

Maryland Civil Procedure LAW 751-512
Fall 2017 Tue and Thu 6:15-7:30 PM Room 603
Jennifer L. Kent, Esq.

Office Hours: I have no set office hours, but I do have a liberal (constructive) open door policy. Please contact me at jkent@ubalt.edu or (410) 625-5428 ext. 13 if you wish to set up a time to meet.

Course Text: Niemeyer, Paul V. & Schuett, Linda M., Maryland Rules Commentary (4th Ed. 2015) (available at the bookstore **and on Lexis Nexis**; hardcopy also on reserve in the law library) [hereinafter “the MRC”];

Course Objectives and Outcomes:

- (1) To provide you with a thorough understanding of various Maryland civil procedure issues and the types of analytical skills (e.g., rule analysis, the ability to cross reference various rules and statutes, and rule application) required in the practice of civil litigation;
- (2) To increase your ability to construct a legal position on various issues of law by identifying and analyzing relevant facts presented in short hypothetical problems or in documents;
- (3) To increase your experience with “real world lawyering” by drafting pleadings and other litigation papers from documents; and
- (4) To prepare you for the Maryland bar exam by covering those topics most commonly tested on the exam.

Grades: The grading in this class consists of class participation/attendance (10%); the discovery letter exercise (25%); and the final exam (65%).

Assignments/Participation: You are only “on call” one day out of the week. Accordingly, on the day you are on call, you are expected to complete all reading assignments and to consistently participate in class discussion to demonstrate that you have read and reflected on the issues raised in the assignment. For each time you are unprepared, please be warned that I will take five points off your participation grade. Thus, if you are unprepared more than once, you will receive zero points for participation. If you were unable to prepare due to illness or unexpected family obligations (e.g., sick child, spouse, pet), etc., please let me know so that I can determine whether or not to deduct points from your participation grade. Please also be warned that I may require verification in the form of documentation.

Professionalism is also a vital part of your participation grade. In line with the Maryland Ideals of Professionalism, you are expected to demonstrate civility, decorum, and courtesy towards your colleagues in this class. See MD. IDEALS PROF. at 7. If you engage in unprofessional behavior during class, I will deduct the full 10 participation points from your grade.

Reading/Drafting Assignments: The reading for this course consists of a mixture of rules, statutes, cases, law review articles, and the MRC. Repeatedly cited by Maryland's appellate courts, the MRC is considered "the" civil procedure treatise in Maryland. Practitioners regularly refer to the MRC to understand how the Maryland Rules of Civil Procedure work. I encourage you to think of the MRC as akin to your commercial outline for this course. You should use the MRC to further your understanding of the issues we will cover this semester, even if I have not expressly assigned it on a topic.

****Please note that the MRC is available electronically via Lexis Nexis.****

Unless otherwise specified, all cases, statutes, law review articles, and rules can be accessed via Westlaw or Lexis Nexis. Any other readings will be posted on TWEN. I have also created problems and drafting exercises to be completed throughout the semester. With the exception of the discovery letter, I will not be collecting or grading these assignments. However, if you wish to turn in problems or drafting exercises to me for my review, I will be more than happy to review and comment. Problems and documents for all drafting exercises will be posted on TWEN.

The Discovery Letter: Since so much of what attorneys actually do involves letter writing, this is the only graded drafting assignment in the course. I will provide a real life example of a deficient response to interrogatories and requests for production of documents. Your assignment is to draft a short letter to the opposing counsel outlining the deficiencies in the response and requesting supplementation. In line with Maryland Rule 2-431, your letter should demonstrate that you are making a good faith effort to resolve these issues before seeking judicial relief. The ideal letter will not only identify and analyze the issues presented by the deficient discovery, but will also convey a high- level of professionalism and reasonableness in its tone. **The letter is due in class on November 16, 2017.**

Course Web Page: This course has a TWEN webpage that links to this syllabus, announcements, the class assignments, overheads, and other class materials. As noted above, many assignments and readings will be posted on TWEN, and you should check it regularly.

Computers: Students may use laptop computers for class related purposes.

Attendance: Regular class attendance is required. The right to take the final examination is conditioned upon a record of attendance satisfactory to the professor. **Class Cancellation:** If I have to cancel a class, notices will be sent to students via email and posted on the classroom door. 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.

Academic Integrity: In accordance with the Honor Code, 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 http://law.ubalt.edu/academics/policiesandprocedures/honor_code/.

The Final Exam and Other Graded Written Work: You are bound by the provisions of the Honor Code at all times during this class. Your discovery letters must be entirely your own work. Copying or collaborating with another student, former student, or any other person is prohibited. With the exception of me (i.e., Professor Kent) you may not in any way consult with any person in drafting the discovery letter.

The final exam in this class is open book/open universe. However, your answers on the final exam must be entirely your own work. Copying or collaborating with another student, former student, or any other person is prohibited. Once you begin the exam, you are prohibited from speaking with anyone, whether within or outside of the University of Baltimore School of Law, about the content of the exam or your answers. Please be aware that if I find that you have violated this policy, I may do one or more of the following: Nullify your participation grade (i.e., you get zero points); Reduce your course grade so that you are given the lowest possible grade I can possibly give you in the course; File a complaint with the honor council; or any other appropriate measure warranted by the totality of the circumstances.

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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 academic accommodation, please contact Leslie Metzger, Director of Student Services, at 410-837-5623 or lmetzger@ubalt.edu.

First Day Assignment Expectations of Professionalism and Rule 1-201(a): Md. Rule 1-201(a); Excerpt, *Davis v. Goodman*, 117 Md. App. 378 (1997); *Atty. Griev. Comm'n. v. Kemp*, 335 Md. 1 (1994); Maryland Ideals of Professionalism, available at

<http://www.marylandprofessionalism.org/images/pdf/2216633.pdf>