

CIVIL PROCEDURE (LAW 5301 – 23344)
University of Florida Levin College of Law

FALL 2019 SYLLABUS

1. Overview. This course examines the body of law governing how civil litigation unfolds, exploring the nuts and bolts of what lawyers actually do when they help a party bring or defend a claim. Additionally, at its core, civil procedure raises important questions about what is the role of courts and what makes a process fair and just. We will focus on the federal system, taking a close look at its procedural rules, statutes, and case law.

2. Required Materials. Our casebook is STEPHEN C. YEAZELL & JOANNA C. SCHWARTZ, CIVIL PROCEDURE (10th ed. 2018). The 2019 supplement also is required. Additional material will be posted on the course's Canvas site.

3. Class Meetings. Our class meets on Mondays, Tuesdays, and Thursdays from 1:30-2:45pm in HH 360.

4. Office Hours. I will hold office hours after class on Tuesdays from 3-5pm. I encourage each of you to stop by during this window. I also am happy to meet by appointment outside of office hours; please email in advance to schedule a mutually convenient time.

5. Contact Information. My office is in Room 312L and my office telephone number is 352-273-0701. My e-mail address is endo@law.ufl.edu.

6. Course Objectives and Student Learning Outcomes. By the end of the semester, you should be able to (1) demonstrate a foundational understanding of the law of U.S. civil procedure, including the rules, statutes, and case law that govern jurisdiction, choice of law, stages of litigation (e.g., pleading, discovery, motions, etc.), and the ethical obligations of lawyers; (2) identify legal doctrines by reading primary legal authorities, and; (3) apply the law to new facts while taking into account the strategic and normative implications such as cost control and access to justice.

7. Class Assignments. At the end of this syllabus, you will find a list of the early reading assignments, which are organized by subject matter. We generally will discuss one assignment every class but our discussions may carry over into the next session. As we move forward, I will distribute the reading assignments for the remainder of the semester via the course's Canvas site. At the end of each class, I will confirm the next assignment. If you miss class, prepare the next class assignment.

8. Class Preparation and Participation. The ABA contemplates that you will spend an average of eight hours per week doing out-of-class work for this course. Please leave plenty of time to complete your reading and other assignments—they likely will take longer than you think, especially at first.

In class, I encourage each of you to participate thoughtfully in the discussions. If you are not prepared when you are called on, you may pass on participating. Excessive passing may result in a reduction of your grade by one-third of a point (e.g., from a B+ to a B).

Although grade enhancement will be rare, exemplary class participation may raise your grade by one-third of a point or be used to differentiate among students with the same grade to achieve a curve. Quality, not quantity, is key.

9. Class Attendance. The ABA requires “regular and punctual” course attendance. Regular attendance is a key element to understanding the material, which will prepare you for both the final exam and, ultimately, practice. Attendance will be taken at the start of each session via the sign-in sheet. It is a serious violation of the Academic Honesty policy to sign in other people or to have others sign you in.

Excessive absence or tardiness may result in a reduction of your grade by one-third of a point (e.g., from a B+ to a B). As per the ABA requirements, failure to attend 80% of the class sessions will result in your being barred from taking the final exam in this course.

Observance of a University-recognized religious holiday does not count as an absence and will not count against your absences. Please be sure to notify me of such absences in advance via email. Likewise, please email me as soon as practicable if a family, medical, or other similar emergency arises.

10. Electronic Devices. You may use a computer or tablet in class to take notes. While you are permitted to use a computer or tablet to take notes in class, be sure to be respectful of your colleagues. Also, there are several studies that suggest longhand note aids retention and comprehension (*see, e.g.,* <https://doi.org/10.1177/0956797614524581>). You may not use a cell phone during class. You may not record class sessions without advance permission.

11. Exam. The final exam will be an eight-hour exam administered on Friday, December 13, beginning at 8:30am. All answers must be exclusively your own work. You are allowed to use the casebook, the rules supplement, and any materials that you created. You may not refer to commercial outlines or other study aids that you did not prepare. And you may not consult with others about the exam once the exam period has started. Please review the note on academic honesty in Section 16 below.

12. Grading. Over the course of the semester, there will be several (ungraded) exercises, which will provide you with opportunities to assess your growing understanding of the course materials and to receive feedback on your progress. Your grade in this class will be based on the final exam (100%), subject to the provisions of Sections 8 and 9, above.

The University of Florida Levin College of Law’s mean and mandatory distributions are posted on its website and this class adheres to that posted grading policy. The following chart describes the specific letter grade/grade point equivalent in place:

Letter Grade	Point Equivalent	Letter Grade	Point Equivalent
A (Excellent)	4.0	C (Satisfactory)	2.0
A-	3.67	C-	1.67
B+	3.33	D+	1.33
B (Average)	3.0	D (Poor)	1.0
B-	2.67	D-	0.67
C+	2.33	E (Failure)	0.0

The law school grading policy is available at: <http://www.law.ufl.edu/student-affairs/current-students/academic-policies#9>.

13. Accommodations. I am committed to making our classroom accessible to all members of our community. Students requesting accommodation for disabilities must first register with the Disability Resource Center (<http://www.dso.ufl.edu/drc/>). Once registered, students will receive an accommodation letter which must be presented to the Assistant Dean for Student Affairs (Dean Mitchell) when requesting accommodation. Students with disabilities should follow this procedure as early as possible in the semester.

14. Student Course Evaluations. Students are expected to provide professional and respectful feedback on the quality of instruction in this course by completing course evaluations online via GatorEvals. Guidance on how to give feedback in a professional and respectful manner is available at <https://gatorevals.aa.ufl.edu/students/>. Students will be notified when the evaluation period opens and can complete evaluations through the email they receive from GatorEvals in their Canvas course menu under GatorEvals or via <https://ufl.bluera.com/ufl/>. Summaries of course evaluation results are available to students at <https://gatorevals.aa.ufl.edu/public-results/>.

15. Academic honesty. The legal profession—a self-regulating association—depends on the integrity, honor, and personal ethics of each member. Similarly, academic honesty and integrity are fundamental values of the UF Law School community. You should be sure that you understand and comply with the UF Student Honor Code, available at <https://www.dso.ufl.edu/sccr/process/student-conduct-honor-code/>, and the Law School’s application of it, available at <https://www.law.ufl.edu/life-at-uf-law/officeof-student-affairs/additional-information/honor-code-and-committee/honor-code>.

EARLY READING ASSIGNMENTS

Introduction to Civil Procedure & the Values of Process (first day of class)	Read <i>Goldberg v. Kelly</i> (required); Watch the How to Read a Case video posted on Canvas and/or read Orin S. Kerr, <i>How to Read a Legal Opinion</i> , 11 GREEN BAG 2D 51 (2007) (optional)
Overview of a Civil Lawsuit: Jurisdiction, Venue, Service of Process, and Pleading	CB 1-28 (up to D.)
Overview of a Civil Lawsuit: Discovery, Summary Judgment, Trial, Former Adjudication, and Appeals	CB 31(E.)-58
Litigation Incentives: Remedies	CB 299-332
Litigation Incentives: Financing	CB 332-367
Notice & Service	CB160-75
Pleading: Establishing the Law & Sorting Weak and Strong Cases	CB 365(3.)-397
Pleading: Special Claims, Allocating the Elements, & Ethical Limitations	CB 397-421
Responding to the Complaint: Default, Pre-Answer Motions, Answer, Reply, Amendment	CB 429-58