

**SOUTHERN ILLINOIS UNIVERSITY  
LAW SCHOOL  
CIVIL PROCEDURE II, Section 1  
FALL 2023**

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**Room: 102  
M/W 9:00am – 10:15am (CST)**

**SYLLABUS**

**COURSE DESCRIPTION:**

This semester you will learn and master core concepts of civil procedure, including claim and party joinder, jurisdiction, preclusion and the *Erie* doctrine. You will also develop competency in several key fundamental legal skills, including the reading and analysis of rules, statutory interpretation and Constitutional analysis.

**STUDENT LEARNING OUTCOMES:**

As a student in this class, you should expect to achieve the following learning outcomes throughout the semester:

- Using a relevant fact pattern, students will be able to identify legal issues related to the claim and party joinder rules of the Federal Rules of Civil Procedure (FRCP), making critical and effective arguments regarding the application of these rules to the fact pattern and determining the proper resolution of the identified legal issues.
- Using a relevant fact pattern, students will be able to identify legal issues related to the jurisdictional limitations of federal court. Students will be able to make critical and effective arguments regarding the application of these jurisdictional principles to the fact pattern, and they will determine the proper resolution of the identified legal issues. Students will be able to confidently predict whether a case is filed in a court with proper jurisdiction over the dispute and parties.
- Students will be able to articulate the distinctions between the jurisdictional limitations of federal court and state court.
- Students will be able to interpret and apply rules and federal statutes.
- Using a relevant fact pattern, students will be able to identify legal issues related to the federal venue statutes, making critical and effective arguments regarding the application of these statutes and determining the proper resolution of the identified legal issues.
- Students will be able to identify Choice of Forum (Forum Selection) and Choice of Law provisions in private agreements. They will be able to make critical arguments regarding the impact of such agreements on the court's jurisdiction in a given fact pattern and predict their enforceability.
- Using a relevant fact pattern, students will be able to identify legal issues related to notice and the federal service of process rules, making critical and effective arguments regarding the application of Constitutional principles and the federal service rules and determining the proper resolution of the identified legal issues.
- Using a relevant fact pattern, students will be able to identify legal issues related to claim

and issue preclusion, making critical and effective arguments regarding the application of preclusion doctrines and determining the proper resolution of the identified legal issues.

- Using a relevant fact pattern, students will be able to identify legal issues related to the *Erie* doctrine, making critical and effective arguments regarding the application of the *Erie* doctrine and determining the proper resolution of the identified legal issues.
- Students will be able to identify how the Federal Rules of Civil Procedure and the implementation of these rules impact access to justice.
- Students will be able to critique the adversarial system for its ability to provide equitable access to justice.
- Students will be able to effectively employ strategies of active listening, empathy and effective allyship during classroom discussions and group work.

## REQUIRED TEXTS:

- ***Click & Learn: Civil Procedure (C&L:CP)* by Upchurch, Gilles and Ho** (ISBN: 9781611633849). **To purchase a copy**, visit <https://clickandlearnguide.com> and create a Student Account. **Register Your Account** by completing the Log In Information and User Information, and agree to the Terms of Use. (Remember to save your Password). On the right, under Class Information, enter the Class Code **323-089-2955**. **You will need to change your class code from last semester. Log onto C&L and link your account to my class by going to “My Account” and changing the code to 323-089-2955.**
- You will need a current *copy of the Federal Rules of Civil Procedure* (hereinafter *Rules*) **which contains a copy of the Federal Jurisdiction Statutes** (28 U.S.C. xxxx). While you may use any current version of the FRCP and jurisdictional statutes, I recommend the Federal Rules of Civil Procedure supplement available through Carolina Academic Press, 978-1-5310-2757-5.

## CLASS ATTENDANCE:

**Active class participation is essential to your success.** You should not plan on taking **any** absences in this class unless you have an unforeseen or unavoidable conflict, such as illness. As such, attendance is mandatory (including any make-up classes related to recognized school holidays) and you may miss no more than four (4) classes during the semester. In extraordinary situations, a student may make-up a missed class, so that the absence will not be counted against the total absences permitted; this determination will be addressed at my sole discretion on a case-by-case basis. Those exceeding the maximum number of absences will be subject to the ramifications described in the Law School’s attendance policy. *See* School of Law Rules III.5 (f)-(g).

This semester we will make up a class session which will be missed due to observance of Labor Day. Our make-up class assignment will be distributed later this semester. Failure to complete the assignments associated with the make-up classes will count as an absence.

To be marked present for class, you must (1) complete the assigned readings, quizzes and exercises for that day by the start of class; (2) participate in the class discussion, **and** (3) participate in any in-class polls. **If you miss more than five minutes of class for any reason (other than an approved accommodation), you will be counted as absent.** Repeated tardiness will also result in being marked absent. If you must miss more than five minutes of class, you may still come to class provided that you do not cause an interruption.

## **COURSE WORK LOAD:**

In this class you will be learning new substance and mastering new skills, such as statutory interpretation, Constitutional analysis, and Rule reading and analysis. Statutes and rules are structured differently than cases. Moreover, students often find Constitutional cases on jurisdictional concepts difficult to read. These skills, however, are essential to the practice of law.

Because you are working on both goals, you should expect to devote a significant amount of time to this course this semester. When you first started law school and were beginning to develop the skill of reading cases, your class preparation took you more time and attention. The same thing will happen in this course — in many ways you are starting from the beginning again.

- Set aside a regular time to spend studying Civil Procedure. Plan to dedicate the majority of your preparation time to completing the Click & Learn assignments. These assignments need to be completed far enough in advance of class so that you will be able to apply your understanding to the class hypotheticals.
- Come to class ready to apply the rules, statutes and jurisdictional concepts assigned for the day. The worksheets are designed to provide you with a basic working knowledge of the assigned materials. We will use our class time to see how the Rules, statutes and jurisdictional principles operate in simulations that mimic real-world litigation.
- Expect to work with others. In legal practice, you will work in groups in a variety of settings. You will be working in a group in class this semester during in-class activities. Develop a relationship with the members of your class group and work with each other to prepare for class. We will be working on developing good group dynamics throughout the course.
- Seek out help early on. I am always available to meet with you. If you find that you are not understanding the questions on Click & Learn (after reading the explanations) or that you are having difficulty reading, interpreting, or applying the course materials, please come see me.

You might be interested to know that the ABA standards incorporate out of class work in the calculation of credit hours. Under the ABA standards, **you should expect to spend 150 minutes per week in class (2.5 hours), plus (a minimum of) six hours of study a week, for a total of 8.5 hours per week.**

## **PROFESOR AND STUDENT EXPECTATIONS:**

As a law student, I expect that you will treat your time spent in class and preparing for class as a professional. You can expect the same from me. While the following list is not exhaustive, these guidelines will assist in the creation of a comfortable and productive learning environment throughout the semester.

You can expect me:

- To start and end class on time.
- To reply to e-mails within 24 hours on weekdays and 48 hours on weekends.
- To be available for meetings during my office hours or by appointment via phone or Zoom.

- To assign out of class work that adequately covers the material and meets the learning objectives of the course while adhering to the time expectations for a 3-credit course.
- To give an exam that accurately reflects the material covered in class and assigned in our readings.

I can expect you:

- To come to every class and to be on time.
- To be attentive and engaged in class.
- To refrain from using laptops, cell phones and other electronic devices during class for anything other than class work.
- To spend an adequate amount of time on the assigned readings for each week, making an effort to understand the legal principles covered, and carefully completing all assignments.
- To seek help when appropriate.

## **CLASS PREPARATION & CLASS EXERCISES:**

### **A. Reading Assignments**

**The assignments for class will be regularly posted on D2L and will refer to assigned portions of Click & Learn: Civil Procedure.** As discussed above, each student must complete all assigned readings, including a careful read of assigned Rules, statutes and Supreme Court cases. It is insufficient to “skim” over these materials as they **are very important to this course**. If a student is not prepared to discuss the assignment when called upon, I may mark the student as absent.

### **B. Class Preparation Assignments**

Most assignments will have a quiz (or quizzes) that you must complete on Click & Learn: Civil Procedure (or occasionally on D2L) by 9am (CST) on the day for which they are assigned. More information about how to work through the materials on C&L:CP is available in the form of a handout called, “Student Guide to Click & Learn: Civil Procedure,” posted on D2L.

You may work on the C&L:CP and D2L quizzes in a group, discussing the questions and possible answers. **However, each student must decide on and submit his or her own answers to the quiz questions on C&L:CP (or on D2L, if specifically directed to do so), under the student’s own personal account.**

**To be given full credit** under the Class Participation Grade, you must submit your quizzes **by 9am (CST) on the day for which they are assigned.** (*See GRADING for more information on how grades will be determined and see FAILURE TO COMPLETE CLASS PREPARATION ASSIGNMENT ON TIME for information on how to ask for an extension*). Additionally, **failure to complete a quiz by the start of class** will result in you being **marked absent** for the day on which the quiz was due. (*See CLASS ATTENDANCE*).

### C. Class Exercises and Writing Assignments

You should anticipate some assignments that will reinforce your understanding of the course material and important academic skills. **You will be required to re-write/re-submit any assignment that does not meet a minimum level of competency.** Further details regarding these exercises will be provided later in the semester.

#### **FAILURE TO COMPLETE CLASS PREPARATION ASSIGNMENT ON TIME:**

If you cannot complete an assignment in a timely manner due to an emergency, personal crisis or other unexpected event (including computer problems or user error), you must let me know about it, at the latest, within the 48 hours of the assignment deadline. I may be willing to allow late completion of an assignment, but only on a timely and valid explanation. Please email me with the subject stated as, "Explanation of failure to timely complete assignment X."

#### **BAN ON COLLABORATION ON CLASS EXERCISES (WRITING ACROSS THE CURRICULUM ASSIGNMENTS & ACADEMIC SUPPORT SKILLS EXERCISES):**

You are not allowed to obtain help from any other person (including, but not limited to, any other student) or from generative alternative intelligence (including, but not limited to, ChatGPT) on the Class Exercises (see above) in this course. This ban on collaboration includes obtaining written materials from any other person or generative alternative intelligence or communicating with any other person about an assignment. **If you violate the ban on collaboration policy, you can be found in violation of the Honor Code, which can lead to serious penalties, including expulsion. An Honor Code investigation must also be reported to the Bar Examiners, even if you are cleared of any violation. When in doubt about how to proceed, ask your professor.**

#### **PLAGIARISM:**

Plagiarizing another's work, in whole or in part, is a violation of the Honor Code and can lead to serious penalties, including expulsion. An Honor Code investigation must also be reported to the Bar Examiners, even if you are cleared of any violation. The Honor Code defines plagiarism as:

passing off another's ideas, words, or work as one's own, including written, oral, multimedia, or other work, either word for word or in substance, unless the student author credits the original author and identifies the original author's work with quotation marks, footnotes, or other appropriate designation in such a way as to make clear the true author of the work.

#### **REQUIRED CLASS TECHNOLOGY:**

*Click & Learn: Civil Procedure (C&L:CP)*

While you will need access to Click & Learn outside of class, you will not be required to access this platform during our class sessions.

*D2L*

To supplement class, I will be using D2L. You are responsible for familiarizing yourself with the

information posted and discussed on D2L prior to the examination. Additionally, assignments that are not available on Click & Learn will be collected through D2L.

### *Socrative*

We will be using online polling during our class via [www.socrative.com](http://www.socrative.com). **You should make sure that you are able to log on to Socrative from a computer or other smart device during class.**

### *You-Tube Channel*

I will be posting some optional videos for you during the semester on my You-Tube Channel ([www.youtube.com/professorupchurch](http://www.youtube.com/professorupchurch)). You may view these to assist you with our semester information.

## **GRADING:**

The course will be graded as follows:

- 75% of your grade will be based on a **comprehensive closed-book Final Examination**. (See Law School webpage for date and time of final exam);
- 15% of your grade will be based on **Click & Learn Assignments**
- 10% of your grade will be based on **Class Exercises and Writing Assignments**

### **A. Examination**

The final exam will be closed book and will cover the entire course. More information will be provided in class about this exam.

### **B. Click & Learn Assignments**

I will provide periodic assessment on D2L of the submitted C&L:CP assignments. Typically, these assessments will be posted after we have completed a topic. It is your responsibility to contact me if you believe any score is incorrect.

To earn the full class participation credit, your assignments must be submitted **on time and completed to a minimally acceptable level.**

- **On Time:** To get class participation credit you must submit any assignment before its deadline (for C&L:CP assignments the deadline is **9:00 a.m. on the day of the class**). **NOTE:** C&L:CP allows you to submit answers after this deadline, so you can benefit from re-doing questions and re-reading the explanations. As long as you **complete and submit** the assignment by the deadline, I will have a record of your timely submission. Retaking a section after the deadline to review is encouraged and will not negatively impact your grade (nor will it appear as a late submission).
- **Minimally Acceptable Level:** To get class participation credit, **every part of that day's C&L:CP assignment** must be completed to a **minimally acceptable level - any text is read ("Complete") and any section with questions scores at 50% or above** by the time it is due. C&L:CP displays your % score for each section with questions and **you can click on**

**“Revisit” and re-take any section to improve your score.** I will count the **highest score** you obtain **at any time prior to the submission deadline**.

Note that the “50% or above” level reflects the minimal level of understanding you need to achieve to be ready for class. By the time you are preparing for exams you should be scoring in the 80-100% range.

### **C. Class Exercises and Writing Assignments**

Each assignment will list the expectations for that assignment and how the assignment will be graded. If you fail to reach a set level of proficiency, you will be required to rewrite the assignment to receive credit for that assignment.

### **OFFICE HOURS:**

I will be available on Tuesdays from 10:30am – 11:30am in my office in the Dean’s Suite (room 136). I am also available throughout the semester via email or by appointment. If you would like to schedule an appointment with me, please email Michele Tourville (tville@siu.edu).

### **NOTICE OF RECORDING POLICIES:**

For the benefit of students who are unable to attend a particular class due to an unavoidable circumstance, and for students who wish to review a particular class to better facilitate learning objectives, class sessions will be recorded by me. You must contact me for the recording. Because of the possibility of a technical malfunction, I cannot guarantee the successful recording of every class. Students are free to make audio (not video) recordings of class lectures for their own purposes, but are not permitted to distribute that recording to other individuals inside or outside of class.

### **ATTACHMENTS:**

This Syllabus incorporates by reference the Law School Syllabus Attachment and the Provost Syllabus Attachment posted on the course D2L page.

### **FIRST ASSIGNMENT:**

The first assignment is available on the course D2L page. Please sign up for the D2L page at your earliest convenience for the first assignment.