

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

Professor Pielemeier

2008-2009

### Initial Syllabus

#### Advance Assignment

I plan to have your fourth packet of supplemental materials in your law school message boxes well before our first class on Wednesday, January 21. We will begin the semester with Chapter 7 of the Casebook. Assignments during the first two weeks will probably include the material in the Casebook from 506-551, although this might be slightly modified in your fourth supplemental packet.

#### Required Course Materials

Same as for Civil Procedure I, plus at least three additional supplemental packets to be placed in your message boxes as the course proceeds.

#### 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) Glannon, *Civil Procedure, Examples and Explanations* (Aspen, 6<sup>th</sup> edition, 2008); (2) Friedenthal, Kane and Miller, *Civil Procedure* (West, 4th ed., 2005); and (3) James, Hazard, and

Leubsdorf, *Civil Procedure* (Foundation, 5th ed., 2001) (available in both hard cover and soft cover). In addition, *Moore's Federal Practice* 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 (or the online version of your casebook if a word is underlined) if you see a word in the assigned material that you do not understand.

### Goals and Objectives

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 include the remaining chapters of the Casebook (from Chapter 7 on), as well as supplemental material.

### 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 class hours per semester to be excessive. Since this class will meet two days a week for 75 minutes each, I will consider absences in excess three classes to be excessive. Potential sanctions for failure to meet these requirements are set forth in the HUSL Academic Rules and below under "Grades." If the permitted number of absences is exceeded, opportunities to pursue "make-up work," as opposed to being withdrawn from the course, 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 two three credit courses, one in the fall and one in the spring. A separate written examination and grade for three credits 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.

The only qualifications to the foregoing are as follows: The right is reserved pursuant to the Academic Rules (Rule 1-107 C.5(a)), to instruct the Registrar's Office to enter a grade as much as one grade increment lower (e.g., from a B- to a C+) than your exam grade for repetitive apparent lack of preparation by a student without legitimate excuse. ("Legitimate excuse" entails such matters as illness, childbirth, or family emergencies. It does not include such matters as working on a paper or some other project for another course).