

## **CIVIL PROCEDURE II**

### **Section 142A Spring 2015**

Professor Williams

Office Hours: Mondays and Wends – 9:00 a.m. – 10:30 a.m.  
Thursdays 2:30 p.m. – 5:30 p.m.  
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Civil Procedure is a unique and important course, in that is not subject specific. Every litigation that's not criminal, regardless of whether it involved torts, contracts, or property, must adhere to the rules of civil procedure.

#### **Grading**

I. Students will receive a numeric grade for the course. Course grades will be based on several elements, including class participation, a mid-term essay exam (approx. **20%** of the final course grade) and a final examination, given during the final examination period (approx. **80%** of final course grade). The final exam will likely be all essay. All exams are closed book.

II. Class participation is another element of your grade. In addition to speaking, class participation includes (1) attendance, (2) punctuality, (3) preparation and (4) professionalism. Failure in any one of these areas will result in a deduction of your grade. Your grade can improve +/- .3 on the g.p.a. based on class participation, and in egregious (or outstanding) cases, sometimes more. The more times you come to class late, unprepared, or are unprofessional, the further your grade will be reduced. In addition, eating is not permitted in class, and there will be no video or audio recording of class of any kind.

If you come late to class, or leave for an extended period of time during class, that will count as an absence for that day. Students will be administratively dismissed from class once they have accumulated more than 4 absences.

#### **TWEN**

There will be a TWEN cite for this course. The password is "adenawatson" Please sign up to receive updates and other information. You are responsible for the information posted on TWEN.

#### **Course Materials**

Freer & Perdue, Civil Procedure: Cases, Materials & Questions (6th ed. 2012).  
Federal Rules of Civil Procedure (West, 2013-14 Educational ed.) (FRCP).

#### **Readings**

The following is a roadmap of the planned readings, though the exact dates are not set in stone. First year law courses do not always follow the same pattern and vary depending on the class. Thus, this is the syllabus and the plan for reading assignments as of January 2015. Though not anticipated, any changes to the syllabus will be clear and announced in advance, both in class and on TWEN.

Along with the textbook, we will occasionally be utilizing materials from my practice as a civil litigator here in Southern California. Such materials will be available via handout and/or TWEN.

**Class 1** – Intro and Review. Begin Interpleader (Freer & Perdue, 737 – 739) FRCP Rule 22.

**Class 2** – Interpleader (Freer & Perdue, 737 – 752).

**Classes 3,4,5** – The Class Action, (Freer & Perdue, 753 - 788), Rule 23.

**Class 6** – Discovery, Depositions. No reading required. (I feel that . .)

**Classes 7,8** – Discovery cont. (Freer & Perdue, 364 – 391). Rule 26.

**Class 9** –Discovery cont. (Freer & Perdue, 391 - 412).

**Class 10** – Discovery cont. (Freer & Perdue, 415 – 416, Review Problem). Review.

**Class 11** – Declarations – no reading required

**Class 12** - Right to a Jury; 7<sup>th</sup> Amendment; (Freer & Perdue, 439 - 450).

**Class 13** - Midterm

**Classes 14/15** – Summary Judgment (Freer & Perdue, 487 – 508).

**Classes 16/17** - Disposition at Trial, (Freer & Perdue, 508 - 533).

**Class 18** – The Shady Simulation (Minimal reading – handout/TWEN).

**Classes 19/20** - The Erie Doctrine, Cont. (535-583).

**Classes 20/21** - The Erie Doctrine, Cont. (535-583).

**Classes 22/23** – Claim Preclusion, (Freer & Perdue, 613 - 632).

**Classes 24/25/26** – Issue Preclusion, (Freer & Perdue, 632 - 662).

**Classes 27/28** – Appeal, (Freer & Perdue, 793 - 821)

**TBD** – Review session and Final Exam

Finally, please see below Western State’s Disability Services statement:

Western State College of Law provides accommodations to qualified students with disabilities. The Disabilities Services Office assists qualified students with disabilities in acquiring reasonable and appropriate accommodations and in supporting equal access to services, programs, and activities at Western State College of Law.

To seek reasonable accommodations, a student must contact Senior Assistant Dean Donna Espinoza, Student Services Director and Disabilities Services Coordinator, whose office is in the Second Floor Students Services Suite. Dean Espinoza’s phone number and email address are: (714) 459-1117; despinoza@wsulaw.edu. When

seeking accommodations, a student should notify Dean Espinoza of her or his specific limitations and, if known, her or his specific requested accommodations. Students who seek accommodations will be asked to supply medical documentation of the need for accommodation. Classroom accommodations are not retroactive, but are effective only upon the student sharing approved accommodations with the instructor or professor. Therefore, students are encouraged to request accommodations as early as feasible with Dean Espinoza to allow for time to gather necessary documentation. If you have a concern or complaint in this regard, please notify Dean Espinoza; or please notify Associate Dean of Students Charles Sheppard at [csheppard@wsulaw.edu](mailto:csheppard@wsulaw.edu) or (714) 459-1152. Complaints will be handled in accordance with the College of Law's "Policy against Discrimination and Harassment."