

## HAMLIN UNIVERSITY SCHOOL OF LAW--CIVIL PROCEDURE II

Professor Pielemeier

2011-2012

### Syllabus and Advance Assignment

#### Advance Assignment

For our first class on Tuesday, January 17, we will cover Counterclaims, Crossclaims, and Third Party Claims. Read Rule 13, review 28 U.S.C. section 1367, and read Casebook pages 608-621. Then read Rule 14 and Casebook pages 621-631. I hope to have additional advance assignments posted on the TWEN course page by mid-January.

#### **Civil Procedure II**

Most of what appears below is identical to what was in the Initial Syllabus for Civil Procedure I, although it may be worthwhile to review it.

Civil Procedure II is a separate three credit course, and your grade will be based on your final exam in May. That exam will be on topics that we cover in Civil Procedure II, although it will assume a competent understanding of the topics we covered in Civil Procedure I.

I believe I have modified the TWEN page so that it will remain accessible to you throughout the Spring semester. In your list of TWEN courses, it should appear as Civil Procedure II, although when you open the page, you may see a reference to Civil Procedure I. Please send me an email if you have any difficulty accessing it.

For the moment, I am retaining the assignments and classroom screen shots from Civil Procedure I on the page. If that proves to be a problem, I can delete them at a later time. I also plan to have the "Unit" numbers continue from the end of the Civil Procedure I Units. So the Unit number for the assignment above will be listed as Unit 35.

Again, it may be worthwhile to review the information below, although it is almost identical to what appeared in the Initial Syllabus for Civil Procedure I.

### Required Course Materials

(1) Civil Procedure, A Coursebook, by Glannon, Perlman, and Raven-Hansen, published by Wolters Kluwer (Aspen Publishers). ISBN: 978-0-7355-9789-1.

(2) 2011 Rules Supplement to item (1) above. ISBN: 978-0-7355-0862-0.

(3) TWEN. We will continue to have and use the TWEN electronic course web site.

(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.

### 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://sites.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, 4<sup>th</sup> 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 be largely what is described in the remaining chapter titles in the Casebook.

### Preparation and Attendance

#### *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.

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 four class sessions per semester 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:

First year Civil Procedure consists of a three credit course in the fall and a three credit course in the spring. A separate written examination and grade for each course will be given each semester. In Civil Procedure I, the final examination will be the exclusive basis for your grade. The focus on the exams will be on topics covered during the semesters they are given.

As you will see, however, topics covered throughout the course will have various degrees of relationship with each other. Because some topics covered during the spring semester require some understanding of topics covered during the first semester, the spring exam will assume that you have a competent understanding of topics covered during the first semester.

### Assignments:

In Civil Procedure II, I will continue the use of “Unit” numbers in connection with the assignments. 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. (Such provisions appear in your 2011 Supplement: item number (2) of the required materials.) You do not need to read the Advisory Committee Notes to any of the Rules in your Supplement unless I explicitly assign some.