The fall semester course will focus on relevant issues pertaining to the litigation process, including issues relating to a party’s decision to file a lawsuit. The course will include an overview of the civil litigation system so as to give you a bird’s eye view of it from start to finish. The class will cover relevant aspects of constitutional law, statutory interpretation, and procedural rules, with a particular focus on the Federal Rules of Civil Procedure and the Federal Rules of Appellate Procedure. You will also learn about the structure of the state and federal court systems; how to read a case; how to conduct legal research; how to cite legal authorities; and the techniques of legal analysis and legal reasoning. Instruction in the area of legal research and writing will be integrated with the law of civil procedure. Specific topics to be covered are set forth below and may be modified, as necessary, throughout the semester.

Teaching Assistants: Meaghan Vernick, Drew Chlan

Law Scholar: Ashley Nelson-Raut

First Class Reading Assignments:

Wednesday, August 19, 2015, 9:00 a.m.-11:45 a.m.:

Topics: Introductions; course overview; structure of state and federal courts; survey of the civil action; defining “civil procedure”; the purpose and scope of the Federal Rules of Civil Procedure; litigation and alternatives to it; legal research; introduction to legal citation


Note: TA Sessions will held on Wednesdays from 9:00 a.m.-10:15 a.m. throughout the semester. For the first class, the TAs will discuss briefing cases and provide an introduction to law school. A “Case Briefing” document will be posted on the ILS/Civil Procedure TWEN site under the “Course Materials” sub-heading.

Course Materials

The required and optional texts are set forth below. Reading assignments from the required texts will be handed out periodically during the semester. I may also periodically assign other readings. These will either be posted online or be distributed in the form of handouts.

Required Texts:

ILS


Amy E. Sloan & Steven D. Schwinn, Basic Legal Research Workbook (Aspen Publishers).

Tracy L. McGaugh & Christine Hurt, Interactive Citation Workbook for The Bluebook: A Uniform System of Citation (LexisNexis)

Interactive Citation Workstation – These are online exercises that will be assigned periodically throughout the semester. You will receive a password to access the exercises.

The Bluebook: A Uniform System of Citation (The Harvard Law Review Association, 20th ed. 2015)

Civil Procedure


Optional Texts:

*ILS*


*Civil Procedure*


ASSIGNMENTS

**Reading Assignments:** Required reading assignments will be distributed over the course of the semester. It is expected that students will have read the assigned pages and be prepared for class.

**TA Research Assignments:** The class will be divided up into two groups during the first week of class. Each small group will be assigned a Teaching Assistant. More information on TA Research Assignments will be forthcoming.

**Deadlines:** Assignments must be turned in at the announced times and places. The course will include pleading exercises, various research and writing assignments, and a final written exam. Failure to complete or turn in an assignment on time or in the manner specified will have negative consequences for your grade.

**Court Observation Assignment:** In addition to the other course requirements, you are required to attend one civil trial or appellate court proceeding of your choice during the course of the
semester. On or before Friday, November 20, 2015 by 5:00 p.m., you must submit a one-page summary to me via TWEN describing the nature of the proceeding you attended, including the names of the parties, the docket number of the case, the name of the court, and what, if anything, you learned from observing the court proceeding. Failure to complete this assignment will result in your grade being reduced by one step (e.g., B+ to B). Please include your name when you submit the assignment. Extensions of time will not be granted for this assignment.

Other assignments may also be given out periodically during the course of the semester. Note: During the semester, the class will be divided into small “law firms” for purposes of doing assigned group work. Group projects may include drafting complaints, answers, or other legal documents. These group projects will also give you a chance to get to know one another better. Some of you may also find it useful to form study groups.

EVALUATION

Evaluation: The final grade for the ILS component of the course will consist of the following: Writing Assignment #1 (25%); TA Research Assignments & Professionalism Units (25%); Writing Assignment #2 (50%). The final grade for the Civil Procedure I component of the course will be based on the final exam. The final exam will be in the form of essay questions. Students are identified by confidential exam numbers, which are obtained online on MyUB before the exam period. Exam numbers are randomly generated by the registrar’s office and assigned to each student.

The ILS/Civil Procedure I course is subject to the law school’s mandatory grading range for first-year courses. Under the mandatory grading range, each faculty member teaching a section of any first-year course shall have an average grade for the section taught by that faculty member (i.e., the arithmetic average of all of the grades assigned to students in the section) that is no lower than 2.67 and is no higher than 3.00. The law school’s mandatory grading range is more fully described on the law school’s website.

Attendance: Class attendance is a primary obligation of each student and you are expected to attend each class on time. Per ABA and law school policies you may have no more than five absences. A student who exceeds the maximum allowable absences may be compelled to withdraw from the course or may be barred from sitting for the final exam. A student who is compelled to withdraw or is barred from sitting for the final exam may receive an “F” in the course. A student who is present, but unprepared for class, may be treated as absent. The law school’s attendance policy can be found online. An attendance sheet will be distributed at the beginning of each class session, so be sure to sign in every day that our class meets.

Class Participation: Class participation is expected and demonstrates that you have read and reflected on the issues raised in the reading assignments. Grades may be raised or lowered up to a full letter grade (e.g., A to B or C to B) based on the overall quality of a student’s class participation.

OTHER ISSUES
TWEN: I will use Westlaw’s TWEN website to communicate with the class. (Go to lawschool.westlaw.com and link to TWEN.) You are responsible for checking it regularly.

Office Hours: I have an open-door policy, so please feel free to stop by my office. Otherwise, feel free to make an appointment (either by phone or e-mail) to see me. I will also announce regular office hours at the beginning of the semester. You are welcome to contact me via e-mail (jbessler@ubalt.edu).

Academic Integrity: The School of Law Honor Code sets the standards of integrity and professionalism for law students, and each student is bound by the Honor Code. The Honor Code is available online.

Laptops: Laptops may be used in class for note-taking, but may only be used in class for course-related work. Students may also use laptops on the final exam.

Disability Policy: If you are a student with a documented disability who requires an academic accommodation, please contact Leslie Metzger, Director for Student Support in the Office of Academic Affairs at (410) 516-5623.

Class Cancellation: If a class is cancelled, notices will be sent to students via e-mail. If there is inclement weather, students should visit the University of Baltimore web page or call the University’s Snow Closing Line at (410) 837-4201. If the University is not closed, students should presume that classes are running on the normal schedule.

Helpful Civil Procedure Research Sources: Wright & Miller, Federal Practice and Procedure; Moore’s Federal Practice

Course Coverage: Below is a listing of topics that will be covered in the course. I may modify the syllabus during the course of the term. I will announce any such modifications in class or through a posting on TWEN.

TOPICS TO BE COVERED IN CIVIL PROCEDURE I:

INTRODUCTION/OVERVIEW

An introduction to civil procedure

Defining “civil procedure”

Historical origins of the Federal Rules of Civil Procedure

Overview of the litigation process

Adversarial vs. inquisitorial systems
Alternatives to litigation/ADR

**PLEADING**

Federal pleading
Complaints
Answers
Replies
Amendments to pleadings
Duty to investigate/ethical considerations
Sanctions – Rule 11

**JOINDER OF CLAIMS AND PARTIES**

Claims / Jurisdiction
Counterclaims
Cross-claims
Impleader
Interpleader
Necessary and Indispensable Parties
Intervention
Class Actions

**PRE-TRIAL MOTIONS**

Motions to Dismiss
Motions for Summary Judgment

DISCOVERY

Interrogatories
Document Requests
Requests for Admission
Depositions
Electronic Discovery
Attorney-Client Privilege
Work Product Doctrine
Experts

JURY TRIALS

Right to a Jury Trial
Seventh Amendment

REMEDIES, JUDGMENTS AND POST-TRIAL MOTIONS

Injunctions
Declaratory Relief
Verdicts
Judgments
Post-Trial Motions
APPEALS

Time to Appeal
Scope of Appellate Review

TOPICS TO BE COVERED IN INTRODUCTION TO LAWYERING SKILLS:

Legal Rules/Case Briefing
Citation/Library Exercises
Cases and Digests
Use of Primary and Secondary Sources
The Writing Process
Legal Research and Writing
Office Memoranda
Statutory Research
Research Plans
Citators (Shepard’s/Keyciting)
Parentheticals
Legislative History
Electronic, Non-Print Materials
Maryland’s Judicial System
LexisNexis and Westlaw Training