

ACADEMIC COURSE SYLLABUS

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| 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 2018, Wednesdays 6-9:00pm, Room # 103 and Spring 2019, Wednesdays 6-9:00pm, Room # 103 | |
| 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>, 11th Edition, 2015 Hazard, Fletcher, Bundy & Bradt Case Book Series, Foundation Press ISBN#9781609301811</p> <p><i>California Civil Procedure Handbook: Rules, Selected Statutes and Cases and Comparative Analyses</i>-2016-2017 Edition – CAROLINA PRESS, ISBN # 978-1-5310-0053-0 – (note: Professor is staying with this edition. Empire Bookstore has a few copies available still first-come, first-serve. A newer edition has been released by publisher).</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 | |

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| | <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> |

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| | <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, 9/5/18 and the last class is Wednesday, 12/5/18. 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.</p> <p>There are 14 class sessions each semester. The exam constitutes the 15th class.</p> <p>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 2018 | |
| Week 1: 9/5/18 | <u>Text Pleading and Procedure</u> Pages 1-17 and 26-31 and 34-45 <u>Cal. Civil Proc. Handbook</u> Pages 3-10 |
| Week 2: 9/12 | <u>Text Pleading and Procedure</u> Pages 47-74 <u>Cal. Civil Proc. Handbook</u> Pages 73-88 |
| Week 3: 9/19 | <u>Text Pleading and Procedure</u> Pages 74-135 (Skip Asahi v. Superior Court Pg. 92) |
| Week 4: 9/26 | <u>Text Pleading and Procedure</u> Pages 136-170 |
| Week 5: 10/3 | <u>Text Pleading and Procedure</u> Pages 170-206 <u>Cal. Civil Proc. Handbook</u> Pages 95-101 |
| Week 6: 10/10 | <u>Text Pleading and Procedure</u> Pages 206-225 <u>Cal. Civil Proc. Handbook</u> Pages 88-91 Read also 28 USC 1331 & 1332 and FRCP 12 |

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| Week 7: 10/17 | <u>Text Pleading and Procedure</u> Pages 225-260 <u>Cal. Civil Proc. Handbook</u> Pages 71-73 |
| Week 8: 10/24 | <u>Text Pleading and Procedure</u> Pages 260-297 Read also 28 USC 1367 and 1441 |
| Week 9: 10/31 (yes, the college is open) | <u>Text Pleading and Procedure</u> Pages 297-333 <u>Cal. Civil Proc. Handbook</u> Pages 92-95 and 102-103 Read also 28 USC 1390 and 1391 |
| Week 10: 11/7 | <u>Text Pleading and Procedure</u> Pages 335-364 |
| Week 11: 11/14 | <u>Text Pleading and Procedure</u> Pages 365-409 |
| Week 12: 11/21 | <u>Text Pleading and Procedure</u> Pages 410-435 and 441-454 <u>Cal. Civil Proc. Handbook</u> Pages 43-55 |
| Week 13: 11/28 | <u>Text Pleading and Procedure</u> Pages 455-488 and 497-498 <u>Cal. Civil Proc. Handbook</u> Pages 43-48 |
| Week 14: 12/5 | Catch up and Review |
| Week 15: Exams run 12/10 thru 12/20/18 | Midterm date TBA. Exact date will be published during the semester to all students. Watch for Exam schedule. |

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| ASSIGNMENTS: | |
| SPRING 2019 | Additional assignments may be made during the semester. |
| Week 1: 1/9/19 | <u>Text Pleading and Procedure</u> Pages 526-555 |
| Week 2: 1/16 | <u>Text Pleading and Procedure</u> Pages 557-580 |
| Week 3: 1/23 | <u>Text Pleading and Procedure</u> Pages 580-608 |
| Week 4: 1/30 | <u>Text Pleading and Procedure</u> Pages 608-638 |
| Week 5: 2/6 | <u>Text Pleading and Procedure</u> Pages 638-668 |
| Week 6: 2/13 | <u>Text Pleading and Procedure</u> Pages 683-703 |
| Week 7: 2/20 | <u>Text Pleading and Procedure</u> Pages 705-731; 738-747 |
| Week 8: 2/27 | <u>Text Pleading and Procedure</u> Pages 748-777 |
| Week 9: 3/6 | <u>Text Pleading and Procedure</u> Pages 778-788; 803-806 |
| Week 10: 3/13 | <u>Text Pleading and Procedure</u> Pages 807-847 |
| Week 11: 3/20 | <u>Text Pleading and Procedure</u> Pages 893-930; 950-973 |
| Week 12: 3/27 | <u>Text Pleading and Procedure</u> Pages 993-1026; 1049-1056 |

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| Week 13: 4/3 | <u>Text Pleading and Procedure</u> Pages 1056-1091; 1100-1116 |
| Week 14: 4/10 | Catch-up, and Review |
| Week 15: Exams run 4/15 thru 4/25/19 | 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. Exact date will be published during the semester to all students. Watch for Exam schedule. |

Syllabus is subject to change.