Syllabus

Civil Procedure I – Section 2
Law 805
Fall 2018
Professor John Rumel
Professor John Rumel
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Office – Room 309

Office Hours:

Wednesdays 4:30 p.m. – 5:30 p.m.
Thursdays 3:00 p.m. – 4:00 p.m.
(or by appointment or whenever my door is open)

Materials


Course Coverage and Goals

This course is the first semester of a year-long course which will cover the law and policies relating to the resolution of civil (as opposed to criminal) disputes in the judicial system. This semester, we will (1) engage in 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 (2) conclude with coverage of personal jurisdiction.

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.
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 problems. 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.

More on the student panel system: commencing the second week of class, I will institute a panel system, whereby two (2) students will be assigned initial responsibility for responding to questions during a given class session. Thereafter, and throughout the semester, I will notify the class on a bi-weekly basis regarding which students will be on call the following week(s). 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. Typically, I will start questioning or class discussion with panel members, move to calling on volunteers or students randomly, and move back to panel members during subsequent questioning or class discussion.
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 your 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 member 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.

If you feel our classroom interactions do not reflect an environment of civility and respect, you are encouraged to meet with me to discuss your concern. Additional resources for expression of concern or requesting support include the College of Law Dean of Students office and staff (885-6757), the UI Counseling & Testing Center’s confidential services (885-6716), or the UI Office of Human Rights, Access, & Inclusion (885-4285).

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. Also, after each major topic, we will look at written, hypothetical problems designed to test and/or facilitate your knowledge of the law and analytical ability. You are encouraged to prepare written
responses to any and/or all the hypothetical problems and submit them to me (and/or your classmates) for review, meeting and (non-graded) evaluation. In addition, as to each of these summative, hypothetical problems (there will be three or four of them during the Fall semester), I will assign a group of students to prepare individual written responses to the problem. By the end of the semester, each student in class will have been assigned a problem and will have met with me to receive feedback concerning their response. This assignment will not be graded, but you must turn in a good faith effort on it in order to receive credit for the class.

Credit Hours for Coursework

In accordance with ABA Standard 310, the College of Law awards one credit hour for experiences that are reasonably designed to involve 50 minutes of classroom or direct faculty instruction and two hours of out-of-class student work per week, or at least the equivalent amount of work for academic activities including simulation, field placement, clinical, and other academic work leading to the award of credit hours.

The Course requirements outlined above with respect to materials and assignments, in my professional judgement, are complex enough in nature that it is expected that the amount of out-of-class time it will take students to complete the assignments will meet the rule.

Recording Class Sessions

Students may not electronically record classes unless they have the express consent of the instructor, except where the Dean of Students has allowed recording as a disability accommodation pursuant to a recommendation by CDAR. Recording classes without the instructor’s express consent violates the Honor Code. Students recording classes as a disability accommodation must follow procedures set down by CDAR. Students who are unable to attend class for reasons of illness or other exigencies must receive permission from the instructor before classes are recorded on their behalf. Contact the Law Library for recording equipment and information on recording procedures.

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), and in addition to completing the problem solving assignment mentioned above, 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). The exam will include one or more hypothetical problems, and may also include short answer questions and/or multiple choice problems.

Center for Disability Access and Resources (CDAR) Reasonable Accommodations Statement

Reasonable accommodations are available for students who have documented temporary or permanent disabilities. Ideally, students in Moscow and Boise should meet with CDAR 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 CDAR to Dean Dodge for final approval. CDAR 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 CDAR first submitting a recommendation. You may contact CDAR by:

• Calling 208-885-6307
• Emailing cdar@uidaho.edu

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