

**PLS 53 Course Outline as of Fall 2021****CATALOG INFORMATION**

Dept and Nbr: PLS 53 Title: CIVIL PROC: PLEADINGS

Full Title: Civil Procedure: Pleadings

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	6	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:**

An in-depth examination of all phases of civil procedure, from the initial stages of planning and preparing the civil lawsuit to the trial, is presented in this course. Students draft typical pleadings, including complaints, motions, demurrers, answers and cross-complaints from factual situations presented in class. Common means of terminating a suit without trial, such as summary judgments, defaults, dismissals and settlement are also discussed.

**Prerequisites/Corequisites:**

Course Completion or Concurrent Enrollment in PLS 50 and PLS 51

**Recommended Preparation:**

Course Completion of BGN 71

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

Description: An in-depth examination of all phases of civil procedure, from the initial stages of planning and preparing the civil lawsuit to the trial, is presented in this course. Students draft typical pleadings, including complaints, motions, demurrers, answers and cross-complaints from factual situations presented in class. Common means of terminating a suit without trial, such as

summary judgments, defaults, dismissals and settlement are also discussed. (Grade Only)  
 Prerequisites/Corequisites: Course Completion or Concurrent Enrollment in PLS 50 and PLS 51  
 Recommended: Course Completion of BGN 71  
 Limits on Enrollment:  
 Transfer Credit: CSU;  
 Repeatability: Two Repeats if Grade was D, F, NC, or NP

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

<b>AS Degree:</b>	<b>Area</b>	Effective:	Inactive:
<b>CSU GE:</b>	<b>Transfer Area</b>	Effective:	Inactive:
<b>IGETC:</b>	<b>Transfer Area</b>	Effective:	Inactive:
<b>CSU Transfer:</b>	Transferable	Effective: Fall 2010	Inactive:
<b>UC Transfer:</b>		Effective:	Inactive:

### **CID:**

### **Certificate/Major Applicable:**

Major Applicable Course

## **COURSE CONTENT**

### **Student Learning Outcomes:**

At the conclusion of this course, the student should be able to:

1. Distinguish between form and drafted pleadings.
2. Perform litigation drafting tasks that are typically assigned to paralegals.
3. Manage litigation files.

### **Objectives:**

At the conclusion of this course, the student should be able to:

1. Draft and respond to pre-trial pleadings.
2. Amend pleadings.
3. Perform legal calendaring tasks.
4. Evaluate and compile material for trial binder.
5. Examine and review litigation files.
6. Create pre-trial checklists.
7. Create expert witness list, testimony witness lists, and trial strategy outline.

### **Topics and Scope:**

- I. Introduction to Pleadings
  - A. Types of pleadings
  - B. Causes of action
  - C. Real parties in interest
  - D. Capacity to bring suit
  - E. Litigation file management
- II. Complaints and Cross Complaints
  - A. Form pleadings and drafted pleadings

- B. Format
- C. Drafting allegations
- D. Pleading devices
- E. The prayer
- F. Verification
- G. Service of summons
- H. Pleading in federal courts
- I. Drafting tips
- III. Answering the Complaint
  - A. Answering a Superior Court complaint
  - B. Denials to Superior Court complaints
  - C. Affirmative defenses
  - D. Drafting affirmative defenses
  - E. Forms of answers in Superior Court
  - F. Answering a Federal Court complaint
- IV. Attacking the Pleadings
  - A. Strategies
  - B. Demurrers and motions of judgment on the pleadings
  - C. Motions to strike
  - D. Attacking the pleadings in Federal Court
- V. Amending the Pleadings
  - A. Amending Superior Court pleadings
  - B. Amending by right
  - C. Amending by leave of court
  - D. Considerations of the court granting leave to amend
  - E. Amending pleadings in Federal Court
- VI. Calendaring Pleadings
  - A. Trial timelines
  - B. Calendaring in Superior Court
  - C. State and local rules affecting calendaring
  - D. Statutes of Limitations
  - E. Deadlines for responses to pleadings
  - F. Dismissal statutes
  - G. Calendaring in Federal Court
  - H. California's Trial Delay Reduction Act
- VII. Law and Motion
  - A. General format rules
  - B. Motion structure and elements
  - C. Service and filing
  - D. Opposing motions
  - E. Tentative rulings
  - F. Law and motion hearings
  - G. Orders of the court
  - H. Sanctions
  - I. Ex parte motions
  - J. Settlement conferences
  - K. Defaults
- VIII. Summary Judgment
  - A. Grounds for summary judgment
  - B. Summary adjudication
  - C. Pleading in the alternative
  - D. Advantages and disadvantages of summary judgment motions

- E. Form and format of motion
- F. Timing limitations
- G. Notice requirements
- H. Memorandum of Points and Authorities
- I. Supporting evidence
- J. Separate Statement of Undisputed Fact
- K. Opposing Motions for Summary Judgment and Summary Adjudication
- L. Orders
- IX. Trial Setting Procedures
- X. Trial Preparation
  - A. Trial binder and pre-trial checklist
  - B. Trial strategy outline
  - C. Witness lists
- XI. Judgments and Post-Trial Motions
  - A. Motions for fees and costs
  - B. Motion for judgment notwithstanding the verdict
  - C. Motion for new trial and to vacate the judgment
  - D. Form and format of post-trial motions
  - E. Post-trial motions in Federal Court
- XII. Provisional Remedies and Extraordinary Writs
  - A. Injunctions, receiverships, and attachments
  - B. Writ of Mandamus
  - C. Writ of Certiorari

### **Assignment:**

1. Read textbook and outside sources of approximately 40 pages per week
2. Conduct appropriate research and draft weekly pleadings assignments
3. Research homework of procedural and substantive law
3. Participate in weekly discussions
4. Draft summary judgment motion
5. Two to five quizzes, final and midterm exams

### **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 pleadings. Draft motions for summary judgment
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Writing 60 - 75%
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**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
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Problem solving 10 - 20%
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**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, final and midterm exams

Exams  
10 - 20%

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

Participation in weekly discussions

Other Category  
5 - 20%

**Representative Textbooks and Materials:**

Litigation by the Numbers & the Substantive Companion. Goren, Julie. Lawdable Press. 2016 (classic)

Recommended reference: Civil Procedure Before Trial. Weil, Robert and Brown, Ira. The Rutter Group. 2015 (classic)