

Preface

Approach

When I first started teaching litigation specialization for paralegal students at the University of West Los Angeles over 23 years ago, I struggled trying to find a textbook that was comprehensive enough to be useful for my students and, at the same time, conducive to learning. The result was always mixed. Either the text was too comprehensive and designed more for the practicing lawyer or it was not comprehensive enough, so that I found myself supplementing large portions of the materials. Finally, I had the good fortune of being teamed with Professor Thomas Mauet to write a litigation textbook designed specifically for paralegal students. Our efforts culminated in *Fundamentals of Litigation for Paralegals*, first published in 1991 and now in its fifth edition. However, while comprehensive, since the text concentrated on federal law and procedure, I still had to supplement the materials for my California students. At last, we have finally been able to complete a text that I wish I had when I started teaching 23 years ago.

Our approach to this litigation textbook has been to include information on all areas of California civil litigation, even though due to time constraints not all areas are covered in a litigation course. The purpose for including this additional information is to allow you to use this book, not only as a text for learning but also as a reference book once you are in practice.

We have found that civil litigation can often be oversimplified, which hinders the learning and understanding process; on the other hand, although civil litigation is very rule oriented and can be complex, easy-to-follow steps can be given to help you learn the rules. Thus, we attempt to strike a balance between giving sufficient detail for you to learn and understand this area of law, while at the same time making the steps as easy as possible to follow. You will find that the text breaks down each civil procedure rule into easy-to-follow steps. Each step explains the process so that you are not just following the rules, but

understanding them as well. We believe that as you progress through your litigation course and career, you will come to appreciate even more the detailed approach we have taken.

Organization

This book takes you through each stage of the litigation process from the initial fact-gathering stage through post-judgment proceedings. Because there are alternative ways to resolve disputes through either arbitration or mediation, the book also covers these topics. Each chapter is designed to give you a thorough understanding of the procedural rules governing the litigation process, as well as a system for transferring your knowledge of the procedural rules into the litigation skills necessary to draft litigation documents such as pleadings, discovery requests, and motions.

Always remember that behind every litigation case there are clients who are either suing or being sued and witnesses who have knowledge of the facts and events surrounding the dispute. Thus, important skills for collecting data, interviewing clients, and taking witness statements are discussed and demonstrated throughout the text. Checklists for locating witnesses, including Internet resource sites, are also provided.

Key Features

You will note that many of the legal terms that are central to the discussion in each chapter appear in bold type. Most of these boldfaced terms are defined in the margin of the book where they appear in the text and also in the Glossary at the end of the book. The Glossary also provides definitions of the other legal terms that are used in the text; should you encounter any legal term that is unfamiliar, you can refer to the Glossary for an explanation.

At the beginning of each chapter you will find two sections. The first section is an outline of the chapter. You may use this section to obtain a quick overview of the chapter and also to help you locate a particular area. The next section identifies the chapter's objectives. Keep these objectives in mind as you go through the chapter.

At the end of each chapter you also will find four important sections. The first section is the "Chapter Summary," which highlights the important concepts in each chapter. The summary, of course, should never be used as a substitute for reading the chapter. However, the summary is useful when you wish to review the content of each chapter. The "Key Terms" section acts as a checklist to ensure that you

have identified and understood the legal terms that were defined and explained in the chapter. The third section at the end of each chapter is a series of questions. The “Review Questions” may be used as a study guide to further test your understanding of the main concepts discussed in each chapter. Since the Internet plays such a vital role in the litigation process today, a separate section has been added in this new edition. At the end of each chapter you will find an “Internet Resources” section that lists websites that can be used for downloading common forms or obtaining additional information to supplement the information in the chapter.

In addition to the review questions in this book, a workbook on disk is included with the text. The workbook is designed to give you an opportunity to work thoroughly with the rules and concepts discussed in the text and contains additional questions and assignments. Projects requiring computer usage and the Internet are included as optional assignments.

Acknowledgments

No textbook can be written without help and guidance from numerous individuals. A special thank you goes to Elizabeth Kenny who has worked with us for over 17 years since the first edition of *Fundamentals of Litigation for Paralegals*. Elizabeth continued to provide her guidance, suggestions, substantive comments, and support for this edition. Without her constantly keeping on top of us to meet deadlines, I am certain we would never be even close to on time. Candice Adams and Jason Thomas at Newgen–Austin oversaw the editing and proofing stages of the text, catching all those mistakes that we were so sure never existed. We are thankful to the individuals who have adopted this text for their classes and who provided invaluable suggestions that were incorporated into this edition. Finally, we gratefully acknowledge the permission of Aspen Publishers to reprint Exhibits 1.2 and 2.1.

Marlene Pontrelli Maerowitz

March 2007