

CIVIL PROCEDURE I
WESTERN STATE COLLEGE OF LAW
PROFESSOR NICOLE RANGEL
FALL 2025

Class Information

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Room: L810

Office: FA113

Class Meeting Times: Tuesday & Thursday 1:30pm-2:50pm

Office Hours: Monday & Wednesday 10am-12pm

Introduction to Law School & Civil Procedure

Welcome to law school, and welcome to civil procedure. This course focuses on the rules, practices and procedures that our legal system uses to resolve disputes. The subject allows us to study various sources of law, including the United States Constitution, the Federal Rules of Civil Procedure, federal and state statutes, and case law of federal and state courts.

The subject is called **CIVIL** procedure because it examines the procedures governing civil, as opposed to criminal, matters within the legal system. Civil actions can be brought to address a broad range of conflicts—among many others, these include disputes about property, car accidents, medical malpractice, contracts, infringements of intellectual property, securities, employment, civil rights, constitutional violations, and more.

It is called civil **PROCEDURE** because we focus on the process for bringing problems into and through the legal system, and the doctrines governing the power of courts to resolve those disputes. In addition to learning what procedure is and how it works, we will examine the ways in which procedural doctrines implement various values, policies, and conceptions of justice—and the ways in which these underlying considerations can affect the outcome of cases. The subject of civil procedure is often referred to as “lawyers’ law” because it is the sort of material that only lawyers know or appreciate. In studying this lawyers’ law, we will also consider the role and functions of the lawyer in the legal process.

You may be feeling some anxiety about starting law school. That is perfectly normal. The best general advice that I can give you is to focus on learning, not on grades. I say this for two reasons. First, ultimately it is more important that you be a great lawyer than you be a great law student. The more skills and knowledge you accumulate in law school, the better lawyer you will be. A bad lawyer who got good grades in law school is still a bad lawyer. Second, even if you stubbornly care only about grades and not about learning, the only reliable path to earning good grades is by learning the material. The best way to learn law is to immerse yourself in the subject.

Succeeding in law school is fundamentally different than all other educational experiences. Learning law and being a good lawyer are both exercises in lifelong, experiential learning. If we do our jobs well, you will continue to surpass my abilities – as well as your own – shortly after you have started practice, that is the goal!

Office Hours & Communication Policy

While I encourage students to attend my regularly scheduled office hours, I have an open-door policy. I am generally on campus Monday through Thursday and you are welcome to stop by. You can also email me to set another meeting time if my office hours do not work with your schedule.

I endeavor to promptly reply to student emails sent during business hours. I generally will not respond to emails received on evenings and weekends, but I will read and respond to them as soon as possible on the following business day. Please note that I do not provide written comments on case briefs, practice exams, or other written materials, but I am happy to review and discuss them during office hours.

Western State College of Law Programmatic Learning Outcomes

Western State College of Law's curriculum is designed so that every student achieves a level of competency prior to graduation in each of the eight Programmatic Learning Outcomes listed below:

(1) Doctrinal Knowledge

Students will demonstrate knowledge of substantive and procedural law in the core curriculum subjects, including Contracts, Criminal Law, Criminal Procedure, Torts, Real Property, Business Association, Evidence, Civil Procedures, Constitutional Law, Estates, Community Property, Remedies, and Professional Responsibility.

(2) Practice Skills

Students will demonstrate the development of other law practice skills. Each student's chosen outcomes within this category will be varied based on the student's particular interests, coursework and work experiences. They may include, but are not limited to, the following topics: oral presentation and advocacy; interviewing; counseling; client service and business development; negotiations, mediation, arbitration, or other alternate dispute resolution methods; advanced legal research and writing (excluding purely academic papers and the first four units

earned in introductory first-year legal research and writing class); applied legal writing such as drafting contracts, pleadings, other legal instruments; law practice management or the use of technology in law practice; cultural competency; collaboration or project management; financial analysis, such as accounting, budgeting project management, and valuation; cost benefit analysis in administrative agencies; use of technology, data analyses, or predictive coding; business strategy and behavior; pre-trial preparation, fact investigation, such as discovery, e-discovery, motion practice, assessing evidence, or utilizing experts; trial practice; professional civility and applied ethics; a law clinic that includes a classroom component; or a legal externship that includes a classroom component.

(3) Legal Analysis

Students will demonstrate the ability to identify the factual and legal issues implicated by a fact pattern and to appropriately use cases (including identifying the salient features of an appropriate precedent case, identifying legally significant similarities or differences between the precedent case and a fact pattern and explaining why those are legally significant) and rules (including the ability to connect legally significant facts in a fact pattern to the rule) to predict how a court would decide the issue. Students will also demonstrate the ability to identify and evaluate the public policies of a precedent case or rule, and be able to evaluate how public policy can impact the application of a rule to the legal issue.

(4) Legal Research

Students will demonstrate the ability to locate relevant legal authority using a variety of book and electronic resources, and to properly cite to such legal authority.

(5) Communication

Students will demonstrate the ability to communicate both orally and in writing in a manner appropriate to a particular task to effectively convey the author or speaker's ideas. This includes audience sensitivity in written and oral communication (the ability to adopt a tone, style and level of detail appropriate to the needs, knowledge and expertise of the audience); and written communication basic proficiency (the ability to use the conventions of grammar, spelling, punctuation, diction and usage appropriate to the task and sufficient to convey effectively the author's ideas).

(6) Advocacy of Legal Argument

Students will demonstrate the ability, in both oral and written formats, to evaluate the legal, economic and social strengths and weaknesses of a case and use case and statutory authority as well as public policy to persuade others. Making policy-based arguments includes the ability to identify and evaluate the public policies of a precedent case or rule and their implications, and be able to assert such appropriate arguments to support a particular application or distinction of a precedent case to a legal controversy or a particular resolution of the application of a rule to the legal controversy.

(7) Client Sensitivity and Cultural Competency

Students will demonstrate an awareness of clients' needs and goals, including a sensitivity to clients' background and circumstances (including, but not limited to, socio-economic, gender, race, ethnicity, educational, disability and/or religious background(s)), the ability to make

decisions that reflect an appropriate focus on those needs and goals, and awareness that cultural issues may affect the relevance of facts and application of the law.

(8) Legal Ethics

Students will demonstrate the ability to identify ethical issues in law practice contexts and make appropriate decisions to resolve such issues.

Western State College of Law Programmatic Learning Outcomes Supported in this Course

1. **LEARNING OUTCOME #1: Doctrinal Knowledge.** Students will demonstrate knowledge of substantive and procedural law in the core curriculum subjects, including Contracts, Criminal Law, Criminal Procedure, Torts, Real Property, Business Associations, Evidence, Civil Procedure, Constitutional Law, Estates, Community Property Remedies, and Professional Responsibility.

Civil Procedure I supports this learning outcome by providing students with knowledge of the following topics sufficient to pass the final exam and prepare for the bar exam:

- Understanding the limits of judicial power over defendants in the form of personal jurisdiction;
 - Understanding the line between state and federal power, or subject matter jurisdiction;
 - Knowing the circumstances under which federal courts must apply state law;
 - Knowing the requirements for joinder of claims and parties; and
 - Having a general understanding of the U.S. litigation system.
2. **LEARNING OUTCOME #3: Legal Analysis.** Students will demonstrate the ability to identify the factual and legal issues implicated by a fact pattern and to appropriately use cases (including identifying the salient features of an appropriate precedent case, identifying legally significant similarities or differences between the precedent case and a fact pattern and explaining why those are legally significant) and rules (including the ability to connect legally significant facts in a fact pattern to the rule) to predict how a court would decide the issue. Students will also demonstrate the ability to identify and evaluate the public policies of a precedent case or rule, and be able to evaluate how public policy can impact the application of a rule to the legal issue.

Students will be able to evaluate facts, spot issues, and reach valid conclusions in the area of Civil Procedure; understand legal rules stemming from common law, statutes, and the Federal Rules of Civil Procedure; and analyze fact patterns and apply the correct legal rules of Civil Procedure. Students will be able to identify and interpret rules of Civil Procedure established in statutes, cases, and the Federal Rules of Civil Procedure; distinguish facts that matter to the resolution of a procedure-related dispute from those facts that do not matter; apply correct legal rules to fact patterns and articulate legal arguments and rationales favoring all positions on a procedure-related dispute; and be cognizant of important policy concerns that underlay the law of Civil Procedure.

3. **LEARNING OUTCOME #5: Communication.** Students will demonstrate the ability to communicate both orally and in writing in a manner appropriate to a particular task to effectively convey the author or speaker's ideas. This includes audience sensitivity in written and oral communication (the ability to adopt a tone, style and level of detail

appropriate to the needs, knowledge and expertise of the audience); and written communication basic proficiency (the ability to use the conventions of grammar, spelling, punctuation, diction and usage appropriate to the task and sufficient to convey effectively the author's ideas).

Students will be able to orally present analysis, advice, counsel, and other information in an organized, persuasive, and professional manner when called upon by the professor.

Course Requirements

Required Texts

Stephen C. Yeazell, Joanna C. Schwartz, Maureen Carroll, CIVIL PROCEDURE (11TH ED. 2023) ("Casebook")

Stephen C. Yeazell, Joanna C. Schwartz, Maureen Carroll, 2025 FEDERAL RULES OF CIVIL PROCEDURE ("Supplement")

Required Programs

Themis UWorld access for multiple-choice quizzes (you will be provided access during Orientation)

Optional Study Aids

While not required, I recommend you peruse these and if one packages the information in a way you can better understand, consider investing in that study aid. These are also available in the law library.

Steven L. Emanuel, CRUNCH TIME: CIVIL PROCEDURE

Joseph W. Glannon, THE GLANNON GUIDE TO CIVIL PROCEDURE

Joseph W. Glannon, EXAMPLES & EXPLANATIONS: CIVIL PROCEDURE

Thomas O. Main, FEDERAL RULES OF CIVIL PROCEDURE WITH STUDY RESOURCES

TWEN

All students must be registered for The West Education Network (TWEN). I will use the TWEN page to communicate with the class electronically and to post material. Please be certain that you include your correct Western State email address when you register.

Attendance & Participation

Attendance is required in accordance with the College of Law's attendance policy. You are expected to attend all scheduled meetings of this class. An attendance roster will be circulated at each class meeting. It is your responsibility to sign the roster. Those students whose names do not appear on the roster will be marked absent unless they sign the roster before the end of class. In addition, anyone who arrives late or leaves early without my prior approval will be considered

absent. Absence from more than 20 percent of the class meetings will result in a course grade of “AF.” Signing another’s name to the roster or asking someone to sign your name when you are not present is a violation of the Honor Code and will result in academic and disciplinary action.

Participation is required. You are expected to have read the assigned material (including the notes and problems and supplementary material) and be willing and able to share your thoughts with the class. I will randomly call upon students (often called the ‘Socratic Method’). Random calling is meant to simulate what judges, employers and clients will expect of you as lawyers, which is that you have prepared for court and/or meetings by reading relevant materials carefully and noting any questions you have, and that you are able to answer reasonable questions about the material. There is no “pass” if you are not prepared unless I grant one **prior to class** for good cause. Your final grade will be lowered by 0.1 points on a 4.0 scale for each day that you are not prepared when called upon.

Please make sure that you stay up to date with new syllabi versions or additional assignments posted, as mistakenly reading the wrong day’s assignment is not an excuse for being unprepared.

Coursework

While the amount of time you need to set aside for class preparation will vary with the degree of difficulty of the materials we will be discussing, per the ABA rules, you should be devoting a minimum of three hours of outside of class study time for each 90-minute class session, and often more than that. “Study time” may include reading the assigned materials, case briefing and outline preparation, completing U World questions, taking practice tests, etc.

Prepare for class by following the below approach BEFORE each class:

1. First, read the assigned readings.
2. Try to answer the Notes and Questions (if applicable) at the end of each case you read in the textbook. You may be called on in class to discuss these questions.
3. Brief each case you are assigned to read.

DURING class approach:

1. Do NOT try to write down every word. Your completed case briefs should allow you to make notes and add commentary without needing to write down everything discussed in class.
2. Highlight or make a note of key rules and discussion.
3. Pay attention to examples and hypos (those often form the basis of future exams).
4. Always try to answer the questions being asked in class in your head even if a classmate is the one being called on.

5. Focus on class and don't allow yourself to get distracted by your phone, the internet, DMs about this class, or any other distractions in class.

POST-class approach:

1. Review your notes from class while they are fresh in your head. Make a note of any areas of confusion then so you can ask me in office hours or after class. Do not be afraid to ask a question if you are confused.
2. Reread any cases or areas of confusion as needed as well as hypos and examples discussed in class; use supplements to help (see "Optional Study Aids" above).
3. Create and regularly update an organization tool (class handouts, attack sheets, flashcards, outlines, approaches, visual charts, etc.) that will help you memorize and synthesize your rules to prepare for exams.
4. Schedule office hours with me if you need help with anything. Do not wait until exam time if you are confused with the material.

Grading

Your final grade will be based in part on the closed-book midterm exam (30%) and closed-book final exam (50%), both of which will consist of bar examination-style multiple choice questions and hypothetical fact patterns which you will be expected to address in essay form. Four untimed, open-book UWorld quizzes, each worth 5%, will comprise the remaining 20% of your final grade. Your final grade may be reduced for failure to be prepared for class. (See "Attendance and Participation" above.)

Western State College of Law 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 Library Building, Room 275-B. 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 Dean Marisa Cianciarulo at mcianciarulo@wsulaw.edu or (714) 459-1168. Complaints will be handled in accordance with the College of Law's "Policy against Discrimination and Harassment."

Reading Assignments & UWorld Quizzes

WEEK 1 INTRODUCTION TO CIVIL PROCEDURE

- 1) **Aug. 12** Syllabus; Casebook, pp. 1-4, 205-208; case on pp. 229-232 (Fuentes v. Shevin). Prepare three questions that you have about the case. The questions can be of any nature or level of complexity (e.g., What is a “writ of replevin”? What does “due process” mean? Why would we read a case from 1972 about a stove?). You need not submit these questions to me in writing; they are for class discussion purposes only.
- 2) **Aug. 14** 28 USC § 2072, Casebook, “Note: Reading the Rules,” pp. 13-14; U.S. Const. Art. III §§ 1, 2; FRCP 1-3; 28 USC §§ 1, 41, 43, 44, 132, 133, 1331, 1332(a), 1333, 1334(a), 1338.

WEEK 2 PERSONAL JURISDICTION I

- 3) **Aug. 19** U.S. Const. Amend. V, XIV; Casebook, pp. 4-5 (“Where Can the Suit be Brought?” and “Personal Jurisdiction”); Casebook, pp. 49-59; FRCP 12(b).
- 4) **Aug. 21** Casebook, pp. 59-69.

WEEK 3 PERSONAL JURISDICTION II

- 5) **Aug. 26** Casebook, pp. 69-77.
- 6) **Aug. 28** Burger King v. Rudzewicz, 471 U.S. 462 (1985) [on TWEN]; FRCP 4(k)(1); Asahi Metal Indus. Co. v. Superior Ct., 480 U.S. 102 (1987) [on TWEN].

WEEK 4 PERSONAL JURISDICTION III

- 7) **Sep. 2** Casebook, pp. 77-87; FRCP 4(k)(1).
- 8) **Sep. 4** Casebook, pp. 87-101.

WEEK 5 PERSONAL JURISDICTION IV

- 9) **Sep. 9** Casebook, pp. 101-117.
- 10) **Sep. 11** Casebook, pp. 118-126; FRCP 4(d), 4(k)(1).

WEEK 6 PERSONAL JURISDICTION V & MID-SEMESTER REVIEW

- 11) **Sep. 16** Casebook, pp. 126-140; 28 U.S.C. §§ 1404, 1406, 1631.
- 12) **Sep. 18** MID-SEMESTER REVIEW (no assigned reading).

*****UWorld quiz, due Sunday, Sep. 21*****

WEEK 7 MIDTERM EXAM & SUBJECT MATTER JURISDICTION I: FEDERAL QUESTION JURISDICTION

13) **Sep. 23** MIDTERM EXAM (no assigned reading).

14) **Sep. 25** Casebook, pp. 141-150; review U.S. Const. Art. III §§ 1, 2; review 28 U.S.C. § 1331.

WEEK 8 SUBJECT MATTER JURISDICTION II: DIVERSITY JURISDICTION;
SUBJECT MATTER JURISDICTION III: SUPPLEMENTAL JURISDICTION

15) **Sep. 30** Casebook, pp. 6-9; Casebook, pp. 150-159; FRCP 12 (focus on (b), (g) and (h)); 28 U.S.C. § 1332(a)-(c).

16) **Oct. 2** Casebook, pp. 159-165; 28 U.S.C. § 1367.

WEEK 9 SUBJECT MATTER JURISDICTION IV: REMOVAL FROM STATE COURT TO FEDERAL COURT & MIDTERM EXAM REVIEW

17) **Oct. 7** Casebook, pp. 168-176; 28 U.S.C. §§ 1441(a)-(e)(1), 1441(f), 1446, 1447; FRCP 81(c).

18) **Oct. 9** DISCUSSION OF MIDTERM EXAM (no assigned reading).

WEEK 10 JOINDER I; JOINDER II

19) **Oct. 14** Casebook, pp. 21-24, 583-591; FRCP 13, 18; 28 U.S.C. § 1367.

20) **Oct. 16** Casebook, pp. 591-601; FRCP 14, 20, 21, 42.

*****UWorld Quiz, due Sunday, Oct. 19*****

FALL BREAK: OCT. 20-26

WEEK 11 JOINDER II; JOINDER III

21) **Oct. 28** Casebook, pp. 601-610; FRCP 19.

22) **Oct. 30** Casebook, pp. 610-621; FRCP 24.

WEEK 12 JOINDER III; ERIE DOCTRINE

23) **Nov. 4** Class 23 Sample Joinder Essay Question [on TWEN]

24) **Nov. 6** Casebook, pp. 177-187; 28 U.S.C. § 1652.

*****UWorld Quiz, due Sunday, Nov. 9*****

WEEK 13 ERIE DOCTRINE

Nov. 11 HOLIDAY – NO CLASS

25) **Nov. 13** Casebook, pp. 188-196.

WEEK 14 ERIE DOCTRINE & FINAL REVIEW

26) **Nov. 18** Casebook, pp. 196-202; Gasperi v. Center for Humanities, 518 U.S. 415 (1996) [on TWEN]; Shady Grove Orthopedic Assoc., P.A. v. Allstate Ins. Co., 130 S. Ct. 1431 (2010) [on TWEN].

27) **Nov. 20** No assigned reading.

*****UWorld Quiz, due Sunday, Nov. 23*****

WEEK 15 FINAL REVIEW

28) **Nov. 25** No assigned reading.

FINAL EXAM QUESTION AND ANSWER SESSION: TBD

LAST DAY TO EMAIL ME QUESTIONS PRIOR TO THE FINAL EXAM: TBD, by noon

THIS SYLLABUS IS SUBJECT TO CHANGE. REVISED SYLLABI WILL BE POSTED TO TWEN AND A MESSAGE SENT TO ADVISE YOU OF ANY NEW POSTINGS.