

ACADEMIC COURSE SYLLABUS

COURSE TITLE:	CIVIL PROCEDURE	
COURSE NUMBER:	LAW 600A	Civil Procedure - 1st semester of two-semester course*
	LAW 600B	Civil Procedure - 2nd semester of two-semester course*
	LAW 600A/B*	Civil Procedure
	* Denotes all non-severable, two semester courses. Both semesters must be successfully completed to receive final A/B course grade.	
UNITS:	3 Units/Semester (must complete both for one 6-Unit final grade at the end of both semesters)	
COURSE TYPE:	Required	
PROFESSOR(S) NAME:	Martin L. Seeger, IV, Esq.	
PROFESSOR CONTACT INFO:	Babin & Seeger Phone: (707) 526-7370 or E-mail: mseeger@babinseeger.com	
SCHEDULE:	Two-semester class: Fall 2013, Wednesdays 6-9:00pm, Room # 104 and Spring 2014, Wednesdays 6-9:00pm, Room # 104	
PREREQUISITES:	Successful completion of first-year course work	
COREQUISITES:	None	
TEXTS AND MATERIALS: (Identification of any texts, materials and references used throughout the course.)	<p><i>Pleading and Procedure, State and Federal, Cases and Materials</i>, 10th Edition (2009) Hazard, Tait & Flecher University Case Book Series, Foundation Press ISBN#9781599416038.</p> <p><i>Supplement to Pleading and Procedure, State and Federal, Cases and Materials</i>,; Hazard; Foundation Press; ISBN#9781609304034</p> <p><i>California Civil Procedure Handbook: Rules, Selected Statutes and Cases and Comparative Analyses</i> - LexisNexis, ISBN # 9780769852850</p>	
COURSE DESCRIPTION:	Jurisdiction – traditional and modern concepts. Federal and State subject matter jurisdiction; judgments; res judicata and collateral estoppel; forms of action, demurrer, answer, cross-actions, amendment of pleadings, joinder of actions and parties, venue of actions, process, motions, civil discovery, trial procedure, dismissals, non-suit, directed verdict.	
COURSE OBJECTIVES / ANTICIPATED LEARNING OUTCOMES: (Description of what students will be expected to know and be able to do at the end of the course. What skills or knowledge will be gained by the end of the course.)	<p>This class will provide an understanding of the way in which people litigate in the civil courts. You will gain an understanding of general civil procedure with an emphasis on federal civil procedure. The first semester will cover basic issues of jurisdiction, venue, parties and claims, pleadings and motions. The second semester will introduce the student to the details of pretrial discovery, an overview of final pretrial and trial procedure. The second semester will also introduce the student to the intricacy of joinder and both issue and claim preclusion.</p> <ul style="list-style-type: none"> • Students must demonstrate the minimum level of competency for an attorney in CA in the subject matter of Civil Procedure. • Students must demonstrate they possess a minimum level of 	

	<p>knowledge to pass a CA State Bar Examination question involving the subject matter of Civil Procedure.</p> <ul style="list-style-type: none"> The student needs to acquire a working knowledge of Civil Procedure in both the state and federal courts. <p>Students should expect to spend a <u>minimum</u> of two hours/per hour of instruction time on assigned readings and briefing cases. For example, a 3-hour class would require at least 6 hours of outside preparation time per week.</p>
<p>FORMAT OVERVIEW / METHOD OF INSTRUCTION (Description of how the course will be taught, including breakdown of lecture, practicum, etc.)</p>	<p>Course material will be presented in a lecture-discussion and Socratic method format.</p> <p>Students will be expected to participate in briefing and class discussions.</p>
<p>EXAMS:</p>	<p>The grade will be comprised of the results of a two hour midterm Exam (25%) and a cumulative three hour final exam (75%).</p> <p>The midterm exam will be cumulative for the first semester. The final exam will be cumulative, covering all course material from both semesters.</p> <p>Two essay questions and a series of multi-state/multiple choice questions will be given for both the midterm and final exams. For the essay questions, students will be expected to identify the legal issues raised in the fact patterns, apply the appropriate rules of law, and arrive at a well reasoned conclusion.</p> <p>For the multi-state/multiple choice questions, students will be expected to choose the best of alternative answers, according to generally accepted common law views, without consideration of any statutes.</p> <p>General Policies: Exams begin promptly at 6 p.m. All students must take examinations as scheduled. It is recognized that in special circumstances and due to emergencies, it may be necessary to schedule delayed examinations. An emergency is defined as a serious illness or injury to the student or a member of his or her immediate family. Special Circumstances are defined as other situations that, in the opinion of the Dean, are sufficient to warrant delay in taking examinations. Any student taking delayed examinations <u>must have the prior written approval of the Dean.</u> No examination may be taken <u>prior</u> to the day of the regularly scheduled examination. If delayed examinations are approved by the Dean, <u>a fee of \$75 will be charged for each such exam taken.</u> Failure to complete an exam is not sufficient reason for a late or retake exam.</p>
<p>GRADING / ASSESSMENT CRITERIA/CLASS POLICIES:</p>	<p>Empire College uses the following grading system: <u>Numerically graded classes:</u> 90 – 100 A Outstanding</p>

	<p>80 - 89 B Superior 70 - 79 C Satisfactory 65 - 69 D Unsatisfactory 64 and Below Failing/No Credit</p> <p>Only numeric grades in Required courses are used to calculate grade point average.</p> <p>The grade will be comprised of the results of: Midterm examination [25% of class grade] and the Final cumulative examination [75% of the class grade].</p>
ATTENDANCE:	<p>In Fall, the first class begins Wednesday, September 4, 2013 and the last class is Wednesday, December 4, 2013. An exam will be set thereafter. A minimum of 80% attendance is required to complete the class and no more than three classes can be missed in a semester. There are 14 class sessions each semester. The exam constitutes the 15th class.</p> <p>Spring 2014: The first class begins Wednesday, January 8, 2013 and the last class is Wednesday, April 9, 2013. A minimum of 80% attendance is required to complete the class and no more than three classes can be missed in a semester.</p> <p>Regular and punctual attendance is essential for the successful completion of law school. Students should plan to attend every class. Students must attend a minimum of 80% (36 hours — 12 of 15 classes) of the class sessions during each semester. Roll will be taken at each class.</p> <p>Make-up classes to be scheduled if needed.</p>
ASSIGNMENTS: FALL 2013	
Week 1: 9/4/13	<p>Chapter 1. Introduction <u>Introduction - Structure of a Lawsuit</u> Pages 1 -15 <u>Structure of the Court System</u> Pages 15 -19 and 28 - 32</p> <p>Read Pages 3-10 <i>Cal. Civil Proc. Handbook</i></p> <p>Chapter 2. Due Process in an Adversarial System <u>Note on the Adversarial System</u> Pages 47 - 49 <u>The Elements of a Fair Hearing</u> Pages 96 -119</p>
Week 2: 9/11/13	<p>Chapter 3. Choosing the Proper Court <u>Personal Jurisdiction</u> Read Pgs. 158 - 188</p>
Week 3: 9/18/13	Read pgs. 189 - 247
Week 4: 9/25/13	<p>Read pgs. 73 - 82 <i>Cal. Civil Proc. Handbook</i> Read pgs. 247 - 276 Read pgs. 279 - 290</p>

Week 5: 10/2/13	Read pgs. 294 - 323 Read pgs. 95 - 101 <i>Cal. Civil Proc. Handbook</i>
Week 6: 10/9/13	Read pgs. 327 - 346 Read pgs. 348 - 364 Read pgs. 367 - 370 Read pgs. 88 - 91 <i>Cal. Civil Proc. Handbook</i>
Week 7: 10/16/13	<u>Subject Matter Jurisdiction</u> Read pgs. 371 - 408 Read pg. 71 <i>Cal. Civil Proc. Handbook</i>
Week 8: 10/23/13	Read pgs. 409 - 447
Week 9: 10/30/13	Read pgs. 447 - 486 Read pgs. 91 - 95 <i>Cal. Civil Proc. Handbook</i> Read pgs. 101 - 102 <i>Cal. Civil Proc. Handbook</i>
Week 10: 11/6/13	Chapter 4: The Erie Problem Read pgs. 487 - 516
Week 11: 11/13/13	Read pgs. 517 - 561
Week 12: 11/20/13	Read pgs. 561 - 584 Chapter 5: Pleadings Read pgs. 585 - 586 and 595 - 617 Read pgs. 43 - 64 <i>Cal. Civil Proc. Handbook</i>
Week 13: 11/27/13	Read 631 - 633; 641 - 645; 661 - 685. Rule 12
Week 14: 12/4/12	Catch up and Review
Week 15:	Midterm date TBA

ASSIGNMENTS: SPRING 2014	
Week 1: JANUARY 08, 2014	READ PAGES 661-706 and Pg. 74-75 Suppl. Rule 15.
Week 2: JANUARY 15, 2014	<u>JOINDER AND CLASS ACTIONS</u> READ PAGES: 707-755 and FRCP 13, 17,18, 20 & 42 AND 28 USC 1335.
Week 3: JANUARY 22, 2014	READ PAGES: 755-813 and FRCP 23.
Week 4: JANUARY 29, 2014	READ PAGES 813-881.
Week 5: FEBRUARY 5, 2014	<u>DISCOVERY</u> READ PAGES: 882-931 AND FRCP 26 - 37.
Week 6: FEBRUARY	READ PAGES 931-979.

12, 2014	
Week 7: FEBRUARY 19, 2014	<u>SUMMARY JUDGEMENT</u> READ PAGES: 980-1030 and FRCP 26.
Week 8: FEBRUARY 26, 2014	<u>TRIAL AND SETTLEMENT CONFERENCE</u> READ PAGES: 1030-1082
Week 9: MARCH 5, 2014	READ PAGES: 1082-1133.
Week 10: MARCH 12, 2014	READ PAGES: 1133-1188.
Week 11: MARCH 19, 2014	READ PAGES: 1188-1222.
Week 12: MARCH 26, 2014	<u>CLAIM PRECLUSION</u> READ PAGES: 1223-1279.
Week 13: APRIL 2, 2014	READ PAGES 1279-1324
Week 14: 4/9/14	Catch-up, and Review
Week 15:	Final Exam date TBA 3-hour Final Examination – The final exam will be cumulative, covering all course material from both semesters. 3 hour exam with 2 Essay questions and MBEs