

CIVIL PROCEDURE I
LAW 612 & 612A — Section 339A
Fall 2021

Instructors: Professor Matthew Sipe (msipe@ubalt.edu), Room 1010
Office Hours: Fridays, 1:00 to 3:00 pm

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Teaching Assistants (ILS): Mitchell Dolman (mitchell.dolman@ubalt.edu),
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Law Scholar (Civil Procedure): Peri Schuster (peri.schuster@ubalt.edu)

Class times: Wednesdays & Fridays, 9:00 am – 11:45 am, Room 102.
Wednesdays, 4:45 pm – 6:00 pm, Room 402.

Sakai page: <https://ubonline.ubalt.edu/x/GEJtZD>

Welcome to Civil Procedure I / ILS!

In these two combined courses, you will learn the first half of federal civil procedure and build the foundation for basic lawyering skills and professional values. This syllabus covers the materials, assignments, and assessments for Civil Procedure I—a separate syllabus covers the equivalent information for ILS. Please take the time to read both syllabi carefully and set yourself up for success.

Course Description

These combined courses integrate rigorous instruction in legal analysis, research, and writing with the substantive law of federal civil procedure to give beginning law students an opportunity to combine skills and doctrine—just as practicing lawyers do. It focuses on the process and procedures of a civil lawsuit, from filing a complaint through final appeal. Topics include pleadings, pre-trial motions, the discovery process, juries, judgments, relief, post-judgment motions, and appeals. Students will learn civil procedure through statutory interpretation, case analysis, rule synthesis, and legal research and writing projects. Legal analysis, research, and writing skills will be developed through coursework that includes critical case reading, analysis, and briefing; common law principles and processes; factual analogy and distinction; rule synthesis and application; objective / predictive writing; citation; and professional norms.

Course Objectives and Learning Outcomes

1. Accurately identify, explain and apply civil procedure rules;
2. Read and analyze cases by identifying the rule, holding, and determinative facts;
3. Identify the elements of a rule and apply rules to facts;
4. Research and properly cite legal authorities, such as cases, statutes and secondary sources;
5. Write predictive memoranda on legal issues, taking into account the weight and value of different authorities; and
6. Build legal writing and grammar skills.

Course Materials

These texts are required for Civil Procedure I. You must have assigned materials at the ready during class.

- STEPHEN C. YEAZELL & JOANNA C. SCHWARTZ, CIVIL PROCEDURE (10th ed., 2019), ISBN: #9781454897880 (“*Yeazell*”)
- STEPHEN C. YEAZELL & JOANNA C. SCHWARTZ, FEDERAL RULES OF CIVIL PROCEDURE WITH SELECTED STATUTES AND OTHER MATERIALS (2019), ISBN: #9781543806021

ILS materials are listed on the ILS syllabus.

Supplemental Aids

None of these texts are required or will be directly referenced in the course, but if you are looking for additional learning materials and resources, they are of high quality:

- JOSEPH W. GLANNON, CIVIL PROCEDURE: EXAMPLES AND EXPLANATIONS
- SHREVE & RAVEN-HANSEN, UNDERSTANDING CIVIL PROCEDURE
- Please note that the library also has *free* access to several excellent West Academic Study aids, including podcasts: <http://law.ubalt.edu/library>
- You may find it useful to acquire an abridged version of *Black’s Law Dictionary* (e.g., <https://tmsnrt.rs/2vfgSIN>). This book can serve as a helpful quick reference throughout many of your classes, not just Civil Procedure.

Law Scholar

Peri Schuster is the Law Scholar for this course. She will provide you with a schedule and information on review sessions that she will hold throughout the semester. The sessions are neither graded nor mandatory, but you are encouraged to attend—you will benefit from the opportunity to further practice what you have learned. Either way, I sincerely request that you treat Peri with the utmost level of professionalism, respect, and kindness throughout the course.

Grades

You will receive one grade for Civil Procedure I and one grade for ILS. The Civil Procedure I grade will be composed of: (1) a midterm exam (25%); (2) a final exam (75%); and (3) professionalism (adjustments). The midterm and final examinations will test your knowledge of the subjects covered in this course as well as your critical thinking, legal analysis, and argument skills.

The caliber of your professionalism may help or hurt your grade by up to one step (e.g., B+ to A-, or B- to C+). Professionalism means, among other things, being on time and prepared to participate. “On time” means you are settled in and ready to engage when class begins. “Prepared” means you have read the work assigned, analyzed the relevant cases, carefully examined the rules discussed, and looked up any words or terms in the readings that you did not understand. Preparation for class is unlike most undergraduate courses; skimming the reading to obtain a general idea of what is going on is not sufficient. You will need to read and think about every word carefully, because that’s what lawyers have to do to be successful.

General Law School Policies

Zoom, Recordings, and Panopto: All of our class sessions will be live and in person, unless exigent circumstances require otherwise. Under American Bar Association (ABA) Guidelines, up to 1/3rd of this course may be conducted via distance learning (e.g., through recorded lectures located on Panopto or synchronously over Zoom). Any class recordings are for the sole use of the class and may not be reproduced by students for any other purpose. In particular, faculty cannot reproduce students’ voices or images from the class for any other purpose without additional student consent. All such recordings are protected by a UB login process based on where they are posted. Students may mute their microphone or turn off their camera if they do not consent to be recorded, but this may mean they need to find additional ways to participate in the class discussion. For graded activities, students may be required to turn on their cameras in order to participate. Students who turn off their camera and do not remain present for the class session may be subject to the Honor Code for misrepresenting attendance.

Attendance: Class attendance is a primary obligation of each student, whose right to continued enrollment in the course and to take the examination is conditioned upon a record of satisfactory attendance. A student who exceeds five absences in this course may be compelled to withdraw, or may be barred from sitting for the final exam. Students who are forced to withdraw for exceeding the allowed absences may receive a grade of FA (failure due to excessive absence). This is an ABA Standard for Law Schools.

Title IX Sexual Harassment and Sexual Misconduct Policy: Title IX requires that faculty, student employees, and staff members report to the University any known, learned, or rumored incidents of sex discrimination, including sexual harassment, sexual misconduct, stalking on the basis of sex, dating/intimate partner violence or sexual exploitation, and/or related experiences or incidents. The Law School’s policies and procedures related to Title IX and nondiscrimination can be found at: <http://www.ubalt.edu/titleix>.

Amount of Work per Credit Hour: ABA Standards establish guidelines for the amount of work students should expect to complete for each credit earned. Students should expect approximately one hour of classroom instruction and two hours of out-of-class work per week for each credit earned in a class. ILS and Civ Pro are three credits each, for a total of six credits.

Technical Difficulties: If you are having trouble with Sakai, contact UB Sakai and Technical Support at ubsakaisupport@ubalt.edu, 1.855.501.0856 (toll free), or [live chat](#), available 24/7. If you are having general technology issues, contact the Office of Technology Services (OTS) at callcenter@ubalt.edu or 410.837.6262.

Academic Integrity: Students are obligated to refrain from acts that they know or, under the circumstances, have reason to know will impair the academic integrity of the University and/or the School of Law. Violations of academic integrity include, but are not limited to: cheating; plagiarism; misuse of library materials; use of another's book or study materials without consent; unapproved multiple submissions; material misrepresentation of one's academic history or standing; misrepresentation of any academic matter; intentionally giving another student false or inaccurate information about class requirements; inappropriate discussion of exams; and misrepresenting or falsifying class attendance reports. The Law School's full Honor Code can be found at: https://law.ubalt.edu/academics/policiesandprocedures/honor_code/index.cfm.

Student Assistance Program: The Student Assistance Program (SAP) provides students with access to confidential, accessible support to manage life's challenges. The SAP offers personal counseling and consultation on variety of topics including family concerns, academic skills, finances, substance abuse, legal consultations, child care, and elder care. The SAP is available to all current UB students. If you have any questions, contact Clinical Case Manager Tony DuLaney at rdulaney@ubalt.edu or 410.837.4755. To Contact the SAP directly, call 1.800.327.2251. For more information visit www.ubalt.edu/StudentAssistance.

Disability Policy: If you are a student with a documented disability who requires an academic accommodation, please contact Ms. Keri Hickey, Director of Student Support in the Law School's Office of Academic Affairs, at khickey@ubalt.edu.

Course Evaluations: It is a requirement of this course that students complete a course evaluation. The evaluation will be available later in the semester and is entirely anonymous. Faculty members will not have access to the feedback provided on course evaluations until after all grades are submitted.

Student Success Resources: A further list of academic and support resources can be found at: <https://www.ubalt.edu/policies/academic/Student-Success-Resources-Syllabus-Addendum.pdf>.

COURSE TOPICS FOR CIVIL PROCEDURE I

- I.** Introduction to Civil Procedure
 - a. Overview
 - b. The Lawyer's Responsibility

- II.** Pleadings
 - a. Functions of Pleading
 - b. Specificity and Allocation
 - c. Ethical Limitations in Pleading
 - d. Calendars and Timing
 - e. Responding to the Complaint
 - 1. Default
 - 2. Pre-Answer Motion
 - 3. Answer
 - 4. Reply
 - 5. Amendments

- III.** Discovery
 - a. Pre-Discovery
 - b. Discovery Tools
 - c. Scope
 - d. Experts
 - e. Disputes and Remedies

- IV.** Resolution without Trial
 - a. Default
 - b. Dismissal
 - c. Summary Judgment

- V.** The Trial
 - a. Judges and Juries
 - b. Pretrial Conference and Order
 - c. Judgment as a Matter of Law
 - d. New Trials
 - e. Limits on Judicial Power—the Black Box

- VI.** Appeal
 - a. Who May Appeal
 - b. Finality
 - c. Scope of Review

COURSE ASSIGNMENTS FOR CIVIL PROCEDURE I

The class assignments listed below are subject to change as the course progresses in order to maximize student learning. I will notify you in advance of any such changes, however, via Sakai, email, or in class.

Week 1

- Class 1 – Aug. 25 (W) – Introduction to Civil Procedure: Overview
 - Carefully read the Civ Pro and ILS syllabi.
 - *Yeazell*, p. 1-7 (up to *Hawkins*), 293-300, 332-34 (read text box at the top of the page)
- Class 2 – Aug. 27 (F) – Introduction to Civil Procedure: The Lawyer’s Responsibility
 - Start by reading *A Lawyer Writes*, p. 33-59, which will give you insights into how to read statutes, rules, and judicial opinions in general.
 - Then, examine Federal Rule of Civil Procedure 11.
 - Next, read “How to Brief a Civil Procedure Case” in the Files Directory on our Sakai page—it describes a particular note-taking format for cases that many law students find useful.
 - *Yeazell*, p. 13-18

Week 2

- Class 3 – Sept. 1 (W) – Pleading: Functions of Pleading
 - *Yeazell*, p. 361-80
- Class 4 – Sept. 3 (F) – Pleading: Functions of Pleading
 - *Yeazell*, p. 380-97