

CIVIL PROCEDURE COURSE SYLLABUS

INTRODUCTION AND COURSE DESCRIPTION

Course: Civil Procedure

Course Number: L111 (1)
L111 (2)

Number of Units: 6

Website / contact information – <http://pages.sbcglobal.net/rcartier>

Term: 2009-10 Academic Year

**Day and Time: Tuesday, 1:30-4:30pm
Tuesday, 6:30-9:30pm**

Instructor: Richard M. Cartier

Course Description: This course involves the study of civil litigation from the commencement of an action through trial and appeal. Emphasis is placed upon: jurisdiction, venue, parties, pleadings, joinder, discovery, pretrial motions, motions after trial, and appellate review. State and federal rules of civil procedure are considered.

COURSE GOALS AND STUDENT LEARNING OUTCOMES

Course Goals: Through this course I intend to engage students in activities calculated to help students develop skills and attain proficiency in the following areas:

- I. Doctrinal Knowledge of
 - A. Substantive Law
 - B. Underlying Policy and Jurisprudence

- II. Critical Thinking
 - A. Statute and Case Analysis – comparing, contrasting, synthesizing law and facts
 - B. Problem Analysis – applying law to new factual contexts
 - C. Problem Solving – creative thinking, analogizing, relating law and facts to policy objectives

- III. Communication Skills
 - A. Oral Presentation – *inform and persuade not emphasized in this class*
 - B. Written Communication – *with emphasis on exam writing and case briefing* research and write for various professional purposes

- IV. Professional Responsibilities – *introduction of professional duties and responsibilities*
 - A. Professionalism -- ethics
 - B. Practice Skills – before, during and after trial
 - C. Problem Resolution Skills – client relations, negotiations, alternative dispute resolution

Student Learning Outcomes:

1. Students will recite, orally and/or in writing, specific laws related to the course.
2. Students will identify and explain underlying public policy and jurisprudential concerns related to specific laws.
Students will demonstrate the ability to analyze cases and/or statutes.
- 3.
4. Students will demonstrate the ability to apply the law to new factual contexts using the traditional IRAC format.
5. Students will devise and explain problem solving strategies to address specific legal and/or analytical problems.
Students will demonstrate the ability to communicate orally and/or in writing for
6. various professional purposes.
Students will identify and explain appropriate professional responsibilities
7. concerning matters of ethics, practice skills, and problem resolution skills.

GRADING: December mid-term = 10%

Spring mid-term may replace December score in calculating final course grade Final Exam = 90% or 100% (if final exam grade is higher than the mid-term grade)

Failing to sit for any regularly scheduled exam or failing to satisfy the SJCL attendance policy may result in an administrative withdrawal from this course.

Requests for exam accommodations are directed to academic services.

REQUIRED MATERIALS:

Civil Procedure, 7th Edition, Yeazell (Aspen)

Civil Procedure in California, 2009 Edition, Kane and Levine (West)

RECOMMENDED MATERIALS:

California Civil Procedure in a Nutshell, 3rd Edition, Slomanson (West)

COURSE SCHEDULE

Course: Civil Procedure

Term: Fall 2009

Instructor: Cartier

DATE	ASSIGNMENT	TOPICS COVERED	OBJECTIVES
8/18/09	257-291 (Yeazell)	Introduction: The Process of Litigation; Incentives to Litigate –	IA, IB, II A
8/25	291-331;	Financing Litigation: Provisional Remedies Hand in written brief for <i>Graham v. DaimlerChrysler Corp</i>	IA, IB, II A, III
9/1	1-25	An Overview of Procedure – Where can the suit be brought?	IA, IB, IIA, IIB, IVA, IVC
9/8	25-54	Stating the Case; Parties to the Lawsuit; Discovery; Pretrial Disposition; Trial; Former Adjudication,	IA, IVB
9/15	55-96	Personal Jurisdiction – The Origins; The Modern Constitutional	IA, IB, IIB
9/22	96-122 K/L 601	Specific Jurisdiction : Hand in written brief for <i>Pavlovich v. Superior Court.</i>	IA, IB, IIB, IIIB
9/29	122-153	General Jurisdiction; Consent; The Constitutional Requirement of	IA, IB, IIA
10/6	154-174 K/L 615	Venue; Transfer; Forum Non Conveniens	IA, IB, IIA IVB
10/13	175-203	Subject Matter Jurisdiction – Federal Question and Diversity	IA, IB
10/20	204-220	Subject Matter Jurisdiction – Supplemental Jurisdiction and Removal	IA, IB, IIC
10/27	221-256	Erie – The Limits of State Power in Federal Courts; "Reverse Erie;" Ascertaining State Law	IA, IB, IIA, IIB, IIC, IVA, IVC
11/3		Practice Exam	
11/10	333-374 K/L 622	Pleading – The Story of Pleading: The complaint	IA, IB, IIA, IVB
11/17	375-414	Pleading continued – Responding to the Complaint: Pre-answer motions, Answer, Reply, Amendments	IA, IB, IIA, IVB
11/24		Course Review	IA, IIA, IIB, IIC
12/3	Interim Exam	6:30 p.m. for both sections.	IA, IB, IIA, IIB, IIC, IIIB

** The schedule and procedures for this course are subject to change in the event of extenuating circumstances. ** The official class schedule with hyperlinks to course materials is located at <http://pages.sbcglobal.net/rcartier>

COURSE SCHEDULE

Course: Civil Procedure

Term: Spring 2010

Instructor: Cartier

DATE	ASSIGNMENT	TOPICS COVERED	OBJECTIVES
1/5/09	737-755	Joinder of Claims; Joinder of Parties	IA, IB, IIB, IVB
1/12	755-798 K/L 670	Joinder of Parties continued	IA, IIB, IVB
1/19	798-846 K/L 678	Class Actions	IA,IB, IIA, IVB
1/26	415-438	Discovery	IA, IB, IVB
2/2	438-472 K/L 632; 639	Discovery continued	IA, IIA, IVB
2/9	473-504	Resolution without Trial	IA, IB, IVB
2/16	505-550 K/L 656	Summary Judgment Hand in written brief for <i>Aguilar v. Atlantic Richfield Co.</i>	IA, IB, IIA, IIIB
2/23		Exam writing workshop – <i>attendance optional</i>	IIIB
3/2	Interim Exam	6:30 p.m. for both sections.	IA, IB, IIA, IIB,
3/9	551-578 K/L 716; 722	Identifying the Trier – Judge or Jury	IA, IB, IVB
3/16	579-634 K/L 645	Choosing, Challenging and Controlling Jurors and Judges	IA, IB, IIA, IVA, IVB
3/23	657-693	Respect for Judgments – Res Judicata [claim preclusion]	IA, IB, IIA, IIB,
3/30	No Class	SPRING BREAK	
4/6	694-736 K/L 694	Collateral Estoppel [issue preclusion]	IA, IB, IIA, IIB, IIC IVB
4/13	625-665	Appeal	IA, IB, IVB
4/20	1-53 K/L 601-730	Reprise – An Overview of Procedure	IA, IVB
4/27		Course Review; Q & A – <i>attendance optional</i>	IA, IVB
5/6	FINAL EXAM	6:30 p.m. for both sections.	IA, IB, IIA, IIB, IIC, IIIB

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