

UNIVERSITY OF BALTIMORE SCHOOL OF LAW

FALL 2023

Course: Civil Procedure I (evening) LAW 612 429E

Instructor: Jack Lynch

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Office hours: After any Civil Procedure class, or anytime by appointment

Law scholar: Shanae Jones

Days/Time: Mon., Weds., 7:45—9 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 operation of the federal courts under the Federal Rules of Civil Procedure. Topics include pleading, discovery, pretrial motions, trial by jury, judgments and relief from judgment, motions after judgment and appeal.

Course materials: Mainly a casebook, Civil Procedure, by Stephen Yeazell, Joanna Schwartz and Maureen Carroll, 11th ed. You will also need a booklet containing the Federal Rules of Civil Procedure. Rather than letting some law professor make money selling public domain material, I suggest you print the PDF of the Federal Rules of Civil Procedure published on-line by the House Judiciary Committee. It is 119 pages. I will occasionally assign cases not contained in the casebook. You will find such citations on the syllabus. You may find them on Lexis or Westlaw. Make sure to get your Lexis and Westlaw passwords during Orientation as I will soon be putting things on the TWEN website at the beginning of the semester.

Student learning outcomes: OMG!! As if this were not self-explanatory, but here goes!!! The objective of this 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 appeal

Grading: The final grade will be based on the exam, but there will be three graded essay exams during the semester, the average grade of which will count only if it is higher than the final exam grade. In that instance, it will count 20%.

Course expectations: ABA standards call for 2 hours of work outside of class for each hour per week in class. Although I have tried to limit the reading assignments to a reasonable amount of reading per class, I think you may find the material takes longer to grasp than that in your past academic experiences or even in other law school 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 the difficulty. I have stated my expectations for you; you should have the same for me. It is a requirement of this course that students complete a course evaluation. It will be available later in the semester. I will not see any results until after I have turned in my grades for the course and they are completely anonymous.

Attendance: Students who miss more than 4 class meetings may be required to withdraw from the course with a grade of FA, or may be precluded from taking the final exam unless the Associate Dean for Academic Affairs extends the limit up to 4 additional absences. A student who exceeds the maximum number of absences may be eligible for a leave of absence and should contact the Associate Dean to discuss available options. The Associate Dean can extend the number of absences a student may accrue based on a student's religious observances or extraordinary individual circumstances. Extraordinary individual circumstances include, but are not limited to, the following: bereavement (as defined in the University of Baltimore Bereavement Policy), significant physical or mental health incidents, and attendance at activities required for academic credit, such as clinic court appearances or 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 faculty members whenever possible.

Attendance tracking procedures

To keep attendance, this class will use attendance tracking software called **Qwickly**. Qwickly is hosted in Canvas, UB's learning management system. To check in for class, you will use a pin number generated at the start of class. To do so you must log into the Canvas site 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 his administrative assistant immediately.

Recording policies

You may record if you like. I will generally not do so. Any recordings you make may be used only for your individual study and review. Other use or reproduction of such recordings is an Honor Code violation. Faculty may not record students' voices or images from the class for any other purpose without student consent. All such recordings are protected by a student login process based on where they are posted. Students may mute their microphones or turn off their camera if they do not consent to be recorded, but this may mean that they need to find additional ways to participate in class discussions. 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.

Computers: FWIW, I don't think that taking notes on a computer is a very good idea, but, as grown-ups, you may do what you like.

Class cancellation: I will email everyone if that becomes necessary. September 25 is a religious holiday that I observe. That class will be made up on Tuesday October 3.

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/policies/honor_code/.

Title IX Sexual misconduct and nondiscriminatory 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 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 the Office of Academic Affairs at ublawaacadaff@ubalt.edu or 410-837-4468.

ASSIGNMENTS

CLASS	TOPIC	READING
8/21	Why go to court?	Casebook, pp. 210—28.
8/23	Pleading	Casebook, pp. 259-79; FRCP 8 (a); Mendes v. Johnson, 389 2d 781 (D.C. 1978).
8/28	Pleading	Casebook, pp. 14-15; 275-89.
8/30	Pleading	Casebook, pp. 289-309; FRCP 11.
9/4	Labor Day	
9/6	Pleading	Casebook, pp. 309-27; FRCP 12 (b), (c), (e), (f), 8 (b), (c), 15.
9/11	Conclude pleading	Casebook, pp. 322-27, FRCP 15 (c).
9/13	First practice exam	
9/18	Discovery	Casebook, pp. 331-46; FRCP 26 (a) (1), 30, 33, 34, 35.
9/20	Discovery	Casebook, pp. 347-61.

9/25	Religious holiday	This class will be made up with a double Civil Procedure class on Oct. 3.
9/27	Discovery	Casebook, pp. 361-70; <i>Dougall v. Dunn</i> , 468 F. 2d 468 (4 th Cir. 1972).
10/2	Discovery	Casebook, pp. 371-80; <i>Rubin v. Gray</i> , 370 A. 2d 600 (Md. Ct. Spec. App. 1977); FRCP 26 (c), 37.
10/3	Pretrial	Casebook, pp. 619-22, FRCP 16 (d) (e); <i>Eagle-Picher v. Balbos</i> , 578 A. 2d 228 (Md. Ct. Spec. App. 1990) (please be careful to read ONLY the part of the case that pertains to denial of the defendant's motion to amend its pretrial statement).
10/ 4		Second practice exam.
10/9	Summary judgment	Casebook, pp. 416-34; FRCP Rule 56.
10/11	Trial by jury	Casebook, pp. 447-51; <i>Curtis v. Loether</i> , 415 U.S. 189 (1974) FRCP 38, 47, 51.
10/16	Trial by jury	<i>Beacon Theatres, Inc. v. Westover</i> , 359 U.S. 500 (1959); <i>Dairy Queen v. Wood</i> , 369 U.S. 469 (1962); <i>Ross v. Bernard</i> , 369 U.S. 531 (1970).
10/18	Dismissal, judgment as a matter of law	Casebook, pp. 389-90; 464-75; <i>Arshack v. Carl M. Freeman Assocs., Inc.</i> 272 A. 2d 30 (1971); FRCP 41, 50 (a), (b).
10/23	Motion for a new trial	Casebook, pp. 476-87; FRCP 59; <i>Tierco of Maryland v. Williams</i> , 849 A. 2d 504 (Md. 2004).
10/25	Third practice exam	
10/30	Appeal	Casebook, pp. 491-510; 28 U.S.C. §§1291, 1292 (a), (b); FRCP 54.
11/1	Appeal	Casebook, pp. 511-19.
11/6	Appeal	<i>Cohen v. Beneficial Industrial Loan Co.</i> , 337 U.S. 541 (1949); <i>Firestone Tire & Rubber Co. v. Risjord</i> , 449

U.S. 368 (1981); Clark v. Elza, 406 A. 2d 922 (Md. 1979) (as to Cohen and Clark, please focus only on the appealability issue in each).

11/8 Injunctions

Casebook, pp. 223-34; FRCP 65.

11/13

Law Scholar explains how to ace the exam.

11/15 Elementary joinder

Casebook, pp. 583-601; FRCP 13, 14, 18, 20.

11-20 Review

11-28 Review

11-29 Zoom Q & A—Virtual Happy Hour.