

**UNIVERSITY OF BALTIMORE SCHOOL OF LAW**

**FALL 2017**

**Course: Civil Procedure I (evening) LAW 600 419 and LAW 612 429**

**Instructor: Jack Lynch**

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**Law scholar: John Whitney**

**Days/Time: Mon., Weds. 7:45 pm**

**Course description:** This course focuses on the process and procedures of a civil lawsuit, from filing of the complaint to appeal. The course will provide an introduction to the structure and operation of the state and federal court systems and will concentrate on cases brought in the federal courts conducted under the Federal Rules of Civil Procedure. Topics include pleadings, pre-trial motions, discovery, trial by jury, judgments and relief, motions after judgment and appeals.

**Course materials:**

Casebook: Civil Procedure, by Field, Kaplan, Clermont and Struve (12<sup>th</sup> ed. 2017). You will also need the Federal Rules of Civil Procedure. You may print them from as published by the House Judiciary Committee. It entails printing slightly more than 170 pages, but otherwise it is free. I will make cases required on the syllabus available on the course's TWEN site. You will be instructed how to enroll on that site during orientation.

**Student learning outcomes:** The objective of the course is for students to be able to address and resolve issues concerning

- the give and take of pleading
- the scope and tactics of discovery
- the significance of the pretrial process
- when a case may be terminated without trial
- when a case is triable by jury
- when a jury's verdict may be set aside by a trial judge
- the what, when and how of appeals

**Grading:** The final grade will be based on the final exam. There will be two practice essay exams that will be graded but will not count toward the final grade. As part of the formative assessment in the course students will regularly be required to submit questions to the instructor which will be answered privately or anonymously in class.

**Course expectations:** ABA standards call for 2 hours of work outside class for each hour per week in class. Although I have tried to limit the assignments to a reasonable amount of reading per class, I think you

may find that the material takes longer to grasp than that in some other courses. If you have difficulty with the material, please do not hesitate, ever, simply to email me to see whether I may help you with your difficulty. I have expectations for you; you should have them for me.

**Attendance:** Students who miss more than 5 class meetings may be required to withdraw from the course with a grade of FA, or may be precluded from taking the final exam.

**Course website:** This course uses a TWEN site for posting materials. You are responsible for enrolling on this site as instructed during orientation.

**Computers:** I and many other law school professors do not believe that laptops are a good way to take notes in a law school course. Nevertheless, you may use your laptops in class.

**Class cancellation:** Students will be notified by email or any departures from the schedule of classes as indicated on the syllabus. 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.

**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 School of Law. Violations of academic integrity include, but are not limited to; cheating, plagiarism, inappropriate communication about exams, misrepresentation about any academic matter, including attendance, and impeding the Honor Code process. The School of Law Honor Code and information about the process are available at [http://law.ubalt.edu/academics/policiesandprocedures/honor\\_code/](http://law.ubalt.edu/academics/policiesandprocedures/honor_code/).

**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](mailto:lmetzger@ubalt.edu).

#### ASSIGNMENTS

DATE	TOPIC	READING
8-21	Introduction	Casebook, pp. 35-40, 57-63, 69-73, 84-91, 94-95, 132-35, 141-44.
8-23	Introduction, court systems	
8-28	Pleading	Scott v. Jenkins; Casebook, pp. 44, 80-84
8-30	Pleading	Bell Atlantic v. Twombly; FRCP 8 (a), MR 2-305

9-4	Labor Day	
9-6	Pleading	Ashcroft v. Iqbal; Casebook pp. 1260-69; FRCP 15, MR 2-341
9-11	Pleading	Casebook, pp. 1338-48; FRCP 8 (b), (c), 12 (a), (b), (c), (f), (g), (h); MR 2-322, 2-323
9-13	Pleading	Casebook, pp. 1348-55; Wolfson v. Artisan Sav. Bank; FRC FRCP 13 (a), (b), MR 2-33
9-18	First practice essay exam	
9-20	Religious holiday	
9-25	Discovery	Casebook, pp. 115-32, 1187-1206; FRCP 26 (b) (3) (4); MR 2-402 (c), (d), (e), (f), (g)
9-27	Discovery	McDougall v. Dunn; Casebook, pp. 1384-95
10-2	Discovery	Power Point, Part I
10-4	Religious holiday	
10-9	Discovery	Power Point, Part II
10-11	Second practice essay exam	
10-16	Pretrial conference	Eagle-Picher v. Balbos (focus only on first issue in case) FRCP 16 (d), (e); MR 2-504.2
10-18	Summary judgment, trial by jury	Casebook, pp. 1459-74, 1647-58
10-23	Trial by jury	Casebook, pp. 1667-80
10-25	Trial by jury	Higgins v. Barnes; Casebook, pp. 1684-94
10-30	Dismissal	Casebook, pp. 1525-40; Reeves v. Sanderson Plumbing
11-1	Dismissal	Casebook, pp. 1542-50; Arshack v. Carl M. Freeman Assoc
11-6	Submission to jury	Casebook, pp. 1563-93; FRCP 49, MR 2-522
11-8	Post trial motions	Casebook, pp. 1595-1618, 1626-27, 1641-43
11-13	Post trial motions	FRCP 50, 59, MR 2-532, 533, 534
11-15	Appeals	28 U.S.C. §1292 (a) (1), (2), FR 54 (b); Md. (Cts & Jud. Proc.) Code Ann §§12-301, 303, 305, 307, 308.
11-20	Appeals	Casebook, pp. 1718-22; Clark v. Elza
11-27/27	Review	

