

UNIVERSITY OF BALTIMORE SCHOOL OF LAW
CIVIL PROCEDURE I – LAW 600.329B
FALL 2023

Instructor: Kimberly Wehle
kwehle@ubalt.edu

Throughout the semester, you can send me an email to schedule an appointment for office hours. I will post official office hours before both exam periods.

I am happy to discuss any questions or concerns that you have related to this course or law school and practice in general.

Administrative Assistant: Latosha Davis
ldavis@ubalt.edu

Please contact Ms. Davis for any attendance-related issues as soon as you are made aware of them.

Law Scholars: Anastacia Topaltzas
anastacia.topaltzas@ubalt.edu

Saba Younis
saba.younis@ubalt.edu

Please note the Law Scholar sessions are not mandatory, but they are highly recommended if you wish to do well in this class. You will be building fundamental skills for success in law school.

If you have questions about the material presented in class, please ask the law scholars for clarification before contacting Prof. Wehle.

Class Meeting Days/Time: Mondays & Wednesdays from 1:30pm to 2:45pm in AL 803

Course Zoom Link: <https://ubalt.zoom.us/j/99504203690>

Course Description:

Welcome! This course is the first of two required courses in Civil Procedure. This course focuses on the process and procedures of a civil lawsuit with respect to a simple one-plaintiff/one-defendant lawsuit from its cradle (the complaint) to its grave (settlement or judgment) and beyond (appeals). The course will provide an introduction to the structure and operation of the state and federal court systems in the United States, and will concentrate on cases brought in the federal courts, conducted pursuant to the Federal Rules of Civil Procedure. We will examine the mechanics of civil litigation, including pleadings, pre-trial motions, the discovery process, trial by jury, judgments and relief, motions after judgment, and appeals.

This is one of the most important classes you will take in law school. It is also one of the most difficult to grasp because it is unlike anything you have encountered in your education thus far. It will likely be several weeks before it all starts to make sense to you. Be patient – it will come together!

Assigned Course Materials:

1. Rowe, Sherry and Tidmarsh, Civil Procedure (Thomson West 5th ed. 2020) (“Casebook”). ISBN: 9781684670383
2. Glannon, Perlman, Simard, Casebook Connect, PracticePerfect: Civil Procedure (Wolters Kluwer) (“PracticePerfect”). This is an online subscription with videos and quizzes. The link to purchase is here: <https://www.wklegaledu.com/pp-civilprocedure>.
3. Spencer, Federal Rules of Civil Procedure, 2023-2024 (“Supp.”), ISBN: 9798887860336, which contains the text of the rules, statutes and provisions of the United States Constitution that we will be discussing. Most importantly, we will be carefully reading and applying the Federal Rules of Civil Procedure (“FRCP”). Note that this volume is generally not available from the publisher until August, but you can use any current hard copy version of the Federal Rules of Civil Procedure. Online access to the rules during class is not sufficient.
4. Wehle, Kim, How to Think Like a Lawyer and Why: A Common-Sense Guide to Everyday Dilemmas (Harper 2022). ISBN: 9780063067561.
5. There will be occasional handouts, which will be posted on CANVAS.

Optional Texts:

Glannon, Civil Procedure: Examples and Explanations. No readings will be assigned from this book, but many students find it very helpful. ISBN: 9781543839333

Emanuel, Crunchtime: Civil Procedure. This book contains sample flowcharts or “frameworks,” which I highly recommend that students construct for themselves in every law school class. ISBN: 9781454897477

Course Website:

This course will have a CANVAS page with links to this syllabus, announcements, the class assignments, and other class materials. You are responsible for self-enrolling and checking the website regularly for course information. You will have access to the page right before the semester starts.

Student Learning Outcomes:

This course is designed to teach foundational Civil Procedure concepts as well as core analytic skills. By the end of this course, you will: (1) understand and be able to apply the Federal Rules of Civil Procedure assigned in this course; (2) be able to draft basic pleadings; (3) be able to present legal analysis in IRAC (Issue, Rule, Analysis Conclusion) format; (4) be able to draft a “framework” for reconciling rules into a decision tree for use in legal analysis and on an exam; (5) be able to apply new facts to legal doctrine; (6) develop some level of comfort around thinking and speaking “on your feet”; (7) understand and practice basic tenets of attorney professionalism; (8) learn how to work through a legal program collaboratively and in small groups; (9) understand the difference between law and policy and be able to articulate the policy rationales and critiques of a rule; and (10) understand basic concepts of litigation strategy.

Grading:

Your grade in Civil Procedure I will be based on:

1. Class assignments (each worth 1% for a total of 20%)
 - Course Overview Assignment
 - Complaint Assignment
 - Pleading Assignment Part I
 - Pleading Assignment Part II
 - First Rule 12 Assignment
 - Rule 15 Assignment
 - Second Rule 12 Assignment
 - Answer Assignment
 - Rule 11 Hypothetical Assignment
 - Rule 16 Assignment
 - Sample Mid-Term Exam
 - Rules 26-27 Overview Assignment
 - Rule 26 Assignment
 - Rule 30 Assignment

- Rule 33 Assignment
 - Rule 34 Assignment
 - Discovery Sanctions Assignment
 - Rule 56 Assignment
 - Appeals Assignment
 - Course Framework Assignment
2. Framework for Responding to the Complaint Assignment (5%)
 3. Midterm (15%) – OCTOBER 9
 4. Final Exam (60%)

** The midterm exam period for Fall 2023 is Tuesday, September 26 through Monday, October 16. This includes weeks 6,7, and 8 of the semester. Note that Monday, September 25 is Yom Kippur.

The Dreaded Socratic Method:

Class will be conducted by calling on students at random and asking various questions of the material. I also encourage volunteers. You will need to prepare carefully in order to participate in class discussion, which is required in this course. Preparing the material in advance and coming to class each day is also the single best thing you can do to learn the material and perform well on the exams. But most importantly, preparation and participation are the most basic elements of professional competence. A lawyer who does not show up or is unprepared for hearings or client meetings may not only lose the case, but may also be fined, disciplined or sued. Accordingly, “passing” when called on or informing me that you did not prepare the particular material are not acceptable practices during this class. If you are unable to provide the basic facts of a problem or a case when called on, I will assume you are not prepared.

I understand that some people are more comfortable than others voluntarily raising a hand to participate. If you are one of those people, you can still do well if you are fully prepared when I call on you. Nonetheless, I do recommend that you try to push yourself out of your comfort zone and raise your hand when you feel particularly strong on a subject. If you email me or let me know in advance that you would like to discuss a particular problem, case or topic, I will be sure to call on you that day so that you can participate when you are feeling particularly confident.

In the case of a true emergency that makes it virtually impossible to prepare for class, you may contact me in advance of class (preferably by email) and, if appropriate, I will not call on you that day. This policy should be used only in rare circumstances.

The following sections of the syllabus set forth standard UB policies:

Course Expectations:

American Bar Association Standards for Law Schools establish guidelines in respect to the 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. [See ABA Standard 310.](#)

Attendance is mandatory. Class attendance is a primary obligation of each student who’s right to continued enrollment in the course and to take the examination is conditioned upon a record of attendance satisfactory to the professor. A student who exceeds the maximum allowed absences (generally 20% of class sessions) 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.

Attendance policy:

Class attendance is a critical component of the learning process and reflects professional responsibility. Research demonstrates that students who regularly attend class are more likely to succeed. Additionally, the American Bar Association accreditation standards mandate that a law school adopt, publish, and adhere to a policy for regular class attendance for all students. In alignment with this policy, regular and punctual class attendance is a condition of receiving credit in all courses at the University of Baltimore’s School of Law.

Attendance Modality:

For a student to be considered present, their attendance must be consistent with the modality of the specific class meeting. For example, if a class meeting is in-person, a student must attend in-person to be considered present. If a class meeting is virtual, a student must attend virtually to be considered present.

Student Attendance Requirements:

As detailed in the chart below, the number of absences a student may accrue is determined by the total number of times a course is scheduled to meet throughout the semester.

Number of scheduled meetings	Number of absences
Fall and spring semesters, 2 or more meetings per week	4
Fall and spring semesters, 1 meeting per week	2
Summer semester	2

A student whose accrued absences exceed the limits above will be withdrawn from the course with a grade of FA (failure due to excessive absence) unless the Associate Dean for Academic Affairs extends the limit, up to the following maximums: (1) in the fall and spring semesters, up to 4 additional absences for a course scheduled to meet 2 or more times per week; (2) in the fall and spring semesters, up to 2 additional absences for a course scheduled to meet once per week; (3) in the summer semester, up to 1 additional absence. A student whose accrued absences exceed the extended limit will be withdrawn from the course with a grade of FA.

A student who anticipates accruing excessive absences may be eligible for a Leave of Absence and should contact the Dean of Students to discuss available options.

Bases for Extensions:

The Associate Dean for Academic Affairs can extend the number of absences a student may accrue based on a student's religious observance or extraordinary individual circumstances. Extraordinary individual circumstances include, but are not limited to, the following: bereavement (as defined in the [University of Baltimore Student Bereavement Policy](#)), significant physical or mental health incidents, and attendance at activities required for academic credit, such as clinic court appearances and moot court competitions.

Minor illnesses, doctor's appointments, traffic, practice rounds for student competitions, personal events, and professional events (including those sponsored by the law school) are examples of circumstances that do *not* qualify as extraordinary individual circumstances.

A student must provide documentation for extraordinary individual circumstances upon request and must provide advance notice to the professor whenever possible.

Attendance Tracking Procedures:

To keep attendance, this class will use attendance software called **Qwickly**. Qwickly is hosted in Canvas, UB's official learning management system. With Qwickly, the professor will have you check-in using a pin number generated at the start of class.

To check-in for class using a pin number, you must log into the Canvas site for the course via myUB. Click "Qwickly Attendance (Law)" on the left side of the navigation bar and enter the pin. Qwickly will automatically email you if you are marked absent for the day. If you believe this email was sent in error, please contact the professor and their administrative assistant immediately.

Zoom and Panopto

Under ABA Guidelines, up to 1/3 of the course may be conducted via distance learning (e.g., through recorded lectures located on Panopto, over Zoom, etc.).

We will utilize this policy, dates TBA.

Class Recording Policy (in conjunction with UB University Recording Statement):

All classes will be recorded. All class 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 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. Students may be required to turn on their cameras and participate in graded class activities. 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.

UB Law Recording Statement:

Any class recordings, audio or video, are for the sole use of that specific class instruction and study and may not be used or reproduced by students for any other purpose. Similarly, students may not capture video, audio, images or chat text from a class without permission from the instructor for use specific to that class instruction and study, and such images may not be used or reproduced by students for any other purpose. Violating these directions is an honor code violation.

Class Cancellation:

If class has been canceled, I will notify students via CANVAS.

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:

The law school works hard to ensure compliance with the Americans with Disabilities Act (ADA). For detailed information on reasonable accommodations, please [see the student handbook](#)..

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 Erin Brady, the Law School's Director of Student Support, at ebrady@ubalt.edu or the University's Office of Disability and Access Services at das@ubalt.edu. *Note that classroom accommodation requests should be submitted 2 weeks before the start of the semester (by August 7, 2023). Exam accommodation requests should be submitted no later than 2 weeks after the start of the semester (by September 5, 2023).*

General student issues/Mental Health:

For general student issues, students should contact Dean Paul Manrique (pmanrique@ubalt.edu; 410-837-5283). For mental health concerns, students can contact Dean Manrique or Tony DuLaney, the University's Clinical Case Manager (tdulaney@ubalt.edu; 410.837.5159). Dean Manrique's office is located in the AL 7th floor Dean's Suite and he welcomes students to walk in. Both Dean Manrique and Mr. Dulaney are also able to schedule phone and zoom appointments.

Academic Support:

For questions about academic challenges including preparing for and participating in your classes, reviewing and outlining for exams, and studying for and taking exams, students can contact Prof. Marta Baffy (mbaffy@ubalt.edu; 410-837-6370.). Prof. Baffy's office is located on the 5th floor in Room AL 513.

Readings and Assignments:

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. There will be additional online coursework that students must complete in advance of class, primarily in the form of short videos. Each week, students must also complete mandatory out-of-class worksheet assignments that we will review during class.

It is very important that you **bring your casebook and your Supplement with you to each class**. In many instances when you are called on in class, your first instinct should be to pull out your Supplement and look at text of the rule we are discussing.

Cases: It is highly recommended that, for each case assigned, you prepare a written brief that includes: the parties and their positions (i.e., who is suing whom and why), the procedural posture of the case (is it a trial court decision or on appeal and what document is the court ruling on), the issue(s) before the court for resolution, the rule or standard to be applied, the court's analysis of the rule or standard as applied to the facts of the case, and the court's conclusion. You should also be attuned to the policy rationale underlying the court's holding and any countervailing arguments set forth in concurring or dissenting opinions. In some instances, cases that we will discuss in class are summarized in the notes in your book, rather than appearing in full or amended text. You are responsible for the assigned reading in its entirety. **I will go over how to brief a case during the first week of class.**

Rules: When the materials in the casebook refer to a rule from the Federal Rules of Civil Procedure, a statute from the United States Code, or a provision of the United States Constitution, you should carefully read the relevant provision from the Supplement even if it is not specifically assigned for that day. If a rule is assigned for that day, please "brief" the rule by summarizing each sentence of the assigned rule **in your own words**. You are not required to read the Advisory Committee Notes following the text of the rules but it is recommended; you may find them helpful as you parse the language of the rules.

PowerPoints: As part of your out-of-class work, review the PowerPoint for each class session in advance of class [posted on CANVAS]. What this means is that you should think about each slide in light of the reading and jot down a few thoughts as to its relevance.

PracticePerfect: As part of your classroom work, you must watch—and re-watch the PracticePerfect videos. For most of the videos, there will be a PracticePerfect quiz assigned for that day in advance of each class. The quizzes will count towards class preparedness and participation. They will not be graded for accuracy; however, they must be turned in. There will be a place on CANVAS where you **must post a screenshot of your quiz score before the class on which the assignment is due**. In some instances, I assign YouTube videos in lieu of Practice Perfect.

Assignments: There will be 20 class assignments worth 1% each, as well as additional assignments that are worth more. **You must post your assignments on CANVAS before the class on which the assignment is due.** Late assignments will not be accepted absent emergencies. I will not be collecting the assignments during class, but it is highly recommended that you bring hard copies to class so that you can discuss your answers.

Anastacia and Saba (your law scholars for this course) will grade assignments under my supervision. With the exceptions of the Pleading Assignment Part II and the Framework for Responding to the Complaint Assignment, assignments may be done in pairs or groups. This is to allow collaborative thinking amongst you and your classmates, NOT to copy off of each other. Thus, each person **must turn in their own work (i.e. you cannot submit the same exact assignment as the classmates with whom you work).** The Pleading Assignment Part II and Framework for Responding to the Complaint Assignment **must be done individually.** The Honor Code applies.

In completing your assignments, you must do so on a good-faith effort. This is the only way to enhance your understanding of the course and receive full credit. **Points will be deducted for any assignments that are not completed on a good-faith basis.** Anastacia and Saba will provide clarification on this standard during their first law scholar session.

Absent a dire, unforeseen emergency, **late submissions of assignments will receive a zero.**

Note that, given the size of the class, **you will not be given line-by-line, detailed feedback on each of the assignments.** You will be given individualized feedback on the Framework for Responding to the Complaint Assignment. The assignments are designed to help you to learn the material by applying it. Mastery will come with diligent work over the course of the entire semester—even without individualized feedback on each assignment.

I reserve the right to factor class preparedness and participation into your final grade, either favorably or unfavorably. Thus, if you fail to follow the preparation policy for this class, your final grade can be dropped by a half letter grade (e.g., an A- to a B+).

The following outline sets forth the assignments by date. The page numbers refer to the casebook unless otherwise indicated. **There will be times when we will not get through an entire assignment in a single class period. This is by design and to be expected.** For each class, you are responsible for any “leftover” material from a prior class in addition to the new assignment listed on the syllabus.

Given the numerous variables that can affect how we move through the material, the syllabus may be modified as the semester progresses. I will post any modifications on CANVAS.

Introduction

Aug. 21: **Read the entire syllabus.**

Read Wehle, *How to Think Like a Lawyer and Why*. Be prepared to discuss on the first day of class.

Read FRCP 1 & 2.

Read Casebook pp. 1-23.

Complete Course Overview Assignment [posted on CANVAS].

Aug. 23: **Read handout, “Briefing a Case”** [posted on CANVAS].

YouTube Video: Law 101: How a Lawsuit Works:
<https://www.youtube.com/watch?v=9tbL9424rHc>

Plaintiff's Opening Moves

Complaint

Aug. 28: **Read FRCP 1-3; 7; 8(a), (d), (e); 10.**

Read Casebook pp. 24-36. Be prepared to discuss Conley v. Gibson and Swierkiewicz v. Sorema, N.A.

PracticePerfect Video: Complaints: Legal and Factual Sufficiency.

Aug. 30: **Re-read FRCP 8(a), (d). Read 28 U.S.C. §§ 1331 & 1332(a)(1).**

Prepare Complaint Assignment [posted on CANVAS].

Read Casebook pp. 36-45. Be prepared to discuss Bell Atlantic Corp. v. Twombly.

PracticePerfect Video: Complaints: Legal and Factual Sufficiency. Please watch it again.

Sept. 6: **Read Casebook pp. 45-58.** Be prepared to discuss Ashcroft v. Iqbal.

Read Twombly Complaint [posted on CANVAS].

PracticePerfect Video: Complaints: Legal and Factual Sufficiency. Please watch it again.

Sept. 11: **Read FRCP 9(b), (g).**

Read Rule 9 handout [posted on CANVAS]. Be prepared to discuss United States ex rel. Bledsoe v. Community Health Sys., Inc. and Browning v. Clinton [posted on CANVAS].

Prepare Pleading Assignment Part I [posted on CANVAS].

PracticePerfect Quiz: Complaints: Legal and Factual Sufficiency.

Amending the Pleadings

Sept. 13: **Read FRCP 7, 15(a), 16(b).**

Read Casebook pp. 80-90. Be prepared to discuss Williams v. Citigroup, Inc. and Neita v. City of Chicago.

Read Foman v. Davis [posted on CANVAS].

PracticePerfect Video: Amendments.

Sept. 18: **Read FRCP 4(m), 15(c)(1).**

Read Brown v. Cuyahoga County [posted on CANVAS].

Prepare Pleading Assignment Part II [posted on CANVAS].

PracticePerfect Video: Relation Back of Amendments.

Responding to the Complaint

Rule 12 Motions

Sept. 20: **Read FRCP 5, 6, 7, 12 (a)(1), (a)(4), (b), (c), (e), (f), (g), (h).**

Prepare First Rule 12 Assignment [posted on CANVAS].

Read Casebook pp. 67-70.

PracticePerfect Video: Motions under Rule 12

PracticePerfect Quiz: Amendments and Relation Back of Amendments

The Answer

Sept. 25: **Read FRCP 8(b), 8(c)(1).**

Read Casebook pp. 70-80. Be prepared to discuss Milton v. General Dynamics Ordnance and Tactical Sys., Inc. and GEOMC Co. v. Calmare Therapeutics Inc.

Prepare Rule 15 Assignment and Second Rule 12 Assignment [posted on CANVAS].

YouTube Video: How to Draft An Answer:
https://www.youtube.com/watch?v=ovyRSL_qVxg

PracticePerfect Quiz: Motions under Rule 12

Sept. 27: **Prepare Answer Assignment** [posted on CANVAS].

Policing Materials Submitted to the Court: Rule 11 and Mid-term Review

Oct. 2: **Read FRCP 11.**

Read Casebook pp. 90-102. Be prepared to discuss Patsy's Brand, Inc. v. I.O.B. Realty, Inc. and In re Pennie & Edmonds LLP.

YouTube Video: F.R.C.P. Rule 11 Motion for Sanctions explained:
<https://www.youtube.com/watch?v=TVczlbi6Xgc>

**** Due on CANVAS before the start of class: Framework for Responding to the Complaint Assignment. Late submissions will not be accepted. The Honor Code applies.**

Oct. 4: **Re-read FRCP 11.**

Read Casebook pp. 102-06. Be prepared to discuss Frantz v. United States Powerlifting Fed'n.

Prepare Rule 11 Hypothetical Assignment [posted on CANVAS].

Prepare Sample Mid-term Exam [posted on CANVAS].

Mid-term exam

Oct. 9: **Mid-term examination.** The mid-term examination will cover material through Rule 11. I will give you details regarding the content of the exam

closer to the exam date. You will have exactly 60 minutes to complete the examination. The exam is closed book with the exception that you can bring in one 8.5 X 11 inch piece of paper containing whatever notes you wish on both sides. I will give you copies of the relevant rules for use during the exam.

Timing and Scheduling: The Pretrial Conference

Oct. 11: **Read FRCP 16(a), (b), (e), (f); skim 16(c)-(d).**

Prepare Rule 16 Assignment [posted on CANVAS].

Read Casebook pp. 174-200. Be prepared to discuss McKeague v. One World Technologies, Inc., Acuna v. Brown & Root, Inc., Ocean Atlantic Woodland Corp. v. DRH Cambridge Homes, Inc., R.M.R. v. Muscogee County School District.

Discovery

Oct. 16: **Skim FRCP 27-36.**

Carefully read FRCP 26(a)(1), (d), (f) & 37(c)(1).

Read Casebook pp. 107-40. Be prepared to discuss Oxbow Carbon & Minerals LLC v. Union Pacific R.R., United States ex rel. Guardiola v. Renown Health.

Prepare Rules 26-27 Overview Assignment [posted on CANVAS].

PracticePerfect Video: The Scope of Discovery

Oct. 18: **Re-read FRCP 26(b)(1), (b)(2), (b)(3)(A)-(B) & (b)(5).**

Read Casebook pp. 140-60. Be prepared to discuss Hickman v. Taylor, Republic of Ecuador v. Hinchee. E-Discovery will be covered.

PracticePerfect Video: Discovery: Work-Product and Privilege

PracticePerfect Quiz: The Scope of Discovery

Oct. 23: **Guest Speaker: Michael Berman on E-Discovery**

Reading TBA.

Laptops are NOT permitted during guest lectures, out of courtesy to our guests.

Oct. 25: **Read FRCP 30, 32(a)(5)(A), 45(a). Skim the rest of FRC 45.**

Prepare Rule 26 Assignment and Rule 30 Assignment
[posted on CANVAS].

PracticePerfect Quiz: Discovery: Work Product and Privilege

Oct. 30: **Read FRCP 26(b)(5), 26(e)(1), 29, 33, 34.**

Prepare Rule 33 Assignment & Rule 34 Assignment [both posted on CANVAS].

Discovery Disputes and Discovery Sanctions

Nov. 1: **Read FRCP 37(a), (b), (c)(1), (d) & (e).**

Read Casebook pp. 160-66. Be prepared to discuss National Hockey League v. Metropolitan Hockey Club, Inc.

YouTube Video: Discovery: What is a Motion to Compel?
<https://www.youtube.com/watch?v=zBEhja-Egzs>

Nov. 6: **Read FRCP 26(c) & 27-36.**

Read Casebook pp. 166-73. Be prepared to discuss In re National Prescription Opiate Litigation.

YouTube Video: Litigation Tips: How to Focus on Discovery to Win at Trial?
<https://www.youtube.com/watch?v=L5rHzVf5Lro>

YouTube Video: "Missing" Documents And Sanctions For Discovery Disputes? <https://www.youtube.com/watch?v=EZkNZMUxpbw>

Post-Discovery Practice

Judge and Jury

Nov. 8: **Read FRCP 2, 38.**

Read U.S. Constitution Amendment VII.

Read Casebook pp. 231-35, 249-58. Be prepared to discuss Chauffeurs, Teamsters and Helpers, Local No. 391 v. Terry.

YouTube Video: What's the difference between a bench trial and jury trial?
[.https://www.youtube.com/watch?v=pARLlz3mdvs](https://www.youtube.com/watch?v=pARLlz3mdvs)

Nov. 13: **Guest lecture**

Reading TBA

Laptops are NOT permitted during guest lectures, out of courtesy to our guests.

Summary Judgment and JMOL

Nov.15: **Class will be held by Law Scholars on Zoom.**

Read FRCP 56(a), (b), (f); 12(d); 50(a).

Read pp. 236-43. Focus carefully on Celotex Corp. v. Catrett.

PracticePerfect Video: Summary Judgment

Nov. 20: **Re-read FRCP 56(a), (b), (c), (e), (f).**

Prepare Rule 56 Assignment [posted on CANVAS].

Re-read Celotex Corp. v. Catrett.

Read Casebook pp. 243-49 (through n.4(a)). Be prepared to discuss Scott v. Harris.

Complete Discovery Sanctions Assignment [posted on CANVAS].

PracticePerfect Quiz: Summary Judgment

Nov. 22: **Read FRCP 50(a), (b); 59(a)(1)(A).**

Read Rule 50 Handout [posted on CANVAS].

PracticePerfect Video: Judgment as a Matter of Law

Appeal

Nov. 27: **Read 28 U.S.C. §§ 1291, 1292(b) & FRCP 54(a), 58.**

Read Federal Rule of Appellate Procedure 4(a)(i) (contained in Supp.). Read pp. 305-12.

Prepare Appeals Assignment [posted on CANVAS].

YouTube Video: What is an appeal in a civil litigation?

<https://www.youtube.com/watch?v=gkcklUCmDDY>

PracticePerfect Quiz: Judgment as a Matter of Law

Final Review Session

Nov. 29: **Prepare Course Framework Assignment** [posted on CANVAS]

The final exam is closed book with the exception that you can bring in one 8.5 X 11 inch piece of paper containing whatever notes you wish on both sides. I will give you copies of the relevant rules for use during the exam.
