (IME)
    - a. Purpose
    - b. Physical and mental examinations
    - c. Drafting Request for IME
    - d. Responding to Request
    - e. The medical exam report
    - f. Federal Court IME's
    - g. The paralegal's role in IME's
  7. Expert Witnesses and Expert Discovery
    - a. Expert discovery in Superior Court
    - b. Locating and evaluating expert witnesses
    - c. Demand of Expert Exchange
    - d. Response to demand
    - e. Late-disclosed experts
    - f. Expert discovery in Federal Court
    - g. Expert depositions
    - h. Sanctions
    - i. Ex parte motions
  8. Calendaring Discovery
    - a. Limiting discovery
    - b. Calendaring discovery devices
    - c. Strategic timing
    - d. Creating and managing discovery timelines
  9. Electronic discovery

## Assignment:

1. Read textbook and outside sources of approximately 40 pages per week.
2. Draft and respond to all discovery requests.
3. Create and maintain a final project discovery portfolio
4. Summarize a deposition.
5. Solve calendaring problems.
6. Draft motions to compel.
7. Two to five quizzes.

## Methods of Evaluation/Basis of Grade:

**Writing:** Assessment tools that demonstrate writing skills and/or require students to select, organize and explain ideas in writing.

Drafting legal documents and deposition summary

Writing  
60 - 75%

**Problem Solving:** Assessment tools, other than exams, that demonstrate competence in computational or non-computational problem solving skills.

Homework assignments, research procedural and substantive law, completion of final project discovery portfolio

Problem solving  
10 - 20%

**Skill Demonstrations:** All skill-based and physical demonstrations used for assessment purposes including skill performance exams.

None

Skill Demonstrations  
0 - 0%

**Exams:** All forms of formal testing, other than skill performance exams.

Quizzes, multiple choice, true-false, matching items

Exams  
10 - 20%

**Other:** Includes any assessment tools that do not logically fit into the above categories.

Attendance and participation

Other Category  
5 - 20%

## Representative Textbooks and Materials:

California Civil Litigation, Susan B. Luten, 5th edition, Cengage Learning, 2008.

Recommended reference: Civil Procedure Before Trial, Weil and Brown, The Rutter Group, 2008.