

Course Information, Policies, and Schedule
Civil Procedure II
Spring 2024

Instructor Name and Contact Information

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Course Dates: January 22, 2024 – May 16, 2024
Class Times: Monday and Wednesday from 10:00 am – 11:15 am CT
Office Hours: By appointment only

Course Materials

All required course materials will be provided to students through the online learning platform. However, if students wish to purchase a casebook from which course material is pulled from, they are more than welcome to do so. All optional purchases will be made by the student and will not be reimbursed by the course.

Required Readings

Cases provided in each weekly module on the online learning platform. These will be links to external public websites containing court opinions.

Optional Text

Civil Procedure: A Coursebook 4th edition by Glannon. ISBN: 978154386258

Law Schoolers Additional Resources at <https://lawschoolers.com/category/11-spring/civ-pro-ii/>

Office Hours and Class Link

Office hours and class times will be available at the times scheduled above. If you wish to meet with me outside of those times, send an email to schedule a meeting. For office hours, a link will be provided to the student once the appointment has been scheduled. For the scheduled class, the class link is available under the “General” tab of the course modules on the online learning platform.

Assignments

Forums

Forums are designed to encourage class engagement and participation outside of lectures. However, more importantly, they are used to ask and answer questions about the material.

Consequently, forums are required for each class period. To obtain full credit, students must create a post with two parts. The first part states a principle that the student learned. The second part is to ask a question about the reading they hope to find an answer to. Afterwards, students must find another student’s original post and provide an answer to the question asked.

Quizzes

A quiz will be provided at the end of each week. The purpose of the quizzes is to test the understanding of course material as read and taught throughout the week. As such, the quizzes will test on all the concepts covered throughout the week's material, regardless of whether the material is related. These quizzes are open book and open note.

Midterm

The majority of the grades will be based on the midterm and the final. The midterm will consist of a variety of multiple choice questions and an essay question (no short answer). These questions will be based on the material discussed up to the point of the midterm.

The midterm will be timed. Students will have 3 hours to complete the exam. The exam is open book and open notes; however, you may not consult a friend.

Final

The final will consist of a variety of multiple choice questions and an essay question (no short answer). The final will be cumulative, meaning that it will cover all material learned throughout the semester.

The final will be timed, allowing students 3 hours to complete the exam. The exam is open book and open notes; however, you may not consult a friend.

Extra Credit

Throughout the semester, the instructor will provide three hypothetical (fictional) stories. Two of these will be provided before the midterm. The last one will be provided before the final. At the end of these stories, an essay prompt will be provided. Students can write an essay answering the prompt, for extra credit.

Additionally, students can fill out a course evaluation at the end of the semester for extra credit.

Up to 2% extra credit will be provided (0.5% for each assignment). Meaning, if your final grade at the end of the course was 92% but you received full marks, your final grade at the end of the course will be 94%. However, completion of the extra credit does not guarantee the extra 2%.

Attendance and Participation

Attendance and participation in class is a key part of student grades. Students are expected to come to class having already completed the readings and ready to discuss the material learned from those cases. Failure to complete the readings before class will result in a decreased ability to recall information for assignments.

Participation will be based on students' ability to answer questions when they are asked to discuss a case. Lectures will be based on the readings. Students should be prepared to know and understand the background of a case as well as a reasonable understanding of the principle in play before class. During class, a student will randomly be called on to

discuss a case. Students are allowed two passes (understanding that sometimes occasions arise that prevent students from completing readings beforehand). However, after the two passes, students will be marked as absent for failure to come to class prepared. 10 absences will result in failing the class.

If, for any reason, the instructor is unable to make it to class during the regularly scheduled time, class will be canceled, and a make-up day will be communicated to the students. Classes will not be rescheduled if missed for a federal holiday.

Grades and Credit

This course is worth 3 credits. To obtain good grades, students should spend a *minimum* of 9 hours per week outside of class completing readings, participating in forums, etc. Assignments are given weight that impacts how grades are finalized. Below is a list of the assignments, their weight, and the course grading scale.

Forums	10%	93% - 100%	A
Quizzes	10%	90% - 92%	A-
Participation	10%	87% - 89%	B+
Midterm	30%	83% - 86%	B
Final	40%	80% - 82%	B-
Extra Credit	2%	77% - 79%	C+
		73% - 76%	C
Total Possible	102%	70% - 72%	C-
		67% - 69%	D+
		63% - 66%	D
		60% - 62%	D-
		Below 60%	F

All grades are considered passing except for an F.

It is important to note that this course is set up to be similar to a course in an actual law school. However, there are a few key differences and similarities to point out. Most law school courses base their entire grade on the final, that is not the case here. Likewise, most law school courses do not offer extra credit. Additionally, most law school courses do not provide grades for forums, participation, or quizzes. However, the key similarity is that our exams are formatted the same way as a law school exam. The exams will also be curved.

Other Course Policies

Late Work

Late work is unprofessional and typically would not be accepted in the real world. In this class, late work is accepted on all assignments except for quizzes and exams. However, all late work receives an automatic deduction in percentage. The maximum grade all late work can receive is 50% of the original grade. For instance, if an assignment has a maximum score of 10 points but is submitted late, the best a student can achieve is 5 points.

Midsemester Evaluations

Around midterms, students, parents, or both will have the opportunity to schedule a meeting with the instructor. The purpose of this meeting will be to evaluate the student's performance within the course and establish goals for improvement.

Plagiarism

Plagiarism is the act of claiming another student's work as your own. This can be done by not properly citing the source of your information. Any form of plagiarism will result in receiving no credit for the assignment. Further action may need to be taken as well.

Cheating

Plagiarism or utilizing AI on any assignment or exam is a form of cheating. Plagiarism and AI use will be checked for. Other forms of cheating include using material that is prohibited for the midterm or final exam. Restraining from cheating is based on a "on your honor" system. However, if any cheating is suspected, students will be questioned regarding how they obtained an answer. If it is determined that the student cheated, they will be given no credit for the assignment. Note, cheating on the final will result in an automatic fail in the course.

Accommodations

This course provides accommodations for students with disabilities. Accommodations can include being provided additional time on an exam. If you have a need for accommodations, email the instructor before the course begins. Accommodations will not be provided after the course has begun.

Liquidated Damages

Unless the course is cancelled at the instructor's discretion, no refund will be provided. As such, no refund will be provided for an early withdrawal. The instructor will retain the course fee as a liquidated damage.

Reservation of Course Changes

This syllabus and assignments are subject to change at the instructor's discretion.

Course Schedule

The following schedule outlines what we anticipate covering during each week and class period. This schedule could be subject to change and students would be well advised to follow along on outlines provided for the course on the online learning system.

Week 1 – Jan 22-26

Lecture 1: Overview of the life of a case/Stating a Claim

Readings Due

- Syllabus
- Rules 4(m), 8(a), 12(b)(6), 50, 56
- Example Complaint & Answer

Assignments Due

- Forum

Part I – Pleadings

Lecture 2: Special Claims/Allocating Elements

Readings Due

- Rules 8, 9
- *Leatherman v. Tarrant County*
- *Stradford v. Zurich Ins. Co.*
- *Jones v. Bock*

Assignments Due

- Forum
- Weekly Quiz (Friday)

Week 2 – Jun 29-Feb 2

Lecture 1: Specificity

Readings Due

- Rules 8, 9, 12(b)(6)
- *Ashcroft v. Iqbal*
- *Johnson v. City of Shelby*

Assignments Due

- Forum

Lecture 2: Ethical Limitations

Readings Due

- Rule 11
- *Hays v. Sony Corp. of America*
- *Walker v. Norwest Corp.*
- *Christian v. Mattel, Inc.*

Assignments Due

- Forum
- Weekly Quiz (Friday)

Week 3 – Feb 5-9

Lecture 1: Responding to the Complaint

Readings Due

- Rules 8(b-d), 12
- *Matos v. Nextran*
- *Hunter v. Serv-Tech, Inc.*
- *Ingraham v. United States*

Assignments Due

- Forum

Lecture 2: Amending Pleadings

Readings Due

- Rules 7, 15
- *Beeck v. Aquaslide*
- *Krupski v. Costa Crociere*
- *Bonerb v. Richard Caron Foundation*
- *Moore v. Baker*

Assignments Due

- Forum
- Quiz (Friday)

Part II – Discovery

Week 4 – Feb 12-16

Lecture 1: Overview of Discovery

Readings Due

- Rules 16, 26-37

Assignments Due

- Forum

Lecture 2: Scope of Discovery

Readings Due

- Rules 26, 37
- *Oxbow Carbon v. Union Pacific*
- *Rengifo v. Erevos Enterprises Inc.*

Assignments Due

- Forum
- Quiz (Friday)

Week 5 – Feb 19-23

Lecture 1: No Class – Presidents Day

Lecture 2: Discovery Limitations: Privilege and Work Product

Readings Due

- Rules 26(b)(1 and 3)
- *Hickman v. Taylor*

Assignments Due

- Forum
- Quiz (Friday)

Week 6 – Feb 26-Mar 1

Lecture 1: Discovery Limitations: Expert Information

Readings Due

- Rules 26(a)(2), 26(b)(4), 26(c), 35
- *Thompson v. The Haskell Co.*
- *Chiquita Int'l Ltd. V. M/V Bolero-Reefer*

Assignments Due

- Forum

Lecture 2: Ensuring Discovery Compliance

Readings Due

- Rules 26(b)(2), 26(c), 26(f), 26(g), 37
- *Zubulake v. UBS Warburg*
- *Liguria Foods v. Griffith Labs*

Assignments Due

- Forum
- Quiz (Friday)

Week 7 – Mar 4-8

Lecture 1: Midterm Review

No Readings Due

Assignments Due

- Midterm Forum
- Extra Credit Hypothetical I
- Extra Credit Hypothetical II

MIDTERM

Week 8 – Mar 11-15 Spring Break – No Classes

Week 9 – Mar 18-22

Lecture 1: Types of Discoverable Information

Readings Due

- Rules 16, 26(b)(2)(B) & (C), 26(f), 33(d), 34, 37(e), 45

Assignments Due

- Forum

Part III – Resolution Without Trial

Lecture 2: Dismissal, Arbitration, Default Judgment

Readings Due

- Rules 41, 55, 60(b)
- *Virgin Records v. Lacey*

Assignments Due

- Forum
- Quiz (Friday)

Week 10 – Mar 25-29

Lecture 1: Beginning Summary Judgment

Readings Due

- Rule 56
- *Tolan v. Cotton*
- *Celotex Corp. Catrett*

Assignments Due

- Forum

Lecture 2: Finishing Summary Judgment

Readings Due

- *Houchens v. American Home Assurance*
- *Bias v. Advantage Int'l Inc.*

Assignments Due

- Forum
- Quiz (Friday)

Part IV – Trial

Week 11 – Apr 1-5

Lecture 1: No Class – Easter

Lecture 2: Beginning Directed Verdicts, JMOL, and JNOV

Readings Due

- Rules 47, 48, 50, & 68
- 28 USC §§ 144, 455, 1861, 1862, 1866(c), 1870
- *Pennsylvania Railroad Co. v. Chamberlain*

Assignments Due

- Forum
- Quiz (Friday)

Week 12 – Apr 8-12

Lecture 1: Finishing Directed Verdicts, JMOL, and JNOV

Readings Due

- *Lane v. Hardee's Food Systems, Inc.*
- *Reid v. San Pedro, Los Angeles & Salt Lake Railroad*

Assignments Due

- Forum

Lecture 2: Motion for New Trial

Readings Due

- Rule 59
- *Trivaldi v. Cooper*

Assignments Due

- Forum
- Quiz (Friday)

Part V – Complex Litigation

Week 13 – Apr 15-19

Lecture 1: Joining Claims and Parties

Readings Due

- Rules 13, 18, 20, & 21
- *Holhbein v. Heritage Mut. Ins. Co.*
- *King v. Blanton*

Assignments Due

- Forum

Lecture 2: Third Party Claims

Readings Due

- Rule 14
- *Elkins v. Case Power & Equip. Co.*

Assignments Due

- Forum
- Quiz (Friday)

Week 14 – Apr 22-26

Lecture 1: Complex Joinder

Readings Due

- Rules 19, 22, & 24
- *Torrington Co. v. Yost*
- *Temple v. Synthes Corp.*

Assignments Due

- Forum

Part VI – Former Adjudication

Lecture 2: Claim Preclusion

Readings Due

- *River Park Inc. v. City of Highland Park*

Assignments Due

- Forum
- Quiz (Friday)

Week 15 – Apr 29-May 3

Lecture 1: Issue Preclusion

Readings Due

- *Parkline Hoisery Co. v. Shore*

Assignments Due

- Forum

Lecture 2: Final Review

No Readings Due

Assignments Due

- Final Forum
- Extra Credit Hypothetical III

Finals Week – May 6-10

FINAL

Assignments Due

- Course Evaluation