

# Civil Procedure

Elon Law School  
Fall 2024  
Monday, Wednesday, & Friday 1:30–3:15 pm  
Room 207

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## Description

In this course, you will learn about the procedures for civil suits. Topics to be covered include the scope of a lawsuit, selection of an appropriate forum, presentation of claims and defenses, choice of applicable law, disposition without a trial, and the effect of judgments on future litigation. Other aspects of civil litigation (e.g., discovery, trials, & appeals) are covered in upper-level elective courses. While the course will focus on federal courts, the rules of civil procedure in many states (including North Carolina) are similar.

This course is intended to prepare you for legal practice by developing the knowledge and skill required to recognize and analyze procedural issues in civil litigation, advise clients on those issues and the available options, and draft pleadings and motions.

## Required Materials

### *Required*

*Casebook:* Civil Procedure: An Open-Source Casebook (v.3.0 2024). Available on the course website: [emfink.net/CivPro](https://emfink.net/CivPro).

### *Suggested*

*Hornbook:* Kevin M. Clermont, *Principles of Civil Procedure* (6th ed. 2021). Digital version available at no cost through the [West Academic Online Study Aids Collection](#).

*Study Aid:* Joseph W. Glannon, *Examples & Explanations for Civil Procedure* (9th ed.) or *The Glannon Guide to Civil Procedure* (5th ed.).

## Policies

### Grading

Your final grade for the term will be based on two interim quizzes (10% each) and a final exam (80%):

- There will be two quizzes (open-book/open-notes), consisting of multiple-choice questions. You will take the quizzes online outside of class, during the dates indicated in the course schedule. The quizzes are intended to help you assess your understanding of the material and identify topics for further review.
- The final exam (closed-book/closed-note) will consist of essay and short-answer questions. You will take the final exam at the Law School during the Fall Term exam period (Dec. 2-9; date & time TBA).

### Attendance

Elon Law School has adopted the following attendance policy for all courses:

*The Law School administers a policy that a student maintain regular and punctual class attendance in all courses in which the student is registered, including externships, clinical courses, or simulation courses. Faculty members will give students written notice of their attendance policies before or during the first week of class. These policies may include, but are not limited to: treating late arrivals, early departures, and/or lack of preparation as absences; imposing grade or point reductions for absences, including assigning a failing grade or involuntarily withdrawing a student from the class; and any other policies that a professor deems appropriate to create a rigorous and professional classroom environment.*

*In case of illness or emergency, students may contact the Office of Student and Professional Life, which will then notify the student's instructors. A student may notify the faculty member directly of a planned absence and should refer to individual faculty members regarding any policy that may apply. In the case of prolonged illness or incapacity, the student should contact the Office of Student and Professional Life.*

You should let me know (in advance if feasible) if you are unable to attend class, will arrive late, or must leave early. I do not require an explanation of the reason, nor do I require a doctor's note or other documentation.

### Disability Accommodations

For disability accommodation requests, contact Monica Isbell, [misbell@elon.edu](mailto:misbell@elon.edu), Director of Disability Resources.

### Honor Code

The Law School [honor code](#) applies to all activities related to your law school study, including conduct during class and examinations.

## Schedule & Assignments

Date	Topic	Assignment
September 4	<b>Introduction</b> The Judicial System and the Litigation Process	Clermont, Chapter 1 Casebook, Chapter 1
September 6	<b>Parties and Claims</b> Permissive Joinder of Claims & Parties	Clermont, Chapter 6 Casebook, Chap. 2, §§ 1.1 & 2.1
September 9	Counterclaims	Casebook, Chap. 2, § 1.2
September 11	Crossclaims	Casebook, Chap. 2, § 1.3
September 13	Third-Party Joinder	Casebook, Chap. 2, § 2.2
September 16	Required Parties, Intervention, & Interpleader	Casebook, Chap. 2, §§ 2.3, 2.4, & 2.5
September 18	<b>Personal Jurisdiction</b> Due Process and State Power	Clermont, §§ 4.2, 4.3, 4.4 Casebook, Chap. 3, §§ 1.1
September 20 & 23	Minimum Contacts	Casebook, Chap. 3, § 1.2
September 25	General Jurisdiction, Consent, & Long-Arm Statutes	Casebook, Chap. 3, §§ 1.3, 1.4, & 2
September 27 & 30	<b>Subject Matter Jurisdiction</b> Standing; Federal Question Jurisdiction	Clermont, § 4.1 Casebook, Chap. 4, §§ 1 & 2
October 2 & 7	Diversity Jurisdiction	Casebook, Chap. 4, § 3
October 9 & 11	Supplemental Jurisdiction	Casebook, Chap. 4, § 4
October 14	Removal	Casebook, Chap. 4, § 5
October 16	Review: Joinder, Personal Jurisdiction, & Subject Matter Jurisdiction	
October 16-17	<b>Quiz 1: Joinder, Personal Jurisdiction, &amp; Subject Matter Jurisdiction</b>	

Date	Topic	Assignment
October 21 & 23	<b>Choice of Law in Federal Court</b> Rules of Decision Act & <i>Erie</i>	Clermont, Chapter 3 Casebook, Chap. 5, § 1.1
October 25 & 28	Rules Enabling Act & <i>Hanna</i>	Casebook, Chap. 5, §§ 1.2
October 30 & November 1	<b>Pleading</b> Notice Pleading & Complaints	Clermont, § 2.2(A) Casebook, Chap. 6, §§ 1 & 2
November 4	Answers and Defenses	Casebook, Chap. 6, § 3
November 6	Amendments	Casebook, Chap. 6, § 4
November 8	Truthfulness and Good Faith	Casebook, Chap. 6, § 5
November 11 & 13	<b>Preclusion</b> Claim Preclusion	Clermont, Chapter 5 Casebook, Chap. 7, §§ 1 & 2
November 15 & 18	Issue Preclusion	Casebook, Chap. 7, § 3
November 20 & 22	<b>Summary Judgment</b> Standard & Burden of Production	Clermont, § 2.2(B), (C), & (E)(2) Casebook, Chap. 8
November 25	Review: Choice of Law, Pleading, Preclusion, & Summary Judgment	
November 25-26	<b>Quiz 2: Choice of Law, Pleading, Preclusion, &amp; Summary Judgment</b>	
TBD	<b>Final Review</b>	
TBD	<b>Final Exam</b>	

*Note: This class will not meet on October 4 and 18*