

LRC Research Training for LWR



Procedural Research Training

Housekeeping Items

- **Sign up for CEB OnLAW Pro**
 - Students can request a free account; visit <http://www.ceb.com/aba> and sign up using Law School Code **DAX22**
 - CEB will follow up within 2 business days
- **Complete our Fall 2021 Research Instruction Evaluation Google form**
 - <https://forms.gle/23MSyh9BHak2TbrB9>

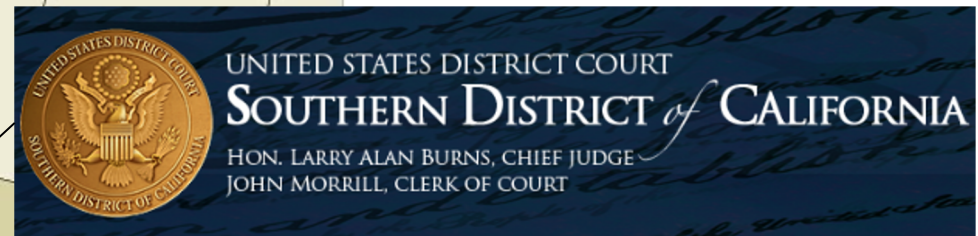
What we will cover

- Procedural practice guides, treatises, and form books
- Court rules

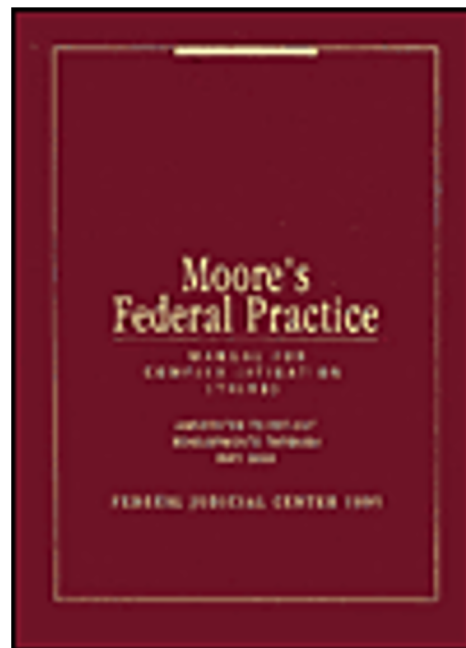
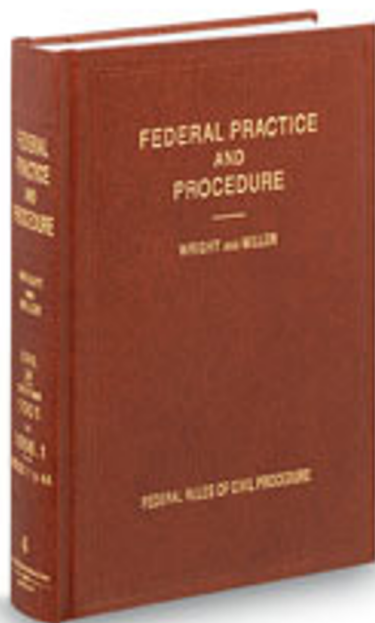
Note that jurisdiction has a huge part to play in procedural rules so remember to consider federal v. state, which federal circuit, etc.

Civil Procedure Practice Guides

Federal Courts – 9th Circuit



Federal Procedural Practice Guides



Federal Procedural Practice Guides

Practice Guides

- Wright & Miller, Federal Practice and Procedure ([Westlaw](#))
- Federal Civil Procedure Before Trial, National Edition ([Westlaw](#))
- Federal Rules of Civil Procedure, Rules & Commentary ([Westlaw](#))
- Cyclopedia of Federal Procedure ([Westlaw](#))
- The Wagstaffe Group: Federal Civil Procedure Before Trial ([Lexis](#))
- Moore's Federal Practice ([Lexis](#))
- Federal Civil Procedure Before Trial, CA & 9th Circuit ([Westlaw](#))
- Matthew Bender: Federal Pretrial Civil Procedure in California ([Lexis](#))

Form Books

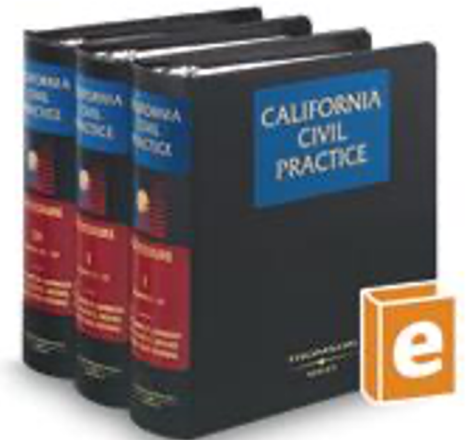
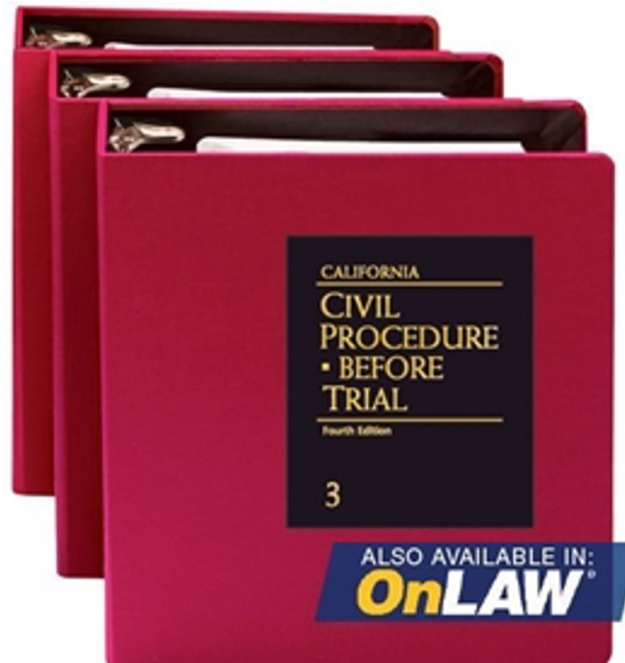
- West's Federal Forms ([Westlaw](#))
- Federal Procedural Forms ([Westlaw](#))
- Nichols Cyclopedia of Federal Procedure Forms ([Westlaw](#))
- Bender's Federal Practice Forms ([Lexis](#))

State of California • Courts of Appeal Appellate Districts



California Civil Practice Materials

California Procedural Practice Guides



California Procedural Practice Guides

Pre-Trial

Civil Procedure Before Trial (Rutter Guide) ([Westlaw](#))

Cal. Civil Discovery ([Lexis](#))

Cal. Civil Procedure Before Trial ([CEB OnLAW Pro](#) or [Lexis](#))

During Trial

Cal. Trial Practice: Civil Procedure During Trial ([CEB OnLAW Pro](#) and [Lexis](#))

Civil Trials & Evidence (Rutter Guide) ([Westlaw](#))

Cal. Trial & Post-Trial Civil Procedure ([Lexis](#))

Post-Trial

Cal. Civil Appellate Practice ([CEB OnLAW Pro](#))

Enforcing Judgments & Debts (Rutter Guide) ([Westlaw](#))

Civil Appeals and Writs (Rutter Guide) ([Westlaw](#))

Class Exercise (5 minutes)

Use one of the following sources:

- Moore's Federal Practice (Lexis)—last names beginning with A–H
- Federal Civil Procedure Before Trial, National Edition (Westlaw)—last names beginning with I–O
- Wright & Miller, Federal Practice and Procedure (Westlaw)—last names beginning with P–Z

Answer the following:

Under FRCP 26, expert witness disclosures (including the identity of experts who will testify and reports concerning the experts' qualifications and testimony) must be made *how many days before trial*? What *exceptions* apply?

Use either the table of contents to navigate or search within

Answer

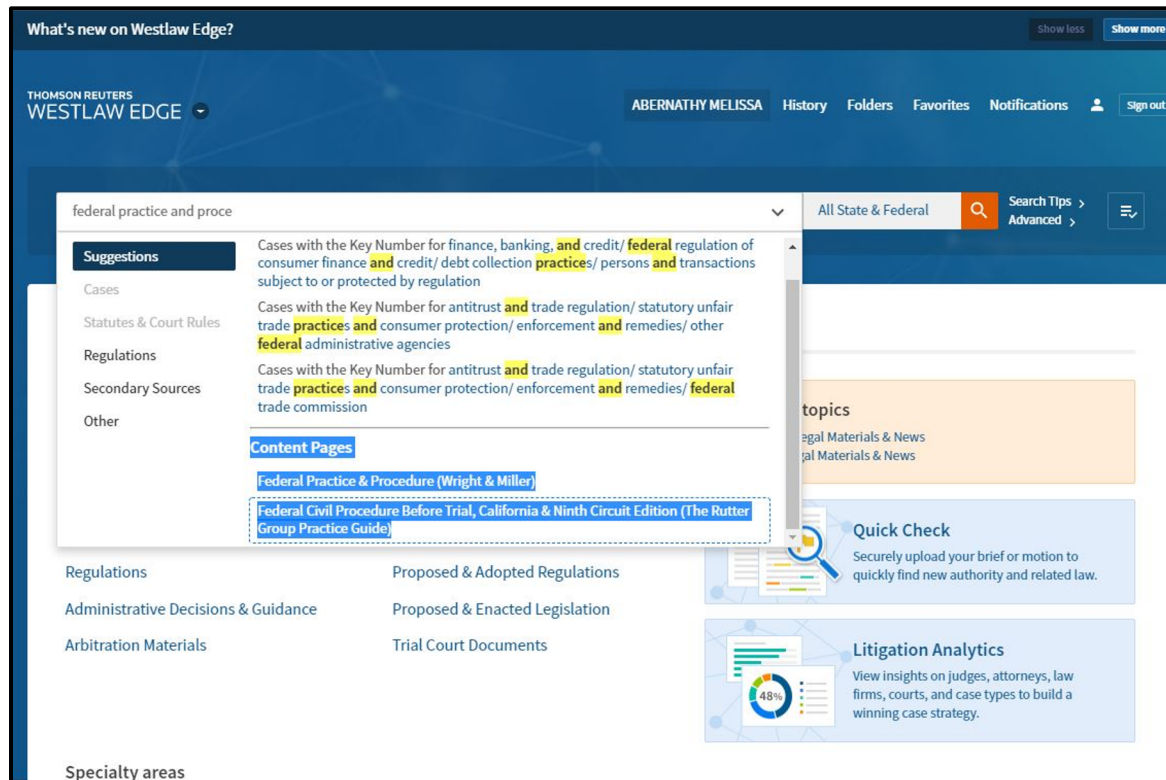
When must expert witness disclosures be made?

Under FRCP 26, expert witness disclosures (including the identity of experts who will testify and reports concerning the experts' qualifications and testimony) must be made **90 days before trial**.

What exceptions apply?

If the evidence is intended solely to contradict or rebut evidence on the same subject matter identified by another party under Rule 26(a)(2)(B) or (C), within 30 days after the other party's disclosure.

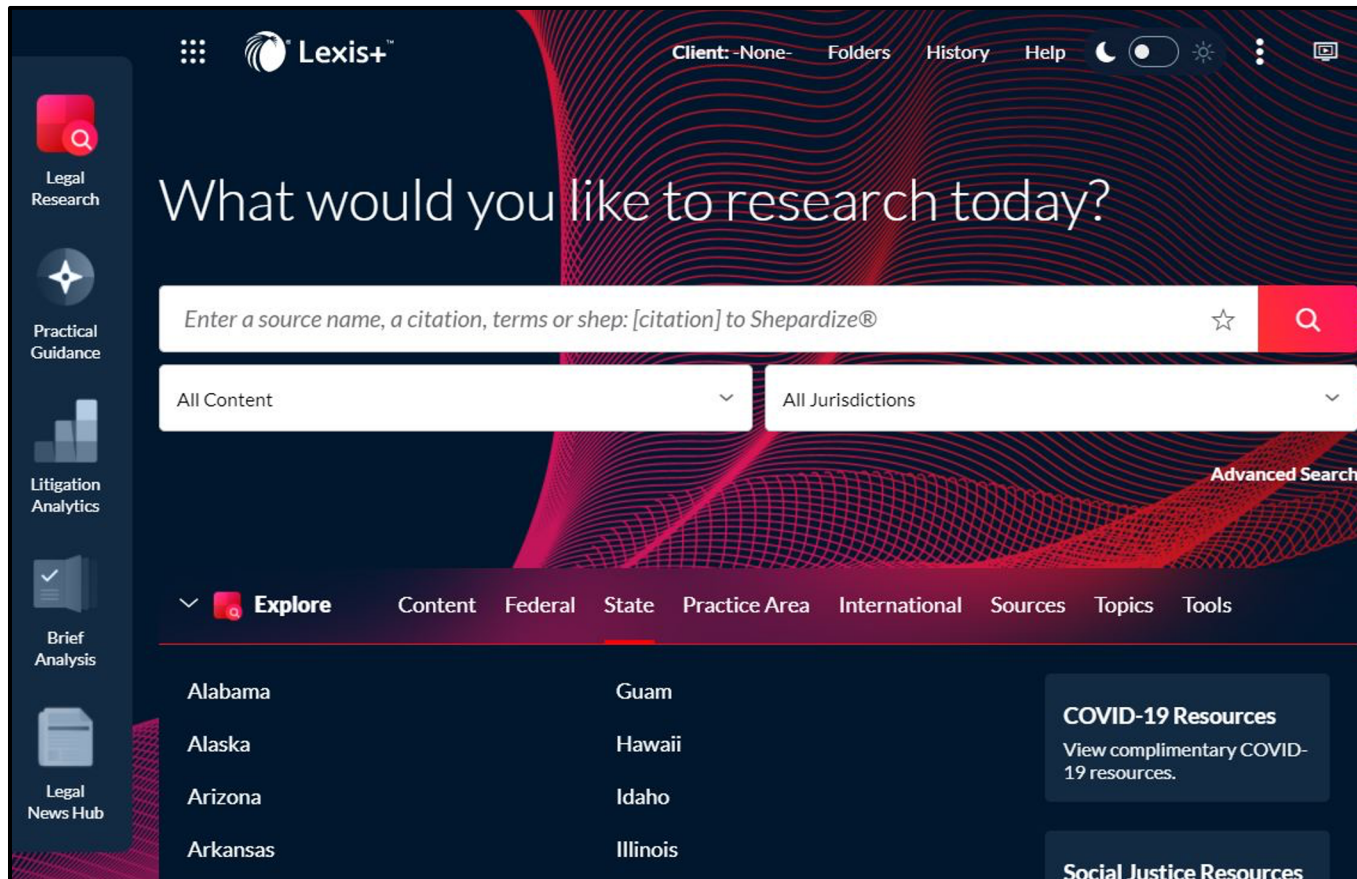
Westlaw



If searching across the database by keyword, filter to

- **Secondary sources**
- Jurisdiction (**Federal or California**)
- Publication type (**texts & treatises**)


The easiest way to access procedural practice guides is to search by **title** (e.g. Federal Practice and Procedure).




In Lexis your options are also searching by title OR searching by keyword and filtering to

- **Secondary Materials**
- Jurisdiction (**Federal or California**)
- Type (**Treatises & Guides**)

CEB Pro

 **CEB**

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Holiday Pay, Time Off, and Other California Employment Issues To Consider During the Holidays


Anthony Zaller December 13, 2021

As we enter the holiday season, it's a good time to review employers' obligations to accommodate requests for time off for holidays and best pay practices during the holiday season. Here are five reminders for employers about holiday leaves and pay. 1. California employers are not required to provide...

7 Pitfalls of Witness Testimony -- and How To Avoid Them

Angela Domenico December 13, 2021

An unprepared witness may be disorganized, unprofessional, or -- worst of all -- appear dishonest. Successful witness preparation will help your witness feel calm and confident without seeming overly rehearsed or artificial. For trial attorneys who frequent the courthouse, it's easy to forget how



<https://research.ceb.com/login>

LRC Catalog

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About

The Pardee Legal Research Center is currently open only to current students, faculty, and staff of the University of San Diego using their Torero ID Card, available from [Campus Card Services](#). Face masks must be worn at all times inside the LRC, consistent with [USD policy](#). Face masks may be lowered when actively drinking a beverage, but food is currently prohibited in the LRC. Please see our [LRC Access and Study Rooms Guide](#) for information on additional COVID policies.

FDLP users: You may access many online FDLP resources by searching the [library catalog](#). Many federal materials are online at <https://www.govinfo.gov/>. The LRC will provide full access again as soon as possible. Other federal depositories may be located here: [Federal Depository Library Directory](#).

Quick Links

- [Online Study Aids](#)
- [Study Room Reservations & LRC Access](#)
- [CALI code](#)
- [Faculty Resources & Faculty Services](#)
- [San Diego Circuit](#)
- [Printing](#)
- [Course Reserves & Past Exams](#)
- [Tips for 3Ls & Recent Grads](#)

Search LRC

Search Catalog

Databases

California Civil Discovery



[Library Account](#) | [Classic Catalog](#) | [Course Reserves](#) | [Past](#)

Ask a law librarian!

Accessing Procedural Practice Guides

- Think about jurisdiction first and foremost.
- The easiest way to access procedural practice guides is to search **by title** in either Westlaw, Lexis, CEB Pro or the LRC catalog (e.g. California Civil Discovery).
- Alternatively you can use the word wheel in either Westlaw or Lexis to come up with suggested titles.
- If keyword searching, remember to use the filters for secondary sources > texts and treatises > Federal
- Use the LRC catalog if you don't know which database to start in.

Court Rules

Federal Courts

- **U.S. Supreme Court**
- **Circuit Courts of Appeals**
 - 12 regional circuits + Court of Appeals for the Federal Circuit
 - California federal courts are in the Ninth Circuit
- **Federal District Courts**
 - 94 judicial districts
 - Court of International Trade & Court of Federal Claims

Federal Court Rules

Court rules can be found easily on court websites.

- Rules that apply to ALL Federal Courts for civil procedural matters
 - [Federal Rules of Civil Procedure](#) (for district courts)
 - [Federal Rules of Appellate Procedure](#) (for appellate courts)
 - [Federal Rules of Evidence](#)
- Each Circuit Court also has its own set of court rules
 - e.g. the [Ninth Circuit Court Rules](#)
- Each District Court also has its own set of rules
 - e.g. the [United States District Court for the Southern District of California Court Rules](#)

California Courts

- **California Supreme Court**
- **California Courts of Appeal**
 - 6 Appellate Districts
 - San Diego is in the 4th Appellate District
- **California Superior Courts**
 - 58 Counties, each with a Superior Court

California Court Rules

- Rules that apply to ALL California Courts
 - [California Code of Civil Procedure](#)
 - [California Rules of Court](#)
- Each Appellate Court also has its own set of court rules
 - e.g. the [4th District Court of Appeal Court Rules](#)
- Each Superior Court also has its own set of rules
 - e.g. the [San Diego Superior Court local rules](#)

Class Exercise (5 minutes)

- **(Federal)** You're appealing to the 11th Circuit and trying to format your brief. Should the information for the attorney & firm go on the cover or inside the brief? What rules apply?—last names beginning with A–M
- **(California)** Your case is in San Francisco Superior Court and your opponent needs longer than the usual 30 days to respond to your complaint and they have filed a motion for extension of time to respond. How many days do you have to file an opposition to that motion? What rules apply?—last names beginning with N–Z

Federal Answer

You're appealing to the 11th Circuit and trying to format your appellate brief.

Should the information for the attorney & firm go on the cover or inside the brief?

- It should go on the cover page

What rules apply?

- [Federal Rules of Appellate Procedure - Rule 28](#)
- [11th Circuit Court Rules 28-1](#)

California Answer

Your case is in San Francisco Superior Court and your opponent needs longer than the usual 30 days to respond to your complaint and they have filed a motion for extension of time to respond.

How many days do you have to file an opposition to that motion?

- 2 days

What rules apply?

- [California Code of Civil Procedure § 1290.6.](#)
- [2021 California Rules of Court - Rule 3.110](#)
- [San Francisco Superior Court Court Rules - 3.1\(B\)](#)

Questions? Need help?

Contact us!

LRC Virtual Reference Desk

lrcrefer@sandiego.edu

Live Chat with a Law Librarian

<https://www.sandiego.edu/law/library>

Summer Clerks Research Guide

<https://lawlibguides.sandiego.edu/summer>

Fall 2021 Research Instruction Evaluation Google form

<https://forms.gle/23MSyh9BHak2TbrB9>