**Fall 2020 Civil Procedure Syllabus and Course Information**

**Professor Elizabeth T. Lear**

**Overview**

This course covers the constitutional framework, statutory law, and court rules and practices that govern federal civil litigation in the United States. Unlike your other first year courses, which cover a particular substantive area of law (e.g., Torts, Property, Contracts), Civil Procedure is the study of why and how to bring a civil lawsuit in federal court, regardless of the substance involved (e.g., whether the case involves a tortious act, a property dispute, or a breach of contract).

**Office Hours and Appointments**

Unfortunately, we will need to meet for office hours and conduct any private appointments by zoom. I will set up an open “zoom Chat Room” on Wednesdays from 3:30 to 5:30. Please drop in – it will be nice to see your faces! If you would like to talk with me individually, please email me at [Lear@law.ufl.edu](mailto:Lear@law.ufl.edu) and we can set up a time to meet virtually. One caveat – make sure that you include the “law” part of my email address, otherwise you will email my brother who is a professor in Mechanical Engineering. Although he is always sympathetic to my students’ woes, he is not particularly helpful!

**Course Objectives & Student Learning Outcomes**

After completing this course, students should be able to:

1. Describe the constitutional and statutory foundations of the federal court system and their application to jurisdiction in federal civil lawsuits.
2. Demonstrate an understanding of the procedural rules and statutes that govern the process of litigation of civil lawsuits in federal court.
3. Apply strategic and practical considerations throughout the process of filing and litigating a federal civil lawsuit.
4. Explain how procedural policy choices shape individuals’ access to federal courts.

**Required Course Materials & Workload**

The required materials for this course are:

1. Barbara Allen Babcock, Toni M. Massaro, Norman W. Spaulding, Civil Procedure (6th ed., 2017) (referred to as “CB” in assignments below).
2. Glannon, Perlman, Raven- Hansen, Civil Procedure, Rules, Statutes and Other Materials 2020 (referred to as “Supp” in assignments below).
3. Joseph W. Glannon, Civil Procedure, Examples and Explanations (8th ed. 2018).

You are expected to read and be prepared to discuss all the assigned reading each class, including all the “Notes” assigned. Hint: doctrinal information and questions we will discuss in class often appear in the “Notes” section of the casebook.

In accordance with Standard 310 of the American Bar Association’s (ABA) standards for law schools, students are expected to devote 2 hours of out-of-class preparation for every 1 credit hour of in-class instruction.

**Attendance**

Attendance is mandatory and an essential part of the course. In accordance with ABA guidance, you are allowed six absences from class total, for any reason (including for illness, medical appointments, job interviews, school activities, work tasks, family issues, and the like).

**Screen Policy**

I typically ban laptops in my class; however, this semester is a bit different since some of you will be joining us virtually. I know it’s tough but taking notes by hand is proven to assist in recall and learning, so I encourage you to give it a try. You may not look at your phone during class. Also, surfing on your laptop (should you choose to use one) is prohibited. It not only distracts those around you, it’s disrespectful.

**Preparing for and Participating in Class**

While I expect you to come to every class and to come prepared, I recognize, however, that exceptional circumstances may lead you not to have read the material for a particular day. If that occurs, I’d much rather you show up unprepared than not show up at all; I just ask that you let me know (by email) the night before class that you will not be prepared. If you do come unprepared without letting me know, your grade may suffer.

**Grading Information and Grading Scale**

The law school grading policy is available at <http://www.law.ufl.edu/student-affairs/current-students/academic-policies#9>. The following chart describes the specific letter grade/grade point equivalent in place:

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

**Final Exam/Final Grade**

Regular attendance, preparation, and active participation in classroom discussion are required. Your course in the grade will be based on a final exam, with potential adjustment based on your attendance and participation. The final exam will be timed, during the regular exam period, and will be open book. More information on the exam will be provided in class.

**Make-up Exams**

The law school policy regarding delaying or rescheduling exams is available at [http://www.law.ufl.edu/student-affairs/current-students/academic-policies - 12](http://www.law.ufl.edu/student-affairs/current-students/academic-policies#12).

**Accommodations**

Students requesting accommodation for disabilities must first register with the UF Disability Resources Center, <https://drc.dso.ufl.edu/>. The Center will provide documentation to the student, who must then provide this documentation to the Law School Office of Student Affairs when requesting accommodation.

**Student course evaluations**

Students can provide feedback on the quality of instruction in this course by completing online evaluations at <https://evaluations.ufl.edu>. Evaluations are typically open during the last two or three weeks of the semester, but students will receive notice of the specific times when they are open. Summary results of these assessments are available to students at <https://evaluations.ufl.edu/results/>.

**Academic Honesty**

Academic honesty and integrity are fundamental values of the UF Law School community. Students are expected to 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. See <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/additional-information/honor-code-and-committee/honor-code>.

**Class Schedule and Assignments**

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| CLASS | DATE | TOPIC | ASSIGNMENT | |
| 1 | 8/26 | Due Process of Law | CB: 1-15  Supp: U.S. Const. Art. III §§ 1-2 and 14th Amendment | |
| 2 | 8/27 | Due Process cont. | CB: 16-35 | |
| 3 | 8/29 | Due Process: Notice and Hearings | CB: 35-38; 51-63  Supp: FRCP 4 | |
| 4 | 9/2 | Personal Jurisdiction | CB: 105-121  Supp: US Const. Art. 4 and 14th Amendment | |
| 5 | 9/3 | Personal Jurisdiction cont. | CB: 122-140 | |
| 6 | 9/4 | Personal Jurisdiction cont. | CB: 140163 | |
| 7 | 9/9 | Personal Jurisdiction cont. | CB: 163-175 | |
| 8 | 9/10 | Personal Jurisdiction cont. | CB: 191-216 | |
| 9 | 9/11 | Practice Exam Question on Personal Jurisdiction (at home) | TBA on Canvas | |
| 10 | 9/16 | Practice Exam Question Review |  | |
| 11 | 9/17 | Subject Matter Jurisdiction | CB: 233-244  Supp: USCA 1331(a) & (b) | |
| 12 | 9/18 | Subject Matter Jurisdiction | CB: 244-263  Supp: USCA 1332(c)(1) | |
| 13 | 9/23 | Subject Matter Jurisdiction | CB: 264-284  Supp: 28 USC 1331 | |
| 14 | 9/24 | Venue/ Pleading (Complaint) | CB: 292-295; 312-320  Supp: USCA 1390, 1391; FRCP 8 (a) |
| 15 | 9/25 | Pleading (Complaint cont.) | CB: 344-361  Supp: FRCP 8(a) |
| 16 | 9/30 | Pleading (Pre-Answer Motions and the Answer) | CB: 400-415  Supp: FRCP 12, 8(b)  Hypos – see Canvas |
| 17 | 10/1 | Pleading (Affirmative Defenses and Amendments) | CB: 415-431  Supp: FRCP 8(e), 15(a)(b)(c) |
| 18 | 10/2 | Pleading (Amendments and Ethical Constraints) | CB: 431-455  Supp: FRCP 15(c), Rule 11 |
| 19 | 10/7 | Discovery Overview | CB: 499-521 |
| 20 | 10/8 | Summary Judgement | CB: 688-710  Supp: FRCP 56 |
| 21 | 10/9 | Summary Judgment Exercise | Materials on Canvas  Supp: FRCP 56 |
| 22 | 10/14 | Erie Doctrine | CB: 911-912, 917-926  Supp: 28 USC 1652 |
| 23 | 10/15 | Erie Doctrine cont. | CB: 926-935  Supp: 28 USC 2072 |
| 24 | 10/16 | Review of Erie Doctrine | Supp: 28 USC 1652, 2072 |
| 25 | 10/21 | Supplemental Jurisdiction | CB: 953-959, 978-981  Supp: 28 USC 1367 |
| 26 | 10/22 | Removal Jurisdiction | CB: 981-998  Supp: 28 USC 1441(a)(b)(c) |
| 27 | 10/28 | Transfer of Venue and *Forum Non Conveniens* | CB 998-1011  Supp: 28 USC 1404, 1406 |
| 28 | 10/29 | Joinder of Parties | CB: 1012-1026  Supp: FRCP 19, 20 |
| 29 | 10/30 | Joinder of Parties cont. | CB: 1026-1031, 1039-1045  Supp: FRCP 14, 24 |
| 30 | 11/4 | Joinder of Claims | Materials on Canvass  Supp: FRCP 13, 18 |
| 31 | 11/5 | Joinder of Claims cont. | Materials on Canvass  Supp: FRCP 13 |
| 32 | 11/6 | Review of Joinder of Parties and Claims | Glannon’s E&E: problems in Chapters 13-17 |
|  | 11/11 | NO CLASS: Veterans Day |  |
| 33 | 11/12 | Claim Preclusion | CB: 1189-1203,1210-1216 |
| 35 | 11/13 | Issue Preclusion | CB: 1224-1225, 1233-1244 |
| 36 | 11/18 | Review of Preclusion Doctrines | Glannon’s E&E: problems in Chapters 26-29 |
| 37 | 11/19 | Privilege in Discovery | CB: 527-542 |
| 38 | 11/20 | Privilege in Discovery | CB: 542-565 |
| 39 | Tuesday  11/24 (Wed. Classes Meet) | Exam Review |  |
|  | 11/25-11/27 | Thanksgiving Break |  |