

Syllabus

Procedure II - Section 2

Law 806

Professor John Rumel

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Office 130

Spring 2014

TTh

11-12:15 p.m.

Room 105

Office Hours:

Tuesdays 5:00 - 6:00 p.m. and

Wednesdays 8:30 - 9:20 a.m. and

4:30 - 5:20 p.m. (and other

mutually agreed to days and times)

Materials

Text: Jack H. Friedenthal, et al., Civil Procedure: Cases and Materials, 11th Edition (West 2013)

Federal Rules of Civil Procedure, United States Code Provisions, and Recent Supreme Court Decisions: 2013-2014 Civil Procedure Supplement (West)

Supplemental Materials: Allen & Finch, An Illustrated Guide to Civil Procedure, 2nd Edition (Wolters Kluwer 2011) (do not purchase/on e-reserve)

Course Coverage and Goals

This semester course is the second half of a year-long course which will cover the law relating to the resolution of civil (as opposed to criminal) disputes in the judicial system. Last semester, we covered (1) the litigation process generally, (2) principles governing the determination of the proper court, i.e. personal jurisdiction, subject matter jurisdiction and venue and (3) ascertaining the applicable law. This semester, we will summarily cover (1) common law pleading, engage in (2) a detailed study of the litigation process, from pleading to final judgment, based on a study of the federal rules of civil procedure and the case law interpreting them, and conclude with (3) principles of finality based on the preclusion doctrines.

Students taking this course will hopefully develop and take steps toward mastery of the following knowledge, analytical abilities and skills: (1) an understanding of the law relating

to civil procedure and the ability to solve problems by applying that law to factual situations; (2) the ability to evaluate and apply strategic considerations in the subject area; and (3) the ability to critique existing legal doctrine and anticipate, predict and argue for changes in existing or unsettled areas of procedural law.

Requirements

Class Attendance and Participation

Both College of Law and American Bar Association policies require regular classroom attendance by students. Moreover, attendance at and participation in class invariably complements and enhances your and other students' understanding of the assigned reading materials. And, since I typically draw from materials, presentations and discussions highlighted in class on the final exam, regular classroom attendance and participation should provide an added benefit. If an issue arises concerning your regular attendance and participation, please communicate with me about it so that we can address the problem.

Subject to certain exceptions noted below, you will be expected to be prepared for each and every class session. Generally speaking, there will be three (3) ways that you will participate in class: (1) serving on a student panel; (2) volunteering to respond to questions posed in class or asking questions concerning the reading materials and issues raised during class discussions; and (3) being called on randomly to respond to questions in class. My tendency and preference, however, is to call on panel members or volunteers, and only call on students randomly after the first two alternatives have been exhausted.

Commencing the second week of class, I will (re-)institute the panel system, whereby three (3) students will be assigned primary responsibility for responding to questions during a given class session. Thereafter, and throughout the semester, I will notify the class - typically on a weekly or bi-weekly basis - regarding which students will be on call the following week. The panel approach is designed to ensure high quality classroom discussion and reduce the delay and "down time" that can occasionally occur when student participation occurs solely on a voluntary or random, cold call basis. It is also designed to encourage participation by students who might otherwise be reluctant to speak in class, and, although not a primary rationale, deter certain students from dominating classroom

discussions. Lastly, it is consistent with my belief that (1) higher education is largely a voluntary and collaborative endeavor, albeit an endeavor where students must fulfill certain duties owed to themselves, their colleagues, their professors, and the institution where they study and that (2) ultimately, students, with assistance and direction from their professors and support from their classmates, must take primary responsibility for their own learning.

If you find yourself unprepared for class (this, of course, should not occur frequently), please let me know prior to class and I will not call on you during that class session. I would much rather have you attend class and benefit from the class discussion, than miss class because of lack of preparation. And, if you are unprepared or need to be absent on a day when you are a panel member, please let both me and your fellow panel members know far enough in advance of class so that, if necessary, we can make alternative arrangements.

Professionalism and Civility

In any environment in which people gather to learn, it is essential that all members feel as free and safe as possible in their participation. To this end, it is expected that everyone in this course will be treated with mutual respect and civility, with an understanding that all of us (students, professors, and guests) will be respectful and civil to one another in discussion, in action, in teaching, and in learning.

Reading

I will provide a list of reading assignments from the Friedenthal text and the above-listed supplemental materials to you in writing on a periodic (every 4-5 week) basis. These assignments will enable you to plan your reading so as to be current with class discussions. Please read the assigned materials and problems prior to class and be prepared to discuss them in class.

Problem Solving

As will be the case in most of your courses, you will be expected to solve problems by applying existing legal principles and case law to different factual scenarios. These analytical exercises will be a regular part of our class discussions. In addition, in connection with each major topic, we will look at hypothetical problems designed to test and/or facilitate your

knowledge of the law and analytical ability and, on occasion, work through practical exercises designed to enhance your understanding of the litigation process. You are strongly encouraged to prepare written responses to the hypothetical problems and submit them to me and/or your classmates for review and (non-graded) evaluation.

Grades -- Final Exam

After weighing the pros and cons concerning the components that will make up your grade in this course and the format of any testing (and although I reserve the right to change the testing format upon giving reasonable notice to the class), I have decided that your grade will be based on a single closed book, closed note final exam that will be administered at the scheduled time during the examination period. Although you will not be allowed to bring any materials with you to the exam, you will have seen -- well in advance of the examination date -- and be given -- in the examination room at the time of the exam -- a three (3) page skeletal outline listing, by name and rule/statute number, the Federal Rules of Civil Procedure and statutes studied during the semester. The exam will be comprehensive, i.e. will cover subjects addressed over the entire semester (unless I specify otherwise) and, possibly, cover subjects from the first semester which are germane to our study of the litigation process during the second semester (more on that later). The exam will include one or more hypothetical problems, and may also include short answer questions and/or multiple choice problems.

Disability Accommodation

Reasonable accommodations are available for students who have documented temporary or permanent disabilities. Students should meet with Disability Support Services (DSS) by the end of the first week of class to assess if any accommodations are needed for courses and/or examinations. All accommodation requests are then submitted by DSS to Dean Dodge for final approval. DSS serves as the sole evaluator of medical documentation and determines reasonable accommodations on a per semester basis. The College of Law does not have the authority to evaluate or grant disability accommodations without DSS first submitting a recommendation. You may contact DSS by:

- Visiting the Idaho Commons Building, Room 306
- Calling 208-885-6307
- Emailing dss@uidaho.edu

It is ultimately the student's responsibility to seek a disability accommodation, and until an accommodation is approved by DSS and Dean Dodge, no student will be entitled to receive any accommodations. To learn more about DSS, visit its website at <http://www.uidaho.edu/studentaffairs/taap/dss>. Please review the College of Law Catalog and Student Handbook for more information on the disability accommodation process.