

# LAW C160: CIVIL TRIALS AND EVIDENCE

Item	Value
Top Code	140200 - Paralegal
Units	1.5 Total Units
Hours	27 Total Hours (Lecture Hours 27)
Total Outside of Class Hours	0
Course Credit Status	Credit: Degree Applicable (D)
Material Fee	No
Basic Skills	Not Basic Skills (N)
Repeatable	No
Grading Policy	Standard Letter (S), • Pass/No Pass (B)

## Course Description

Basic principles of preparing a civil case for trial, including preparation of a trial notebook, pre-trial and post-trial motions, jury instructions, verdicts, judgments, and the principles of evidence and its preparation for presentation in court. ADVISORY: LAW C105 and LAW C121. Transfer Credit: CSU.

## Course Level Student Learning Outcome(s)

1. Analyze and examine the rules of evidence and the application of the rules to specific identified items of evidence.
2. Analyze, examine, assess, select, and create trial preparation materials and motions given a specific fact situation.
3. Explain the role of a paralegal in the various stages of the pre-trial and trial preparation process.
4. Describe the purpose and procedure for pre-trial challenges to the judge, final status/chambers conference, motion in limine preparation, and jury instruction selection/preparation.

## Course Objectives

- 1. Create pre-trial documents, including a challenge to the judge, final status/chambers conference statement, motions in limine, jury instructions, and trial notebook.
- 2. Create voir dire questions used in jury selection.
- 3. Develop opening statement given a specific factual scenario.
- 4. Prepare closing argument given a specific factual scenario.
- 5. Compare and contrast direct and circumstantial evidence.
- 6. Explain relevance and foundation as relating to the admissibility of evidence.
- 7. Describe the evidentiary rule of hearsay, including applicable exceptions.
- 8. Describe the use of discretionary exclusion pursuant to Evidence Code Section 352.
- 9. Explain the rule of Judicial Notice as it relates to proof of evidence at trial.
- 10. Prepare direct and cross examination questions for a witness.
- 11. Explain the use and purpose of a motion for directed verdict, non suit, and mistrial.
- 12. Prepare a special verdict, general verdict, judgment, and cost memorandum.

## Lecture Content

Paralegals Role in Trial (2.5 hours) Preparation Case Management Conference Settlement Notice of Trial Continuance Discovery Evidence Exhibits Demonstrative Evidence Case Theme Gathering Evidence Compelling Witness Attendance Experts Witness Preparation Trial Notebook Right To Jury Trial (.5 hour) Source of Law Stipulations Function of Jury Process Challenging The Judge (.5 hour) CCP (170.6- Procedure Final Status/ Chambers Conference (1.5 hours) Local Rules Purpose Subjects to Consider Statement of Case Witness List Scheduling Exhibits Jury Pool Motions In Limine (1.5 hours) Examples Plaintiffs Motions Defendants Motions Improper Use Jury Selection (1 hour) Voir Dire Peremptory Challenges Challenge for Cause Alternate Jurors Opening Statements (1 hour) Importance Role of Paralegal Preparation Audience Facts Theme Players Damages Jury Management (.5 hour) Admonitions Pre-Instruction Notes Misconduct Intro to Evidence (1 hour) Definition Civil and Criminal Direct v. Circumstantial Habit and Custom Character Relevance Foundation (2 hours) At Issue Credibility Probative Value Foundation Testimony Writings Material Objects Demonstrative Evidence Audio Visual Scientific Discovery Hearsay (3 hours) Definition Admissibility Unavailability Multiple Hearsay Court Discretion Exceptions Admission Declaration against Interest Prior Statements Former Testimony Spontaneous Statements Contemporaneous Declaration Dying Declarations Mental or Physical State Business Records Official Records Judgments Privileges (1 hour) General Principle Types Self-Incrimination Attorney-Client Spousal Physician-Patient Clergy-Penitent Trade Secrets Discretionary Exclusion (1 hour) 352 Rule Limits on Exclusion Grounds for Exclusion Undue Prejudice Unduly Time Consuming Confusing or Misleading Judicial Notice (.5 hour) Concept Mandatory v. Discretionary Procedure Direct Examination (1 hour) Witness Preparation Interpreters Children Elderly Form of Questions Cross Examination (1 hour) Permissible Areas Credibility/Character Experts Form of Questions Leading Improper Questions Argumentative Assuming Facts Misstates Evidence Conclusory Cumulative Compound Harming Opinion Testimony (.5 hour) Lay Expert Motions During Trial (1.5 hour) Mistrial Nonsuit Directed Verdict Motion to Amend Closing Arguments (.5 hour) Paralegal Role Proper v. Improper Jury Instructions (1.5 hour) Sources CACI BAJI Statutes Opinions Improper Instructions Procedural Requirements Format Preparation Content Format Language Organization Sanitized Set Jury Deliberations (.5 hour) General Considerations Matters Allowed Requests by Jurors Deadlock Misconduct Non Jury Trials (1 hour) Trial Brief Order of Proceedings Judges Role Verdicts, judgments Costs (1 hour) General Verdict Special Verdict Entry of Judgment Costs Allowable Limitations CCP 998 Attorney Fees Procedural Requirements Expedited Trials Act (.5 hour) Examinations (4 hours)

## Lab Content

Prepare and/or review documents related to: Challenges to the Judge Trial Notebook Final Status/Chambers Conference Motions in Limine Jury Instructions Motions During Trial Opening Statement Direct/Cross Examination Closing Argument Verdicts Judgment Costs

## Method(s) of Instruction

- Lecture (02)
- DE Live Online Lecture (02S)
- DE Online Lecture (02X)

## **Instructional Techniques**

Multiple methods of instruction will be used to enhance student understanding of the paralegal profession. Lectures, discussions, forums, interactive activities, and group projects will be utilized to facilitate the learning process. This class requires the use of various methods of audio visuals such as PowerPoint presentations, audio, and video.

## **Reading Assignments**

Students will read from the course textbook as well as any other primary and/or secondary readings assigned by the instructor.

## **Writing Assignments**

Students will be required to complete written homework assignments, prepare pre trial motions, jury instructions, direct and/or cross examination questions, opening statements and/or closing argument, write essays on the exams, and prepare a written project on a specific factual scenario as assigned by the instructor.

## **Out-of-class Assignments**

Outside of the classroom students will complete the required readings; work on assigned papers, reports, and projects; study for tests; conduct research; and communicate with the instructor and/or fellow students through telephone, email, discussion boards, or virtual chat.

## **Demonstration of Critical Thinking**

Critical thinking will be demonstrated through written assignments, essays on exams, discussions and oral presentations, and/or written projects.

## **Required Writing, Problem Solving, Skills Demonstration**

Problem analysis and arguments related to written assignments and document preparation, in a group discussion or individual oral presentation, based on the factual situation of a trial case

## **Eligible Disciplines**

Law: J.D. or LL.B NOTE: Courses in aspects of law for application to a particular discipline may be classified, for minimum qualifications purposes in the discipline of the application. Masters degree required.

## **Textbooks Resources**

1. Required White, E.A. Mohr, A.J. California Paralegal Manual: Civil Trials and Evidence, 2021 ed. Thomson Reuters, 2021

## **Other Resources**

1. Access to the federal and state annotated Rules of Evidence 2. or a comparable text selected by the instructor and approved by the paralegal department. 3. Coastline Library 4. California Evidence Code (not annotated)