

HAMLIN UNIVERSITY SCHOOL OF LAW--CIVIL PROCEDURE II

Professor Helemeier

Spring 2011

Initial Syllabus

Advance Assignment

For our first class on Tuesday, January 18, read the remainder of this Syllabus and the material assigned for Unit One, noted on page 4.

Required Course Materials (same as for Civil Procedure I)

(1) Civil Procedure, by Rowe, Sherry, and Tidmarsh (Second Edition, 2008), published by Foundation Press. ISBN: 978-1-59941-393-8

(2) 2010 Supplement to item (1) above. ISBN: 978-1-59941-820-9.

(3) TWEN. I will be setting up a new electronic course web site for Civil Procedure II on TWEN. You should still be able to access the TWEN site for Civil Procedure I. All students in the course must sign on to the web site and provide an e-mail address no later than our second class session. As a reminder, to access TWEN, you will need your Westlaw password. You can sign on by going to <http://lawschool.westlaw.com> and clicking on TWEN courses. Then click on Add/Drop Courses and you should then see all Hamline courses that have a TWEN page, where you can add this course.

(4) Supplemental materials. From time to time I will have some supplemental notes and other materials included as part of an assignment. These supplemental materials will be posted on the course TWEN page under the link entitled "Assignments and Supplemental Course Material." There is no charge for these supplemental materials, and you may print them out or download them as you wish.

Also, keep the Sample Documents that were provided at the beginning of Civil Procedure I, as we will refer to them on occasion in Civil Procedure II.

Office Hours and E-Mail

Office hours are posted on my office door (Room 225W), and I will usually be in during those hours. In addition, I am normally here throughout the day on many days, so feel free to ask questions at other times as well. My preference, however, is not to be disturbed during the hour preceding one of my classes.

You can reach me by E-Mail at:
Jpielemeier@gw.hamline.edu

I am in the process of constructing a Civil Procedure page behind my "Home Page" on Hamline's World Wide Web Pages. It contains links to litigation oriented resources, and recent old examinations. You may access this web page at <http://www.hamline.edu/personal/jpielemeier/civpro.html>. I will also provide a link on the TWEN home page for this course.

Supplemental Reading

It is not necessary to do any reading beyond that assigned. In fact, thoughtful consideration of the assigned materials is preferable to seeking other material, and I would not encourage extensive reference to outside materials. For those who want to go beyond the assigned materials, there is no single text or hornbook to recommend. Three that may be helpful are: (1) Shreve and Raven-Hanson, *Understanding Civil Procedure* (LexisNexis, 4th edition, 2009) (2) Friedenthal, Kane and Miller, *Civil Procedure* (West, 4th ed., 2005); and (3) Clermont, *Principles of Civil Procedure* (Thomson West, 2d edition, 2009). In addition, an occasional brief reference to *Moore's Federal Practice* (available on Lexis) and Wright, Miller, and Cooper's *Federal Practice and Procedure*, both multi-volume treatises, may be helpful. Also, the articles and books cited in the casebook have been carefully chosen and should afford a good discussion of the various questions at issue if you desire to read further. I would suggest that you refer to a law dictionary if you see a word in the assigned material that you do not understand.

Learning Outcomes for the Course

The basic goals and objectives of this course are to develop an understanding of the issues, rules, and policies involved in the process of civil (as opposed to criminal) litigation. They are also to develop proficiency in legal methodology and problem solving.

Coverage in this Spring Semester course in Civil Procedure II will begin with Chapter 8 on Joinder, portions of Chapter 12 on Class Actions, and then Chapters 2-7.

Course Expectations

HUSL Policies on attendance, lateness and preparation

The program of instruction at the School of Law is based on an active and informed exchange between instructor and student and between student and student. Regular, prepared class

attendance helps develop skills essential to the competent practice of law. A student who violates the attendance policy, including the instructor's specification of class expectation described below, may lose his or her right to take the exam in the course, to receive course credit or may receive other penalties described below and in Academic Rule 108. Persistent or frequent lateness or unpreparedness may also be the basis for reduction of the grade awarded in a course. See Academic Rule 108 for further details.

Preparation and Attendance

You are expected to be prepared for discussion of the materials assigned for each day. If you are called upon and are not well-prepared, this will result in a waste of your classmates' time as well as your own. Thus, if for any legitimate reason, you are not well-prepared, please let me know *before* class begins, and you will not be called upon during that class period.

As the Academic Rules and Attendance Policy provide, regular and punctual class attendance and preparation are required. As a general rule, I consider absences in excess of five fifty minute class hours per semester to be excessive. Since this semester we are meeting in 75 minute class sessions, I will consider absences in excess of four class sessions to be excessive. Potential sanctions for failure to meet these requirements are set forth in the HUSL Academic Rules. If the permitted number of absences is exceeded, opportunities to pursue "make-up work," as opposed to sanctions, will not be granted absent a strong justification for the excessive absence, such as incapacitating illness or injury, death in the family, childbirth, or analogous circumstances. Such make-up work, if permitted, will ordinarily be in the form of a required paper.

At my discretion, lateness to class may be deemed an absence. Please be on time (subject to snow emergencies) and remain in the classroom during each class session unless illness requires that you leave.

Technology Policy

You may use laptop computers or other electronic devices in class to take notes and access course related materials. You should not use your laptop or electronic devices for other purposes.

In addition to the usual courtesies due to your classmates, refrain from text-messaging and email, using cell phones, pagers, or any other communication device. Refrain also from displaying wallpaper, screen savers, or other material on your computer screen that can reasonably be expected to distract your classmates.

Grades:

Your grade for Civil Procedure II will be based on a written examination at the end of the semester. The focus of the exam will be on topics covered this semester. However, because some topics covered during the spring semester require some understanding of topics covered during the first semester, such as supplemental jurisdiction, the spring exam will assume that you have a competent understanding of topics covered during the first semester.

Assignments:

In Civil Procedure II, supplemental materials such as these will contain the assignments for several “units” of the course. Units after those included in this initial handout will be posted on the TWEN page under the link labeled “Assignments and Supplemental Materials.” I used to call these “units” “classes.” That, however, was misleading because the amount of time given in class to each unit varied. The units are now grouped more by subject matter than by the amount of time likely to be spent on them.

I will let you know at the end of each class session the actual assignment for the next class.

Although on occasion specific rules or statutory provisions will be stated as part of the next assignment, I will usually only assign page numbers in the Casebook. You should assume that rules, statutes, and constitutional provisions focused upon in the assigned pages are also part of the assignment, and you should therefore study them as well. You do not need to read the Advisory Committee Notes to any of the Rules in your Supplement unless I explicitly assign some.

For our first class session on Monday, Tuesday, January 18, prepare for the material assigned Unit 1, below.

Unit 1: An Introduction to Joinder

Assignment: Read Rules 8(d), 18, 42, and 13, and Casebook pages 353-370.