

Western State College of Law at Westcliff University
Civil Procedure I; Section C
Spring 2025 Syllabus

Professor Sandy Rierson, srierson@wsulaw.edu

Class Times and Location:

Tuesdays, 6:30-9:20 PM; Room [TBA]

Office Hours:

Office hours will be held via Zoom on Mondays from 12:00-3:00. Here is the direct link for Zoom office hours: <https://wsulaw-edu.zoom.us/j/2598362317>; Meeting ID: 259 836 2317. Once I've completed the previous Zoom meeting, you will be admitted from the waiting room. *Meetings during office hours should be scheduled via TWEN sign-up sheets.* If you cannot make an appointment during regular office hours or there are no available time slots, please email me to schedule a meeting. Meetings should be scheduled at least 24 hours in advance. If they are made less than 24 hours in advance, I may make alternative plans and might not be available to meet. If you need to cancel a meeting or if you will be late, please remove your name from the sign-up sheet. I may schedule additional office hours at particular times during the semester. You will be notified in class and/or via TWEN of when those hours will occur.

Class Materials:

Glannon, Perlman & Raven-Hansen, *Civil Procedure: A Coursebook* (4th ed., 2021) (Casebook) **(Required)**. Please do not buy an earlier edition of the casebook, because the page numbers in the syllabus will not line up with the page numbers in your book, and several of the cases we will be covering are not in the earlier editions of the text. Also, please do not rent the casebook for one semester, as you will be using it in Civil Procedure II in the spring.

Online materials as assigned (via TWEN) **(Required)**.

Joseph W. Glannon, *The Glannon Guide to Civil Procedure: Learning Civil Procedure Through Multiple-Choice Questions and Analysis* (5th ed. Wolters Kluwer 2023) (Glannon Multiple Choice) **(Recommended)**. *I do not recommend commercial/canned briefs and they are not permitted in class.*

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 slides, handouts, and revised syllabi. Please be certain that you include your correct Western State College of Law email address when you register.

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 Procedure**, 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.

Specific Course Goals and Student Learning Outcomes:

Course Goals:

This course is designed to give you a fundamental understanding of the federal rules of civil procedure. All major topics covered in the course are listed below, under the heading "Reading Assignments."

Course Learning Outcomes:

Over the course of this semester, we will work to develop and reinforce basic skills that are essential to legal practice, and to develop a fundamental understanding of the rules of federal civil procedure. Our overarching goals include knowledge and understanding of substantive law; legal analysis and reasoning; written and oral communication; and the exercise of professionalism and professional skills.

By the end of the class, students should be able to:

1. Carefully Read and Analyze Statutes.

After reading a statute, you should be able to (1) parse that statute into its component elements (such that you can analyze legal issues arising under the statute) and (2) determine whether that statute applies to a particular case or fact pattern. To achieve this goal, we will discuss and practice with statutes appearing in class readings, hypotheticals, and exercises. The statutes applicable to this class are primarily codified in Title 28 of the United States Code, along with the Federal Rules of Civil Procedure.

2. Read, Brief and Understand Cases.

After reading a case, you should be able to identify (1) the case's procedural posture, (2) the background facts, (3) the legally significant facts, (4) the primary issue(s), (5) the legal rule(s) applied, (6) the holding(s), (7) the court's reasoning, (8) the reasoning of any concurrence or dissent, (9) the court's disposition and (10) the relevance of the case.

You should also be able to synthesize a line of related cases and understand how to apply case law to new factual situations. To achieve this outcome, we will discuss and practice with the class readings and you will diligently prepare original briefs of assigned cases. If it seems that students are not carefully reading and briefing cases, I may require students to turn in case briefs.

3. Provide Effective Written and Oral Legal Analysis.

You must communicate effectively, both orally and in writing. To do so, you must use legal rules and doctrine to analyze legal issues. Legal analysis requires critical thinking that goes well beyond memorizing and restating the rules. Using the IRAC format, you should be able to make and convey an effective legal argument, in writing or orally, that: (1) identifies legal issues; (2) identifies and explains the applicable legal rule(s); (3) applies those rule(s) to the relevant facts; and (4) provides the appropriate conclusion or outcome. Ultimately, you will use legal analysis to counsel clients objectively, respectfully, and effectively about the best ways to solve or to prevent legal problems. We will develop these skills through classroom discussion and practice with cases, hypotheticals, and problems, and through quizzes, practice exams, a midterm examination, and the final examination.

4. Recall and Apply the Federal Rules of Civil Procedure.

You should be able to demonstrate an understanding of substantive legal rules and doctrine, which in this class will focus on the Federal Rules of Civil Procedure and related statutes. You should be able to state and discuss the elements of all the procedural rules that we will be covering this semester, as well as any exceptions to those rules. You will be required to apply those rules to hypothetical factual scenarios and predict the likely outcome in a case raising such issues. We will develop your knowledge of these procedural rules through your readings in the casebook and supplemental materials, material presented during class, class discussion, and feedback on practice, midterm, and final examinations.

5. Conduct Yourself with Professionalism.

You should be able to discuss controversial issues with a professional demeanor and to view and articulate competing sides to controversial concepts. You should exercise sound professional judgment, considering the duties of a lawyer to her client, whether representing a plaintiff or a defendant, and the lawyer's ethical duties to the profession as a whole. At all times you must act with honesty, integrity, fairness, respect, empathy, civility, and cultural competence.

Legal Ethics:

Ethics are an important part of the practice of law. All students should be familiar with the Western State College of Law Honor Code. Any violation of law school rules and regulations relating to cheating, plagiarism, or other ethical matters addressed in the Honor Code will be vigorously enforced. The Honor Code is set forth in the Student Handbook, Section IX, https://www.wsulaw.edu/Uploads/Student-Handbook/WSU-Student_Handbook.pdf.

Attendance:

Please come to class on time. Students who are late may be considered absent at the discretion of the professor. Students who know that they will be late or absent should email me prior to class if possible. Make your best effort to attend class every day. Civil Procedure is like math: each concept builds on the previous one. If you fall behind, you will find it very difficult to catch up.

Western State College of Law requires regular attendance (85% of all scheduled classes). In this class, students who miss more than two classes per semester are subject to dismissal, thus receiving a "0" for the course absent extenuating circumstances. The attendance policy is set forth in the Student Handbook, Section IV/A/12, https://www.wsulaw.edu/Uploads/Student-Handbook/WSU-Student_Handbook.pdf.

Participation:

Students are expected to complete the assigned reading prior to class. **You should engage in at least six hours of course preparation per week.** All students are expected to engage in class discussion. Participation is key to making this class enjoyable, so everyone must be prepared to intelligently discuss and critically evaluate that day's assignment in class. In particular, each student must be prepared to discuss the pertinent facts, issues, law and court findings and rulings of each case. All students are expected to engage in professional and respectful discussion of the case materials and subject matter. All views are welcome. I call on students at random and take volunteers for class discussion. A consistent or significant lack of preparation or professionalism may result in a grade reduction of up to .3 (e.g., from 3.3 to 3.0) on a student's course grade. Exemplary performance may result in a grade increase of .1 (e.g., from 3.0 to a 3.1) on a student's course grade. Students may not record the class discussion without the professor's approval.

Grading:

Your grade in this class will be based on your midterm and final examination scores, and your U-World assignments.

Your U-World quizzes (as indicated on the syllabus) will account for 5% of your final grade.

The U-World assignments will be made available to you at 9:20 PM on the day they are assigned, and will be due by 6:30 PM the next class day, as indicated on the syllabus.

You will need to complete each quiz and achieve a score of 70% or higher to receive full credit for the assignment (5 points per quiz). You can repeat each quiz up to 3 times, to achieve the required 70% score. If you complete all of your quizzes on time and achieve a score of 70% or higher on each one, you will receive 55 total points for your U-World assignments (5 points for each quiz). If you submit a quiz late or do not achieve a score of 70% or better, you will receive 3 points for the assignment. *If you submit an assigned quiz more than 3 days late or not at all, you will receive a zero for that assignment.*

The midterm will account for 15% of your final grade. The mid-term covers the assigned readings from the beginning of the semester until the mid-term. The midterm will consist of one essay question and 20 multiple choice questions. The exam will last 90 minutes and will be administered during class, as indicated on the syllabus.

The final examination is cumulative (i.e., it covers all materials for the semester). The final exam will account for the remaining 80% of your grade, divided between multiple choice questions (40%) and one essay (40%). You will have three hours to complete your final exam.

Both the midterm and the final exam will be closed book assessments.

Accommodations:

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 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 their specific limitations and, if known, their specific requested accommodations. Students who seek accommodations will be asked to supply medical documentation of the need for accommodation. Classroom accommodations are not retroactive; they 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 time to gather necessary documentation. If you have a concern or complaint in this regard, please notify Dean Espinoza or Dean Marisa Cianciarulo, at mcianciarulo@wsulaw.edu or (714) 459-1168. Complaints will be handled in accordance with the Policy against Discrimination and Harassment, set forth in the Student Handbook, Section XIV, https://www.wsulaw.edu/Uploads/Student-Handbook/WSU-Student_Handbook.pdf.

Reading Assignments:

Reading assignments for the fall semester are noted below. **Assignments are subject to revision.** Updates regarding the syllabus will be sent to the e-mail address provided by the student when registering for this class on TWEN. ***For each week, you should always read the statutes and/or Federal Rules of Civil Procedure that are referenced in the text.*** You can access the federal statutes and the FRCP at <https://www.law.cornell.edu/rules/frcp>, or <https://www.uscourts.gov/rules-policies/current-rules-practice-procedure/federal-rules-civil-procedure>, on Lexis or Westlaw, or you can buy a paper copy, such as Federal Rules of Civil Procedure, Pocket Reference Guide (2024), <https://www.amazon.com/Federal-Rules-Civil-Procedure-Practitioners/dp/B0CQ5DR1N7> (\$10).

Week 1 (Jan. 14)

Basic Pleading; Notice and Service of Process

- Casebook, pp. 421-429 [skip *Dioguardi*]; Read Notes 4 and 9 on p. 439 [skip *Doe v. Smith*]; 449-450 [skip *Leatherman*]; 452-476 (Basic Pleading); 329-365 (Notice and Service of Process).
- Glannon Multiple Choice, pp. 282-299 (Sufficient Allegations: Pleading under the Federal Rules); 153-172 (Due Process and Common Sense: Notice and Service of Process).
- **Complete U-World assignment re Notice and Service of Process [due 6:30 PM on Jan. 21].**

Week 2 (Jan. 21)

Responding to the Complaint (or Not); Care and Candor in Pleading

- Casebook, 477-527 (Responding to the Complaint); 529- 549 [skip Section IV. Proper Purpose], 549-552 (Care and Candor in Pleading).
- **Recommended:** Glannon Multiple Choice, 339-354 (Technicalities, Technicalities: Pre-Answer Motions under the Federal Rules); 323-337 (Never Forget Rule 11: Representations to the Court).
- **Complete U-World assignment re Rule 11 [due 6:30 PM on Jan. 28].**

Week 3 (Jan. 28)

- **Amending Pleadings**
- Casebook, pp. 553-598.
- Glannon Multiple Choice, 301-321 (Change over Time: Amending the Pleadings).
- **Complete U-World assignment re Pleading Amendments [due 6:30 PM on Feb. 4].**

Week 4 (Feb. 4)

Complex Joinder; Class Actions

- **Casebook**, pp. pp. 641-667 [skip Interpleader], 672-673 (Complex Joinder); 676-710 (Class Actions).
- **Complete U-World assignment re Joinder [due 6:30 PM on Feb. 11].**

Week 5 (Feb. 11)

Informal Investigation and the Scope of Discovery

- **Casebook**, pp. 749-797.
- **Recommended:** Glannon Multiple Choice, pp. 355-376 (Probing to the Limits: The Scope of Discovery under the Federal Rules).
- **Complete U-World assignment re Scope of Discovery [due 6:30 PM on Feb. 18].**

[Only Monday classes meet on Tuesday, February 18, so we do not have class on 2/18/25.]

Week 6 (Feb. 25): Discovery Tools; Discovery Control and Abuse

- **Casebook**, pp. 799-847 (Discovery Tools); 849-867 (Discovery Control and Abuse).
- **Recommended:** Glannon Multiple Choice, pp. 377-399 (The Basic Tools of Discovery in Federal Court).

Week 7 (Mar. 4): **Midterm Exam (In Class)**

Spring Break: No Class on March 11

Week 8 (Mar. 18)

Dispositions without Trial (Dismissal and Summary Judgment); Pretrial Case Management

- **Casebook**, 969-1017 (Dispositions without Trial); 953-968 (Pretrial Case Management).
- **Recommended:** Glannon Multiple Choice, pp. 401-422 (Dispositive Motions: Dismissal for Failure to State a Claim and Summary Judgment)
- **Complete UWorld assignment re Dismissal and Summary Judgment [due 6:30 PM on Mar. 25].**

Week 9 (Mar. 25)

The Right to a Jury Trial; Controlling the Jury

- **Casebook**, 1019-1034 [skip Section IV: Applying the Seventh Amendment to New Statutory Rights], 1042-52 (The Right to Jury Trial); 1083-1108 (Controlling the Jury).
- **Recommended:** Glannon Multiple Choice, pp. 93-111
- **Complete UWorld assignment re Jury Issues [due 6:30 PM on Apr. 1].**

Week 10 (Apr. 1)

Judgment as a Matter of Law (Directed Verdict and JNOV)

- **Casebook**, 1054-1082.
- **Recommended:** Glannon Multiple Choice, pp. 423-442 (Judgment as a Matter of Law in the Federal Courts).
- **Complete UWorld assignment re Motions for Judgment as a Matter of Law [due 6:30 PM on Apr. 8].**

Week 11 (Apr. 8)

New Trial and Relief from Judgment

- **Casebook**, 1109-1139.
- **Recommended:** Glannon Multiple Choice, pp. 443-462 (Second Time Around: The Grounds and Procedures for Motions for New Trial).
- **Complete UWorld assignment re New Trial Motions [due 6:30 PM on Apr. 15].**

Week 12 (Apr. 15)

Appeals

- **Casebook**, 1143-1188.
- **Complete UWorld assignment re Appeals [due 6:30 PM on Apr. 23].**

Week 13 (Apr. 23)

Claim Preclusion; Issue Preclusion

- **Casebook**, 1189-1221 (Claim Preclusion); 1123-1263 (Issue Preclusion).
- **Recommended:** Glannon Multiple Choice, pp. 463-482 (The Quest for Finality: Claim Preclusion...); 483-504 (Collateral Estoppel, Issue Preclusion, Whatever).
- **Complete UWorld assignment re Claim Preclusion and Issue Preclusion [due 6:30 PM on Apr. 29].**

Week 14 (Apr. 29)

Catch-up and Review

Final Exam: TBA (Check final exam schedule)