

**CIVIL PROCEDURE**  
**REQ7107 - Fall 2024**  
**Professor Dayna Smith**

**Syllabus<sup>1</sup>**

**Contact Information & Office Hours:**

Office: Waterman 306

Email (preferred): [dsmith@vermontlaw.edu](mailto:dsmith@vermontlaw.edu)

Office Phone: (802) 831-1241

Office Hours: Tuesdays 10-11am

Teaching Assistants: Office Hours on Canvas Page

Catie Michael ([catherinemichael@vermontlaw.edu](mailto:catherinemichael@vermontlaw.edu))

Mya Schmeling ([myaschmeling@vermontlaw.edu](mailto:myaschmeling@vermontlaw.edu))

Katie Spring ([katherinespring@vermontlaw.edu](mailto:katherinespring@vermontlaw.edu))

**Course Overview:**

In this course, we will study the rules, procedures, and principles that courts in the United States use to resolve civil suits (not criminal cases). We'll primarily focus our attention on civil procedure in federal courts, using the Federal Rules of Civil Procedure ("FRCP"), the U.S. Constitution, and judicial opinions as our sources of law. We will also examine the strategic, ethical, economic, and professional considerations pertinent to civil litigation in the United States. For practice, we will use bar-style questions and skills exercises.

**Course Materials**

Required Materials:

1. Joseph Glannon et al., Civil Procedure: A Coursebook (4th ed. 2021).  
ISBN: 9781543826258
  - a. CAUTION: if you are attempting to buy this book used, the Third Edition is NOT identical to the Fourth Edition. All page number assignments will be for the Fourth Edition.

Recommended Materials:

1. Joseph Glannon, Civil Procedure: Rules Statutes, and Other Materials (2024).  
ISBN: 9798886145038
  - a. This book contains the annotated Federal Rules and statutes that we will discuss in this class. It may be helpful to have your own copy, but I will also add links to the syllabus for the online version of the relevant rules (see Reading and Assignment Schedule). You can also use the 2023 version if you choose to buy a hard copy.
2. Joseph Glannon, Glannon Guide to Civil Procedure (5th ed. 2023).  
ISBN: 9781543839272
  - a. This book is available to check out from the ASP resource library located in Waterman 304. It may also be available in the VLGS library.

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<sup>1</sup> I reserve the right to alter or amend this syllabus at any time during the semester. If I need to make changes, I will communicate those changes in writing as soon as possible.

3. Stephen Emanuel, Emanuel Crunch Time for Civil Procedure (7th ed. 2018). ISBN: 9781454897477
  - a. This book is available to check out from the ASP resource library located in Waterman 304. It may also be available in the VLGS library.

Other supplemental materials:

There are several commercial study aids available for Civil Procedure. I've listed a few above that I have found helpful in the past, but I strongly recommend visiting the ASP resource library to try out different options. You also have access to a variety of online materials:

- BarBri 1L Mastery Program (barbri.com)
- CALI – access through ASP portal
- West Academic Resources – access through ASP portal

**Academic Success Program**

In addition to the teaching assistants, you should consult the Academic Success Program mentors with questions about your courses and law school generally. Students who take advantage of ASP tend to be the most successful in their 1L classes. My TAs and the ASP mentors are paid to be a resource for you, so please don't hesitate to reach out to them! You can access the mentor booking page, as well as a number of other helpful resources, through the [ASP portal](#). ASP will also be offering networking sessions early in the semester where you can meet the mentors in a group setting before signing up to meet with them individually – keep an eye out for emails from Katrina Munyon with more information.

**Learning Outcomes & Methodologies**

Learning Outcomes (goals)	Learning Methodologies (means)
<i>Civil Procedure Law &amp; Concepts</i> Develop foundational and substantive legal knowledge in topics such as subject matter jurisdiction, personal jurisdiction, venue, pleading, joinder, discovery, motions, and preclusion.	Reading, briefing, and discussing cases, rules, statutes, and provisions of the Constitution. Completing study questions, problem sets, and skills exercises.
<i>Reading Rules &amp; Statutes</i> Develop the skill of reading, interpreting, and applying rules and statutes, including the Federal Rules of Civil Procedure and U.S. Code.	Independent reading and classroom discussion of rules and statutes, including how to identify the components of these materials.
<i>Case Briefing and Discussion</i> Develop skills necessary to reading and discussing civil procedure cases.	Reading, briefing, and discussing cases.
<i>Multiple-Choice Skills</i> Develop proficiency in bar exam style multiple-choice assessments.	In-class problem sets, exercises, and examinations.
<i>Essay Skills</i> Develop proficiency in bar exam style written legal analyses.	Exercises, in-class discussion, and examinations.

<p><i>Understanding the U.S. Court System</i> Develop a conceptual and practical understanding of the complexities of the U.S. court system, which has horizontal (50 states) and vertical (federal and state) components. This understanding should start to advance beyond a theoretical understanding to a more practical one.</p>	<p>Cases and statutes involving subject matter jurisdiction, exclusive and concurrent jurisdiction, removal jurisdiction, personal jurisdiction, venue, transfer, and dismissal.</p>
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## Grading

Your grade is made up of the following:

- Exercises (3) 30%
- Midterm Exam 20%
- Final Exam 50%

## Exercises

During the semester, you will prepare a written exercise before class eight (8) times. Out of those eight, you must submit three (3) of the exercises for grading. You may choose which three to submit. The exercises you would like me to grade must be submitted before class begins on the day we discuss the exercise. If your exercise is submitted even one minute into class, it will not count as one of your three required exercises. It is your responsibility to keep track of your submissions. I will strive to return grades on these exercises within one week of your submission. If you submit more than three exercises, I will include the three highest grades in my calculations at the end of the semester. Although you only need to submit three for grading, you must complete all eight exercises to the best of your ability to be ready for class on the days designated in the syllabus.

It is vital that your exercises reflect your understanding of the material. You may consult legal resources (e.g., casebook, class notes, federal rules, statutes) and other students, but your submitted work product must be entirely your own and distinct from your colleagues' submissions. You may not use AI to generate your work product. You do not need to cite to statutes, rules, class materials, or cases in your exercises, as you will also not have to cite on the final exam.

## Midterm Exam

The midterm exam will consist of 15 multiple choice questions. The questions will be styled after the multistate bar exam ("MBE"), which is currently a component of most jurisdictions' bar exams. We will do multiple choice questions together in class, but I strongly recommend consulting ASP and the supplemental resources listed above for more multiple-choice practice.

## Final Exam

The exact structure of the final exam will be communicated in the second half of the semester, but you should anticipate that you will be asked to complete multiple-choice, integrated question set, and essay questions. The essay(s) and integrated question set(s) will be structured

like the exercises, and the multiple-choice questions will be bar exam style questions. I will not expect you to cite cases during the final exam, and you will not receive extra credit for doing so.

### **Class Preparation and Expectations**

I reserve the right to adjust your final grade, positively or negatively, based on your preparation and meaningful participation in this class.

#### Be Prepared.

- *Put in the work.* Being prepared means you've carefully read the assigned materials, briefed the assigned cases, and completed the exercises. You should also do your best to answer the day's research questions before class. Do not expect to come to class unprepared and learn the materials by listening. I expect you to come to class having read and taken notes on all the material in the assigned reading, including the in-text questions. The only way class time will benefit you is by diligently preparing the materials before class and doing follow-up review after. You should expect to spend at least 2-3 hours outside of class for each class period.
- *Bring your books, notes, and briefs.* You should bring your casebook, relevant rules, notes, and case briefs to every class. For classes that we will be discussing an exercise, you must bring your completed work product to class, ideally in hard copy.
- *Do NOT use commercial briefs.* Using commercial briefs or someone else's briefs will not help you get through class. By skipping briefing, you are not learning an essential skill that you will need as an attorney. Additionally, many commercial briefs contain errors or don't focus on issues relevant to our class.
- *Review before class.* Take a few moments to refresh your memory before class so that you are ready to engage in the classroom discussion. If we do not finish the materials assigned for a particular day, you must re-review them again for the next class, in addition to completing the assigned materials for that class period. We are not behind until I expressly say we are.

#### Be respectful, realistic, and participatory.

- *Confusion is part of the process.* Law school is hard. You should never feel guilty that you are confused or not yet understanding. Every subject tends to have peaks and valleys in understanding – some days you'll get it and other days you won't. I don't expect you to immediately understand every topic we discuss, but I do expect you to seek clarity.
- *Ask questions.* Because confusion is inherent to the process, don't be afraid to ask questions. You should keep track of your questions and make sure to address them, whether it be in class, in office hours, with the TAs, or with ASP mentors. Even the most well-prepared student will have questions and make mistakes along the way. Everyone – even professors – makes mistakes. Before raising your hand, be prepared and reflect on what you are saying.
- *Engage in challenging discussions respectfully.* You may be surprised to learn that understanding the law requires discussing topics that are not strictly law related. For example, in this class we will discuss issues relating to race and class. I expect you to

engage respectfully with these sometimes-challenging discussions. Attorneys must understand the impacts of the US legal system and be able to interact respectfully and inclusively with others.

Be professional.

- *Professionalism starts now.* I expect the highest degree of professionalism in this class. The reputation you earn in school will follow you throughout a lifetime of practice. I expect you to treat VLGS students, professors, and staff with respect, even (and especially) when you disagree with them.

**Classroom Policies**

Accommodations:

If you believe you qualify for and would like to request an accommodation, you should review the VLGS Accommodations Website: <https://www.vermontlaw.edu/accommodations>. On that webpage, there is an online form you can complete and upload your supporting documentation. If you have questions, please make an appointment with the Vice Dean for Diversity, Equity, and Inclusion. Please start the accommodation process early, as they cannot be applied retroactively.

Attendance:

Class attendance is mandatory, and I will take attendance each class. There will either be a sign-in sheet or a QR code in each class. Be aware that it is a serious violation of the Honor Code to sign in other people or to have others sign you in. Attendance includes being punctual. If you are unable to scan the QR code, please email me before the start of class with “[Your Name] is here today” in the subject. If I receive this email with a timestamp after class has started, I will count you as late. Being late twice counts as one absence. The QR code and email are the exclusive indicia of your attendance for that day.

In accordance with the VLGS attendance policy, students who are absent from twenty percent (20%) of the regularly scheduled classes shall be automatically withdrawn from the course with a grade of F-Wd. I strongly recommend that you do not miss even 20% of classes. Anything discussed in class is fair game for exams. I do not have the discretion to excuse any absences, so please do not ask me to do so. Our class will have a standing Teams link through which I will record class. If you are unable to attend class in person, you may join through the Teams link. However, you will still be marked as absent for that class.

We will miss a few regularly scheduled classes for holidays and my travel with the Emory moot court team. In anticipation of those missed days, I have included three make up sessions in the Reading and Assignments schedule. These make up sessions will not be focused on Civ Pro. Instead, they are skills workshops presented by the Academic Success Program. During these workshops, Prof. Durkis-Stokes and I will provide information on how to succeed as a law student, which will also be skills you carry with you into the bar exam and beyond. Each make-up workshop will be offered twice – once in person and once on Teams. You only need to attend one of each workshop. There is no substantive difference between the in-person and Teams offerings. Please make sure to sign the attendance sheet if you attend an in-person workshop. Workshops on Teams

will automatically mark your attendance. If you miss a workshop, it will count against your allowed absences.

### Email & Canvas:

This course has a Canvas page where I will house relevant information. Your VLGS email and Canvas announcements will be the primary means of communications in this course, so I expect you to check both regularly. You should be able to adjust your Canvas settings to receive announcements via email. My transmission of class-related announcements and emails shall constitute notice and you are therefore responsible for the information, whether you read it or not.

I expect you to act as a professional in this course. This includes using proper email etiquette. This means that there must be a salutation (e.g., “Hello Professor Smith”), a body, and a signature. The subject line should also reflect the topic of the email.

During the work week (Mon-Fri), I will respond to emails within 24 hours, unless an “out of office” message indicates otherwise. I generally do not respond to emails outside of the workday (8:30am – 4:30pm) because I have a young child at home. On weekends, I check my email sporadically, and I will respond to time-sensitive emails as soon as possible.

If an email requires a response, I will expect you to respond to emails sent during the work week within 24 hours. Out of respect for your time outside of the law school, I do not expect you to answer emails on weekends. If I send an email that requires a response over the weekend, I will not expect a response until the next weekday.

### Plagiarism:

Students are cautioned to comply with the requirements of the Honor Code by avoiding plagiarism and other misconduct as provided in the student handbook. When in doubt about plagiarism, paraphrasing, using AI, quoting, or collaboration, please ask. Plagiarism is an Honor Code violation that will result in an F in the course and a referral to the Vice Dean for Students for further action.

### Technology:

- *Class recordings.* Our class will have a standing Teams link through which I will record class. You may not record any portion of class or screenshot any materials without my permission. This includes, but is not limited to, taking pictures of the screen or board with your phone. I will provide copies of the PowerPoints and any documents distributed in class through the Canvas page.
- *Laptops.* It is a lawyer’s responsibility to develop digital competency, so laptops and tablets are permitted in the classroom. However, use this privilege wisely. Do not abuse my willingness to allow technology – the privilege is fully revocable at any time.

### Title IX:

Our school is committed to fostering a safe, productive learning environment. Title IX and our school policy prohibit discrimination on the basis of sex. Sexual misconduct – including harassment, domestic and dating violence, sexual assault, and stalking – is also prohibited at our

school. Our school encourages anyone experiencing sexual misconduct to talk to someone about what happened, so they can get the support they need and so our school can respond appropriately.

If you wish to speak about an incident of sexual misconduct, want more information about filing a report, or have questions about school policies and procedures, please contact our Title IX Coordinator: Jessica Durkis-Stokes (802-831-1274 / [jdurkisstokes@vermontlaw.edu](mailto:jdurkisstokes@vermontlaw.edu)).

Our school is legally obligated to investigate reports of sexual misconduct, and therefore it cannot guarantee the confidentiality of a report, but it will consider a request for confidentiality and respect it to the extent possible. Your professors are also required to report incidents of sexual misconduct and thus cannot guarantee confidentiality. This includes any mention of sexual misconduct that you might make in your written work. I must provide our Title IX coordinator with relevant details such as the names of those involved in the incident.

Weather/Emergencies:

If school is closed for the time of our scheduled class, I will either notify you that class for that day will be virtual through Teams or we will schedule a separate makeup class. If the school is open, but travel is not safe from where you are coming, exercise your discretion.

## Framework for Civil Procedure

Topics marked with an asterisk (\*) require you to rely solely on recalled knowledge and understanding of the topic during exams. You will be expected to perform a full analysis of these topics from memory.

Topics without an asterisk may be tested with or without legal resources provided during exams. If I do not provide you with legal resources on the exams, I expect you to rely on recalled knowledge and understanding that will enable you to demonstrate recognition that it is an issue raised by the facts; you would not be expected to perform a full analysis from memory for these topics.

- I. Subject Matter Jurisdiction
  - a. Federal Question Jurisdiction\*
  - b. Diversity Jurisdiction\*
  - c. Supplemental Jurisdiction
  - d. Concurrent and Removal Jurisdiction\*
- II. Personal Jurisdiction\*
- III. Venue
  - a. Generally\*
  - b. Transfer & Dismissal\*
  - c. Forum Non Conveniens
- IV. Erie Doctrine
- V. Pretrial Procedure
  - a. Preliminary Injunctions & Temporary Restraining Orders
  - b. Pleadings & Amended Pleadings\*
  - c. Rule 12
    - I. 12(b)(1), (2), (3), (6) \*
    - II. Rule 12(e), (f)
  - d. Rule 11\*
  - e. Joinder of Parties\*
  - f. Discovery
    - I. Scope & Limits\*
    - II. Rule 26(f)\*
    - III. Discovery Tools and Mechanisms\*
    - IV. Discovery Abuse
  - g. Summary Judgment\*
- VI. Jury Trials
- VII. Judgments as a Matter of Law
- VIII. Effect of Judgments\*
- IX. Appeals



### Reading & Assignment Schedule

All page numbers refer to the required textbook unless otherwise noted. If there are multiple parts of an assignment, I strongly recommend approaching them in the order listed.

Class	Assignment <i>Complete Before Class</i>	Research Questions/Agenda
Monday, Aug. 26	<ol style="list-style-type: none"> <li>1. Read the course syllabus.</li> <li>2. U.S. Constitution, <a href="#">Article III</a></li> <li>3. Glannon pp. 3-12; 21-40</li> <li>4. Create your own litigation timeline based on your understanding after the reading.</li> </ol>	<ol style="list-style-type: none"> <li>1. What will I learn in Civil Procedure?</li> <li>2. What deliverables will I be expected to submit?</li> <li>3. How is the U.S. court system organized?</li> <li>4. What is the overall litigation process?</li> </ol>
Wednesday, Aug. 28	<ol style="list-style-type: none"> <li>1. Glannon pp. 12-19</li> <li>2. <a href="#">28 U.S.C. § 1331</a></li> <li>3. Glannon pp. 91-108</li> </ol>	<ol style="list-style-type: none"> <li>1. What is subject matter jurisdiction? What are the types?</li> <li>2. How do I establish Federal Question Jurisdiction?</li> </ol>
Thursday, Aug. 29	<ol style="list-style-type: none"> <li>1. <a href="#">28 U.S.C. § 1332(a)</a></li> <li>2. Glannon pp. 43-61</li> </ol>	<ol style="list-style-type: none"> <li>1. What are the elements of Diversity Jurisdiction?</li> <li>2. When do we measure diversity?</li> <li>3. Who has the burden to prove subject matter jurisdiction?</li> <li>4. What is “complete diversity”?</li> <li>5. What is the rule for “domicile” based on my knowledge so far?</li> </ol>
Monday, Sept. 2		NO CLASS
Tuesday, Sept. 3, 12:45-2:00PM in Oakes 007	<p>Make Up Class – Counts Toward Attendance</p> <p>Same session will also be offered on Sept. 10. You only have to attend one of the outlining sessions.</p>	ASP Workshop: Introduction to Outlining
Wednesday, Sept. 4	<ol style="list-style-type: none"> <li>1. <a href="#">28 U.S.C. § 1332(c)(1)</a></li> <li>2. Glannon pp. 61-88</li> </ol>	<ol style="list-style-type: none"> <li>1. Where is a corporation domiciled?</li> <li>2. What is my full rule statement for “domicile”?</li> <li>3. How do I evaluate the amount in controversy?</li> <li>4. What is my complete rule statement for Diversity Jurisdiction?</li> </ol>

Thursday, Sept. 5	<ol style="list-style-type: none"> <li>1. <a href="#">28 U.S.C. § 1367</a></li> <li>2. Glannon pp. 734-737 (only read Notes and Questions # 2, 7, 8).</li> <li>3. Video #1: Supplemental Jurisdiction</li> <li>4. Glannon pp. 737-739, “Practice makes perfect” Problems A-E</li> </ol>	<ol style="list-style-type: none"> <li>1. When will supplemental jurisdiction become an issue? How do I analyze a supplemental jurisdiction problem using the statute?</li> </ol>
Monday, Sept. 9	<ol style="list-style-type: none"> <li>1. <b>Federal Question &amp; Diversity Jurisdiction Exercise</b> posted to Canvas. You may submit this as part of your required 3 exercises.</li> </ol>	Federal Question & Diversity Jurisdiction Exercise
Tuesday Sept. 10, 3:35-4:50PM on Teams (link will come from Katrina Munyon)	Make Up Class (if you didn’t attend on Sept. 3) – Counts Toward Attendance	ASP Workshop: Introduction to Outlining
Wednesday, Sept. 11	<ol style="list-style-type: none"> <li>1. <a href="#">28 U.S.C. § 1441 (a) – (b)</a></li> <li>2. <a href="#">28 U.S.C. § 1446 (a) – (b)</a></li> <li>3. Glannon pp. 127-144</li> </ol>	<ol style="list-style-type: none"> <li>1. What are the defendant’s options if they want to be in federal court, but the plaintiff filed in state court?</li> <li>2. What are the procedural requirements for removal and remand?</li> <li>3. Can I waive subject matter jurisdiction?</li> </ol>
Thursday, Sept. 12	<ol style="list-style-type: none"> <li>1. <a href="#">U.S. Constitution Amendment XIV Section 1</a></li> <li>2. Glannon pp. 147-164</li> </ol>	<ol style="list-style-type: none"> <li>1. In plain English, what is personal jurisdiction?</li> <li>2. What standard was articulated in <i>Pennoyer</i>?</li> <li>3. What modifications have been made to the <i>Pennoyer</i> standard? Why?</li> </ol>
Monday, Sept. 16	<ol style="list-style-type: none"> <li>1. <b>Subject Matter Jurisdiction &amp; Removal Exercise</b> posted to Canvas. You may submit this as part of your required 3 exercises.</li> </ol>	Subject Matter Jurisdiction and Removal Exercise
Wednesday, Sept. 18	<ol style="list-style-type: none"> <li>1. Glannon pp. 164-178; 184-194</li> </ol>	<ol style="list-style-type: none"> <li>1. How did <i>International Shoe</i> alter your understanding of PJ? What was overruled and what remains the same?</li> <li>2. What open questions remain after <i>International Shoe</i>? Does <i>World-wide Volkswagen</i> address them? If so, how?</li> </ol>

Thursday, Sept. 19	1. Glannon pp 216-234; 249-250	1. What facts give rise to a stream of commerce problem? 2. What test(s) did the <i>Asahi</i> court create?
Thursday, Sept. 19, 12:45-2:00PM in Oakes 007	Make Up Class – Counts Towards Attendance  Same session will also be offered on Sept. 24. You only have to attend one of the IRAC & MC Strategy sessions.	ASP Workshop: IRAC & Multiple-Choice Strategies
Monday, Sept. 23	1. Glannon pp. 251-270 2. Video #2: PJ	1. What does it mean to be “at home” in a state for PJ purposes? 2. Can you have more than one court with PJ over a defendant? 3. How will you approach a PJ question on the exam? What is your analytical process?
Tuesday, Sept. 24, 3:35-4:50PM on Teams (link will come from Katrina Munyon)	Make Up Class (if you didn’t attend Sept. 19) – Counts Toward Attendance	ASP Workshop: IRAC & Multiple-Choice Strategies
Wednesday, Sept. 25	1. Glannon pp. 369-372 2. <a href="#">28 U.S.C. § 1391(a) – (d)</a> 3. <a href="#">28 U.S.C. § 1404</a> 4. <a href="#">28 U.S.C. § 1406</a> 5. Video #3: Venue	1. What is venue? How does it relate to SMJ and PJ? 2. Analyze 1391. How does it work? 3. What is the key difference between 1404 and 1406? 4. What facts would make you investigate forum non conveniens for your client?
Thursday, Sept. 26	1. <b>PJ and Venue Exercise</b> posted to Canvas. You may submit this as part of your required 3 exercises.	PJ & Venue Exercise a. Note: You can complete most of this exercise after the Sept. 23 class
Monday, Sept. 30		Midterm Review
Wednesday, Oct. 2		<b>In-Class Midterm Exam</b> (Will cover SMJ, PJ, & Venue)

Thursday, Oct. 3	<ol style="list-style-type: none"> <li>1. Video #4: Erie Doctrine</li> <li>2. Video #5: Preliminary Injunctions &amp; Temporary Restraining Orders</li> </ol>	<ol style="list-style-type: none"> <li>1. If a federal court hears a diversity case, does it apply state or federal substantive law?</li> <li>2. If a federal court hears a diversity case, does it apply state or federal procedural law?</li> <li>3. What is the difference between a preliminary injunction and a temporary restraining order?</li> </ol>
Monday, Oct. 7	<ol style="list-style-type: none"> <li>1. <a href="#">FRCP 8(a), (d)</a></li> <li>2. <a href="#">FRCP 9(b)</a></li> <li>3. Glannon 429-476</li> </ol>	<p>You should <u>not</u> fully brief the cases for this reading. Instead, focus on answering the research questions.</p> <p>*Please note that some of the cases in today’s reading involve sensitive topics, such as recording intimate acts without consent and police abuse.</p> <ol style="list-style-type: none"> <li>1. How has the pleading standard evolved over time?</li> <li>2. What is the standard a court will currently apply when examining 12(b)(6) motion to dismiss for failure to state a claim? Does the standard differ depending on what type of claim it is?</li> </ol>
Wednesday, Oct. 9	<ol style="list-style-type: none"> <li>1. <a href="#">FRCP 11</a></li> <li>2. Glannon pp. 529-552</li> </ol>	<ol style="list-style-type: none"> <li>1. When a lawyer signs and submits a document, what are they certifying?</li> <li>2. What is an “inquiry, reasonable under the circumstances”?</li> <li>3. With Rule 11 in place, how can the law evolve?</li> <li>4. What is the safe harbor provision?</li> <li>5. What sanctions are allowed?</li> </ol>
Thursday, Oct. 10	<ol style="list-style-type: none"> <li>1. <a href="#">FRCP 7</a></li> <li>2. <a href="#">FRCP 8(a)</a></li> <li>3. <a href="#">FRCP 9</a></li> <li>4. <a href="#">FRCP 10</a></li> <li>5. <a href="#">FRCP 11</a></li> </ol>	<p>**Please bring your laptops to class for in-class activity**</p> <ol style="list-style-type: none"> <li>1. Do a deep read of the listed rules. What are the key parts of a complaint?</li> </ol>
Monday, Oct. 14		NO CLASS

Wednesday, Oct. 16	<ol style="list-style-type: none"> <li>1. <a href="#">FRCP 55</a></li> <li>2. <a href="#">FRCP 12</a></li> <li>3. Glannon 477-478; 488-505</li> </ol>	<ol style="list-style-type: none"> <li>1. What are a defendant's options after receiving a complaint?</li> <li>2. How would you use the 12b motions in conjunction with the law we've covered up to this point?</li> <li>3. How does a court evaluate 12e and 12f motions?</li> <li>4. In one sentence, explain the waiver trap.</li> </ol>
Thursday, Oct. 17		NO CLASS
Monday, Oct. 21	<ol style="list-style-type: none"> <li>1. <a href="#">FRCP 8</a></li> <li>2. Glannon pp. 505-519; 526-527</li> <li>3. <a href="#">FRCP 15(a)</a></li> </ol>	<ol style="list-style-type: none"> <li>1. What are a defendant's options for answering a complaint?</li> <li>2. What is an affirmative defense and how is it evaluated?</li> <li>3. When can a party amend a pleading?</li> </ol>
Wednesday, Oct. 23	<ol style="list-style-type: none"> <li>1. Complete <b>Pleading Exercise</b> posted to Canvas. You may submit this as part of your required 3 exercises.</li> </ol>	Pleading Exercise
Thursday, Oct. 24	<ol style="list-style-type: none"> <li>1. <a href="#">FRCP 18(a)</a></li> <li>2. <a href="#">FRCP 20</a></li> <li>3. <a href="#">FRCP 13</a></li> <li>4. <a href="#">FRCP 14(a)</a></li> <li>4. Glannon pp. 601-608; 614-629; 632-639</li> </ol>	<ol style="list-style-type: none"> <li>1. Create a definition sheet and/or diagram for the joinder terms you learned in the reading.</li> <li>2. Identify which rules are compulsory versus permissive.</li> <li>3. What happens if a defendant does not assert a compulsory counterclaim?</li> <li>4. When is Rule 14 appropriate?</li> </ol>
Monday, Oct. 28	<ol style="list-style-type: none"> <li>1. Complete <b>Joinder Exercise</b> posted to Canvas. You may submit this as part of your required 3 exercises.</li> </ol>	Joinder Exercise
Wednesday, Oct. 30	<ol style="list-style-type: none"> <li>1. <a href="#">FRCP 26(b)</a></li> <li>5. Glannon pp. 749-750; 760-774; 783-792</li> </ol>	<ol style="list-style-type: none"> <li>1. What is "discovery"?</li> <li>2. What are the limits on discovery?</li> <li>3. What is attorney work product? Can it be discovered?</li> </ol>
Thursday, Oct. 31	<ol style="list-style-type: none"> <li>1. <a href="#">FRCP 26(a), (f), (g)</a></li> <li>2. <a href="#">FRCP 33</a></li> <li>3. <a href="#">FRCP 34</a></li> <li>4. <a href="#">FRCP 36</a></li> <li>5. <a href="#">FRCP 37(a) - (c)</a></li> <li>6. Glannon pp. 799-817; 831-838</li> </ol>	<ol style="list-style-type: none"> <li>1. What tools does an attorney have in discovery? What are their limitations?</li> <li>2. What happens if a party doesn't comply with discovery?</li> </ol>

Monday, Nov. 4	1. Complete <b>Discovery Exercise</b> posted to Canvas. You may submit this as part of your required 3 exercises.	Discovery Exercise
Wednesday, Nov. 6	1. <a href="#">FRCP 56</a> 2. Glannon pp. 980-1003	*Please note that today's reading includes discussion of suicide and police violence*  1. When do you raise a motion for summary judgment ("MSJ")? 2. What is the standard for evaluating a MSJ? 3. Who has the burden of proof for a MSJ? Does that change during the process?
Thursday, Nov. 7	1. <a href="#">FRCP 56</a> 2. Glannon pp. 1003-1015	1. How do you prove something is not a "genuine issue" under Rule 56?
Monday, Nov. 11	1. Complete <b>Summary Judgment Exercise</b> posted to Canvas. You may submit this as part of your required 3 exercises.	Summary Judgment Exercise
Tuesday, Nov. 12, 12:45-2:00PM in Oakes 007	Make Up Class – Counts Toward Attendance  Same session will also be offered on Nov. 14. You only have to attend one of the Preparing for Finals sessions.	ASP Workshop: Preparing for Finals
Wednesday, Nov. 13	1. <a href="#">U.S. Constitution Amendment VII</a> 2. <a href="#">FRCP 38</a> 3. <a href="#">FRCP 47</a> 4. <a href="#">FRCP 48</a> 5. Glannon p. 1052 6. Video #6: Jury Trials	1. When do you have a right to a jury trial in civil suits? Is it automatic? 2. How are juries selected? 3. When is a jury verdict overturned? 4. What happens if you don't get a jury trial?
Thursday, Nov. 14	1. <a href="#">FRCP 50</a> 2. Glannon pp. 1053-1082	1. What is a legally sufficient evidentiary basis? 2. When is each Rule 50 motion raised? 3. Are there any procedural considerations?

Thursday, Nov. 14, 3:35-4:50PM on Teams (link will come from Katrina Munyon)	Make Up Class (if you didn't attend Nov. 12) – Counts Toward Attendance	ASP Workshop: Preparing for Finals
Monday, Nov. 18	1. Glannon pp. 1189-1205	1. Describe claim preclusion in your own words. 2. What are the elements of claim preclusion?
Wednesday, Nov. 20	1. Glannon 1223-1244	1. Describe issue preclusion in your own words. 2. What are the elements of issue preclusion?
Thursday, Nov. 21	1. Glannon 1244-1256	1. What is non-mutual issue preclusion? 2. How can non-mutual issue preclusion be used?
Monday, Nov. 25	1. Complete <b>Judgements Exercise</b> posted to Canvas. You may submit this as part of your required 3 exercises.	Judgments Exercise
Wednesday, Nov. 27		NO CLASS
Thursday, Nov. 28		NO CLASS
Monday, Dec. 2	1. Video #7: Appeals	1. When can a party appeal? 2. What are the standards of review on appeal? <u>Note:</u> We will only use part of class on appeals. The rest will be discussion about the final exam.
Wednesday, Dec. 4		In-class Practice Exam
Thursday, Dec. 5		Practice Exam Review & Course Evaluations  **Please bring your laptops to class for evaluations**