Preface

Approach

When I first started teaching litigation specialization for paralegal students at the University of West Los Angeles over 30 years ago, I struggled trying to find a textbook that was comprehensive enough to be useful to 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 seventh edition. Though the text is comprehensive, it concentrates on federal law and procedure, so I still had to supplement the materials for my California students. In 2001, we were able to complete a text that I wish I had had when I started teaching: Fundamentals of California Litigation for Paralegals.

Our approach to this litigation textbook has been to include information on all areas of California civil litigation, even though, because of 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, you can learn the rules if given easy-to-follow steps. Thus, we attempt to strike a balance between giving sufficient detail for you to learn and understand this area of law and 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

Over the past fifteen years since this book was first published, technology has increased and influenced the way that we litigate cases. Accordingly, throughout the book are techniques, processes and procedures for using technology in litigation and using the Internet. However, as with previous editions, this book takes you through each stage of the litigation process from initial fact-gathering 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 applying your knowledge of the procedural rules 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 can 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 there are five 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.

The Internet Research Questions will allow you the opportunity to feel comfortable using computerized research techniques to assist you in preparing a litigation case.

Textbook Resources

The companion web site for Fundamentals of California Litigation for Paralegals offers additional resources for students and instructors, including:

- Instructor resources to accompany the text, including a comprehensive Instructor’s Manual, Test Bank, and PowerPoint slides.
- Links to helpful web sites that can be used for downloading common forms or obtaining additional information to supplement the text.
- Student workbook with additional practice exercises.

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Marlene Pontrelli Maerowitz