I. COURSE INTRODUCTION

This three-hour course is an introduction to the process of litigation and its alternatives. It covers topics fundamental to the practice of law and use of the civil justice system. Whether one litigates or does deals, works in the private sector or government, understanding how lawsuits get filed and get resolved is necessary. What does a complaint look like? What information do you have to produce when you sue or get sued? What claims are resolved before trial, during trial, on appeal? This course covers all of that. It starts with the complaint, answer, and related motions; then addresses discovery; then resolution without trial; the decision-making process at trial; and finally appeals. The goals for this course are that all leave with a basic conceptual understanding of these topics and a familiarity with the tools that are used, i.e. the pleadings, discovery devices, and motion practice through which these issues are resolved.

II. COURSE MATERIALS

A. Required Texts

1. S. YEAZELL, CIVIL PROCEDURE (9th edition, excepted as otherwise noted);
2. Student Packet, available on TWEN.

B. Optional But Recommended

1. S. YEAZELL, FEDERAL RULES OF CIVIL PROCEDURE WITH SELECTED STATUTES (most recent edition);

The rules and statutes contained in the above volumes are available online from various sources. You are not required to purchase them for that reason. I do, however, recommend that you purchase these statutory
supplements, or, in the alternative, print from an online resource the rules we will study this semester and create your own statutory supplement. This is a course about rules—learning them and applying them. You will have a much easier time doing so with a physical copy of the rules that you can read through, mark-up, and place in context.

C. **Recommended Secondary Reading**

1. J. **Glannon, Examples and Explanations: Civil Procedure** (most recent edition);

Professor Glannon’s work provides a helpful series of problems to work through, along with answers. Professor Shreve’s work is a concise treatise that provides further explanation of basic concepts.

D. **TWEN**

The TWEN site for this course contains required reading, including a copy of the syllabus and Student Packet for this course. PowerPoint slides used or prepared in class will also be posted on TWEN.

III. **GRADES**

Grades are based on a final exam (60%); other written work product (30%); and classroom attendance and participation (10%).

A. **Attendance & Participation (10%)**

It is incumbent upon you to read the material, come to class well prepared, and participate. Every student who does so will receive ten (10) attendance & participation points; those who do not will receive fewer or no points.

For the purposes of the participation grade, I will take illness or other work commitments **explained in advance** into consideration.

Students who attend but are not prepared for class and have not provided a valid reason in advance will be counted absent. Similarly, students who attend, but come in late will be counted absent.
With regard to absences, this course adheres to SIU Law’s attendance policy: attendance is required in all classes. As this class is a required first-year course, if you accumulate more than six (6) class absences, you will be subject to the sanctions set out in the law school rules.

Neither the law school nor the ABA’s attendance rules recognize “excused absences.” Save your absences for sick days and work conflicts. If you have a disability requiring accommodation see Disability Support Services. See also the Disability Policy Statement infra.

Attendance is emphasized here for two reasons: (1) the ABA requires attendance; and (2) empirical studies show those who prepare for and attend class learn more of the material and get better grades.

B. Written Work Product (30%)

1. The writing-across-the-curriculum component of your grade will be based, in part, on a midterm exam, worth twenty-five percent (25%) of your grade.

   It will take place during regularly scheduled class on Friday, March 11, 2016. The exam will likely consist of one (1) issue-spotting essay question.

   The goal of the midterm is to encourage you to outline and review the material as we progress—not wait until the end of the semester. It is also an opportunity to practice writing an exam. That practice has broader application: the practice of law depends, in large part, on the ability to produce persuasive written work product under a deadline.

2. The second component of the writing portion of your grade will be based on short writing exercises assigned periodically throughout the semester. You will be asked to prepare case briefs and concept maps. Combined this work product will be worth five percent (5%) of your grade. Additional instructions for each will be posted to TWEN.

C. The Exam (60%)

The exam will be an in-class, closed-book, final exam, in which you will be permitted to use a Federal and Illinois Rules excerpt provided to you by the exam proctor. Use of any other materials during the exam will be prohibited.
The exam itself will likely consist of some combination of multiple choice, short answer, and essay questions. The subject matter will include both material from the assigned readings and material discussed in class. If you have to miss a class for whatever reason, get notes from a friend or acquaintance.

D. Grading

This course follows SIU Law’s grading policy. It will be graded on a curve, and, of necessity, subject to mandatory medians.

IV. CONTACT INFORMATION

If I’m in my office and the door is open, you and your questions are welcome. After class is usually a good time to catch me. Or you can email apardieck@law.siu.edu to set up a time. I will also have regular office hours on Wednesday from 2 p.m. to 4 p.m.

For those emailing, please note my response may not come immediately and it may be brief. The ulnar nerve in my left hand periodically objects to typing. Email aside, you have options. If you have questions, by all means ask.

VI. COURSE ASSIGNMENTS & EXPECTATIONS

Please note:

- The readings for the topics vary in length. We will not always cover one unit per class.
- Understanding the material will require reading through the assignment more than once.
- If you have questions about what to read for the next class, don’t hesitate to ask.
- If you are struggling with the material, come talk to me. This is the start of a journey and getting lost along the way is common.
- Finding your way will take work. The traditional wisdom is that each hour of class will require two to three hours of preparation.¹

¹ If we assume three hours, you should plan on spending twelve hours working on civil procedure each week (3 x 3 hours of preparation + 3 classroom hours).
V. COURSE OUTLINE

A. An Overview of Procedure (Chapter 1)

1. Introduction, Jurisdiction & Service of Process
   - 8\textsuperscript{th} Edition Text 1-12
   - 9\textsuperscript{th} Edition Text 1-13
     a. Hawkins
     b. 28 USC 1331, 1332

2. Introduction to Pleading
   - 8\textsuperscript{th} Edition Text 12-26
   - 9\textsuperscript{th} Edition Text 13-28
     a. Bridges
     b. Bell

3. Introduction to Parties, Discovery & Summary Judgment
   - 8\textsuperscript{th} Edition 26-41
   - 9\textsuperscript{th} Edition Text 28-44
     b. Butler
     c. Houchens

4. Introduction to Trial, Former Adjudication & Appeals
   - 8\textsuperscript{th} Edition Text 41-58
   - 9\textsuperscript{th} Edition Text 44-62
     a. Norton
     b. Ison v. Thomas
     c. E.H.Reise v. Board of Regents

B. Pleading (Chapter 6)
C. Discovery (Chapter 7)
   See assignments posted on TWEN
D. Resolution without Trial (Chapter 8)
E. The Trier and the Trial (Chapter 9)
F. Appeal (Chapter 10)
VI. LEARNING OBJECTIVES

At the end of this course, students who do the work will be able to identify the
different stages of litigation, place the issues presented in an appropriate
chronological context, and analyze accordingly.

Following study of pleadings, students will be able to apply the relevant rules
and case law to analyze the types, sufficiency, and timing of pleadings; defenses;
amendments; and the certification requirements for all documents filed with the
court.

Following study of the discovery process, students will be able to identify both
formal and information discovery devices. Applying relevant rules and case law,
students will be able to analyze the scope of mandatory disclosures, expert
disclosures, relevancy, and proportionality. Students will be able to identify and
analyze the protections against disclosure found in the Attorney-client privilege
and work product doctrine. Students will understand what constitutes
sanctionable discovery misconduct and the sanctions available.

Following study of pre-trial adjudication, students will able to identify the basic
types of alternative means of dispute resolution and understand the basic
contours of the law relating to binding arbitration. For cases filed in the civil
justice system, students will be able to determine when a defendant has
defaulted and when voluntary and involuntary judgment are available.
Applying relevant rules and case law, students will be able to analyze standards
for entry of summary judgment and apply those standards to varying fact
patterns.

Following study of the trier and trial, students will be able to identify when there
is a right to trial by jury and what questions are decided by the jury. Applying
the relevant rules and case law, students will be able to analyze issues relating to
choosing a jury, including when prospective jurors may be stricken and when
those strikes may be challenged. Students will be able to analyze whether a
challenge to the presiding judge is possible.

For the post-trial phase of litigation, students will understand and be able to
apply the legal standards for motions for a new trial and motions for judgment
as a matter of law. Students will also be able to understand the basic rules
governing appeal, including the final judgment rule, and interlocutory
exceptions, as well as the scope of appellate review for decisions made by judge
and jury.
VI. FINAL EXAM

The final exam is currently scheduled for **May 6, 2016**, from **8:15 to 11:15 a.m.** Be sure to check the exam scheduled posted prior to exam period for any changes.

VII. FINAL NOTES

**Make-Up Classes:** Courses that meet on Monday must hold an additional class to make up for the class that will be missed due to Reading day. Time, date, and location for the make-up to be announced.

**Saluki Cares.** The purpose of Saluki Cares is to develop, facilitate and coordinate a university-wide program of care and support for students in any type of distress—physical, emotional, financial, or personal. By working closely with faculty, staff, students and their families, SIU will continue to display a culture of care and demonstrate to our students and their families that they are an important part of the community. For Information on Saluki Cares: (618) 453-5714, or siucares@siu.edu, http://salukicares.siu.edu/index.html. At the School of Law, Assistant Dean Judi Ray is also available to help students access university resources. Her email is judiray@siu.edu, and her phone number is 618-453-3135.

**Disability Policy.** Disability Support Services provides the required academic and programmatic support services to students with permanent and temporary disabilities. DSS provides centralized coordination and referral services. To utilize DSS services, students must come to the DSS to open cases. The process involves interviews, reviews of student-supplied documentation, and completion of Disability Accommodation Agreements. http://disabilityservices.siu.edu/. Upon completion of a Disability Accommodation Agreement with DSS, students should bring the agreement to the School of Law Registrar’s Office to ensure the School of Law provides the proper classroom and examination accommodations.

**Class Recording Policy:** This class is not being recorded. Absent a disability-related accommodation, you will not have access to a recording of the class. Absent advance approval of the instructor, audio or video recording by any student of any class is prohibited.

**Emergency Procedures:** Southern Illinois University Carbondale is committed to providing a safe and healthy environment for study and work. Because some health and safety circumstances are beyond our control, we ask that you become familiar with the SIUC Emergency Response Plan and Building Emergency
Response Team (BERT) program. Emergency response information is available on posters in buildings on campus, available on BERT's website at www.bert.siu.edu, Department of Safety’s website www.dps.siu.edu (disaster drop down) and in the Emergency Response Guideline pamphlet. Know how to respond to each type of emergency.

Instructors will provide guidance and direction to students in the classroom in the event of an emergency affecting your location. It is important that you follow these instructions and stay with your instructor during an evacuation or sheltering emergency. The Building Emergency Response Team will provide assistance to your instructor in evacuating the building or sheltering within the facility.