

UNIVERSITY OF BALTIMORE SCHOOL OF LAW
FALL 2020

Course: LLMUS Civil Procedure I
LAWG 600
Section 419G

Instructor: Errol R. Patterson

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Virtual Office Hours: Tuesday, 5 pm - 6 pm. Students are required (mandatory) to schedule at least one office appointment during the semester. Please schedule your appointment using the Office Hour sign-up sheet on the TWEN course site no later than September 5. I am also available to meet virtually by appointment at other agreed upon times.

Office Hours Zoom Link: To Be Assigned (see TWEN)

Class Meeting Days/Time: Monday, Wednesday 7:45 pm -9 pm

Modality: The course will meet online via Zoom.
Class Zoom Link: To Be Assigned (see TWEN)

Course Description:

Subject matter jurisdiction; personal jurisdiction; venue; pleading; joinder of claims and parties; discovery; pre-trial motions; choice of law; right to trial by jury; judge-jury relations; appellate review; res adjudicata. Primary emphasis is on the Federal Rules of Civil Procedure and federal statutes; secondary emphasis is on the Maryland Rules of Procedure, Maryland statutes, and the common law.

Course Materials:

- *Civil Procedure, A Coursebook*, Glannon, Perlman, Raven-Hansen, (Third Edition, Wolters Kluwer) (“Glannon”), ISBN 9781454881421 (**textbook only**)

- **Connected Quizzing (“CQ”)**

I have assigned **Connected Quizzing** as a required component of this course. **Connected Quizzing** does not come automatically as part of the textbook purchase—it is a separate purchase. If you purchase the bundle ISBN noted below you will receive two access codes: one for your **Connected Casebook** (inside the front of your book), and one for **Connected Quizzing** (either shrink-wrapped to a card on the outside of the book or as an additional sticker inside the front of your book). Do not throw away the additional access code until you have successfully redeemed **Connected Quizzing**.

Step 1: PURCHASING ACCESS

Bundle Option

If you prefer the bundle option, please purchase this special ISBN 9781543814552 available in the bookstore. Your book will come bundled with an access code either shrink-wrapped to the back cover of your textbook (**do not throw this code away**) or as a scratch-off sticker inside the front cover (also shown below). Redeem this access code at www.casebookconnect.com. If your book does NOT come with a Connected Quizzing access code, you did not purchase the bundled product, and you will be required to purchase Connected Quizzing separately.

Direct Purchase

You can also purchase **Connected Quizzing** at www.wklegaledu.com/CQ. This will only provide **Connected Quizzing** (no access to the **Casebook Connect** tools). After completing your purchase, click “Access Now” on the order confirmation page or go directly to CasebookConnect.com. If you are an existing CasebookConnect.com user, log into your account and you will find **Connected Quizzing** on your dashboard. If you are not an existing CasebookConnect.com user, click “First Time User” to complete your account set-up. *You will not receive, nor will you need, an access code if you purchase directly from www.wklegaledu.com/CQ.*

Step 2: CLASS CODE

Once you have successfully purchased access or redeemed your access code, you will see **Connected Quizzing** on your dashboard when you log into your CasebookConnect.com account. You will then be prompted to enter a class code to connect with my class and see your assignments.

Class Code: PATT283696

- Federal Rules of Civil Procedure, A. Benjamin Spencer (2020-2021 Educational Edition, West Academic) (“Rules Book”); **ISBN-10:** 1684679907
- Maryland Rules of Civil Procedure (available for free): <https://bit.ly/3kaZQUC>
- Additional Materials Posted on TWEN

Recommended Reading and Viewing:

- Wendy Collins Perdue, *Sin, Scandal and Substantive Due Process: Personal Jurisdiction and Pennoyer Reconsidered*, 62 Wash. L. Rev. 479 (1987)
- Irving Younger, *What Happened in Erie*, 56 Tex. L. Rev. 1011 (1977-1978)
- *Discovery: What Is A Deposition?* <https://youtu.be/BDqg22EN8do>

Optional Study Aids:

- Black’s Law Dictionary, Bryan A. Garner
- **PracticePerfect for Civil Procedure**, <https://www.wklegaledu.com/pp-civilprocedure>

Student Learning Outcomes:

In this course, students are expected to achieve the following:

A basic understanding of how state and federal courts in the United States are structured and the process for judicial review

1. Knowledge and skill regarding the history, development, and analytical framework for demonstrating and challenging subject matter jurisdiction, personal jurisdiction and venue
2. Knowledge and skill regarding the determination of what law applies in Federal Court
3. Knowledge and skill regarding the application and requirements of selected federal rules of civil procedure at various stages of civil litigation, including pleading, joinder of claims and parties and discovery.
4. Knowledge and skill regarding the preclusion doctrines.
5. General familiarity with the appellate review process.

Grades:

There will be four quizzes during the semester. Three quizzes will be take-home quizzes and one will be given during class time. Assigned quizzes will account for 20% of your grade. The final quiz grade will be based on a tally of the scores on all 4 quizzes taken together. In addition, there will be a three-hour open book, with limitations, exam at the end of the semester. Assessment of the final exam will be based upon demonstrated skill in identifying key facts and issues, demonstrated knowledge of the relevant case law and federal rules of civil procedure, and quality and thoroughness of analysis. The final exam will account for 80% of your grade.

Course Expectations:

American Bar Association Standards for Law Schools 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, or an equivalent amount of work for other academic activities, such as simulations, externships, clinical supervision, co-curricular activities, and other academic work leading to the award of credit hours. You are expected to complete all reading assignments and to consistently participate in class discussion in order to demonstrate that you have read and reflected on the issues raised in the assignment.

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 attendance satisfactory to the professor. I will be using Zoom's embedded Report/Meeting Participants feature to keep attendance so be sure to log into Zoom classes with your UB credentials. A student who exceeds the maximum five allowed absences may be compelled to withdraw from the course 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 policy is consistent with American Bar Association Standards for Law Schools. The practice of law also requires timeliness. Accordingly, you are expected to arrive to class on-time. Attendance at the first class is strongly recommended.

Course Web Site:

This course has a TWEN page that links to this syllabus, announcements, the class assignments, and other class materials. You are responsible for self-enrolling in the TWEN page and for checking it regularly for course information.

Syllabus Changes:

While the overall structure of the syllabus will remain the same, I expect that there will be minor changes to the class schedule throughout the course of the semester to accommodate possible changes in reading assignments or additions of guest speakers. In addition, depending on class pace and flow there may be minor deviations in the scheduled class discussion topic(s). Significant changes will be announced in advance and the syllabus will be updated to reflect those changes. I appreciate your flexibility in accommodating changes.

Zoom and Panopto:

Faculty are required to record Zoom classes for the purposes of accommodating a disability, for students who cannot attend or so students who wish to review may have access to the full class content. These recordings will be uploaded to UBalt's Panopto site for subsequent review by all students. www.ubalt.hosted.panopto.com. All recordings are for the sole use of the class and may not be reproduced by students for any other purpose. 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 are strongly encouraged to turn on their cameras and should mute their microphones if not speaking. Students may 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. In addition, 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. This class will rely on the "raised hand" feature set to indicate when someone wants to actively contribute verbally to the meeting. The "chat feature" will also be enabled but will not be generally utilized for classroom discussion and side conversations should be limited so as to not become a distraction.

Class Cancellation:

If the instructor must cancel a class, notices will be sent to students via email and posted on TWEN. If there is inclement weather, students should visit the University of Baltimore website or call the University's Snow Closing Line at (410) 837-4201. If the University is open, students should presume that classes are running on the normal schedule.

Assignments

Please find below the topics, reading, and viewing assignments for the course. Some lectures and/or other course content may be pre-recorded for independent review. You are responsible for reading The United States Constitution, the Federal Rules of Civil Procedure and portions of the United States Code that correspond to the assigned Glannon textbook readings listed below. (All of these reference materials may be found in the Rules Book.) When reading the Rules Book, it is important to gain a general background and understanding of the subject matter. As a practicing attorney, you are expected to know what rules apply and where to find them, however you are not expected to have a total memory recall of the text. In fact, I would strongly recommend reviewing the text of rules each time there is a need to apply them.

As you read the principal cases included in each chapter, focus on the following five areas which will be the principal topics for classroom discussion:

1. What are the essential facts of the case?
2. What did the court decide, i.e. what was the holding (or conclusion) of the case and do you agree?
3. What was the court’s rationale for its holding?
4. Consider how the court’s rationale might apply in other cases with different facts?
5. Was the court’s rationale consistent with, or a departure from prior caselaw and why?

	Topics	Reading + Viewing
Class 1		
8/24/20 (Mon)	Meet and Greet; Introduction to American Courts; The Litigation Process	Glannon: Chapters 1 and 2
Class 2		
08/26/20 (Wed)	Subject Matter Jurisdiction: Diversity Jurisdiction	Glannon: Chapter 3
Class 3		
08/31/20 (Mon)	Subject Matter Jurisdiction: Federal Question Jurisdiction	Glannon: Chapter 4
Class 4		
09/02/20 (Weds)	Removal of Cases from State to Federal Court	Glannon: Chapter 5

	Topics	Reading + Viewing
Class 5		
09/07/20 (Mon) – No Class	Labor Day Holiday	
Class 6		
09/09/20 (Weds)	The Evolution of Personal Jurisdiction	Glannon: Chapter 6
Class 7		
09/14/20 (Mon)	Specific <i>In Personam</i> Jurisdiction	Glannon: Chapter 7
Class 8		
09/16/20 (Weds)	General Jurisdiction and Other Constitutional Bases for Personal Jurisdiction	Glannon: Chapter 8
Class 09		
09/21/20 (Mon)	Long Arm Statutes; Constitutional Notice Requirement; Service of Process	Glannon: Chapters 9 and 10
Class 10		
09/23/20 (Weds)	Basic Venue; Challenges to Venue	Glannon: Chapters 11 and 12
Class 11		
09/28/20 (Mon)	Basic Pleading	Glannon: Chapter 13; Quiz No. 1 Assigned (Chapters 1 – 12)
Class 12		
09/30/20 (Weds)	Responding to the Complaint	Glannon: Chapter 14
Class 13		
10/05/20 (Mon)	Amending Pleadings; Care and Candor in Pleading	Glannon: Chapters 16 and 15

	Topics	Reading + Viewing
Class 14		
10/07/20 (Weds)	Joinder of Claims and Parties	Glannon: Chapter 17
Class 15		
10/12/20 (Mon)	Joinder of Claims and Parties; Complex Joinder	Glannon: Chapters 17 and 18
Class 16		
10/14/20 (Weds)	Class Actions	Glannon: Chapter 19
Class 17		
10/19/20 (Mon)	Supplemental Jurisdiction	Glannon: Chapter 20
Class 18		
10/21/20 (Weds)	Scope of Discovery	Glannon: Chapter 21
Class 19		
10/26/20 (Mon)	Discovery Tools; Discovery Control and Abuse	Glannon: Chapters 22 and 23; Quiz No.2 Assigned (Chapters 13 -20)
Class 20		
10/28/20 (Weds)	The Erie Doctrine	Video: What Happened in Erie; Glannon: Chapter 24

	Topics	Reading + Viewing
Class 21		
11/02/20 (Mon)	Substance and Procedure Under the Erie Doctrine	Glannon: Chapter 25
Class 22		
11/04/20 (Weds)	Claim Preclusion	Glannon: Chapter 33
Class 23		
11/09/20 (Mon)	Issue Preclusion	Glannon: Chapter 34
Class 24		
11/11/20 (Weds)	Dispositions Without Trial	Glannon: Chapter 27; Quiz No. 3 Assigned (Chapters 22 - 25, 33 and 34)
Class 25		
11/16/20 (Mon)	The Right to Jury Trial	Glannon: Chapter 28
Class 26		
11/18/20 (Weds)	Judgment as a Matter of Law (Directed Verdict and JNOV)	Glannon: Chapter 29
Class 27		
11/23/20 (Mon)	Quiz No. 4 (Chapters 27, 28 and 29) (In Class)	

	Topics	Reading + Viewing
Class 28		
11/25/20 (Weds)	Appeals	Glannon: Chapter 32
Class 29		
11/30/20 (Mon)	Controlling the Jury; New Trial Trial and Relief from Judgment	Glannon Chapters 30 and 31
Class 30		
12/02/20 (Weds)	Loose Ends; Final Exam Overview	

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 School of Law Honor Code and information about the process is available at https://law.ubalt.edu/academics/policiesandprocedures/honor_code/index.cfm.

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.

Title IX Sexual Misconduct and Nondiscrimination Policy:

The University of Baltimore’s Sexual Misconduct and Nondiscrimination policy is compliant with Federal laws prohibiting discrimination. 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. Policies and procedures related to Title IX and UB’s nondiscrimination policies can be found at: <http://www.ubalt.edu/titleix>.

Disability Policy:

If you are a student with a documented disability who requires an accommodation for academic programs, exams, or access to the University's facilities, please contact Keri Hickey, Director of Student Support in the Office of Academic Affairs, at khickey@ubalt.edu.

[Student Success Resources Syllabus Addendum](#)