

Civil Procedure

Elon Law School
Fall 2022
Monday, Wednesday, & Friday 1:30–3:15 pm
Room 207

Professor:
Eric M. Fink
efink@elon.edu
336-279-9334
Office Hours: calendly.com/emfink

Teaching Assistants:
Margaret Anderson
manderson57@elon.edu
Amy Palmer
apalmer17@elon.edu

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, advise clients on those issues and the available options, and to draft pleadings and pre-trial motions.

Required Materials

Cases and Materials for Civil Procedure (Fink 2022). PDF file available through the course website emfink.net/CivilProcedure. The course site also has study aids and links to other resources.

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

Policies

Grading

Your final grade for the term will be based on three quizzes (30% total) and a final exam (70%).

- The quizzes (open-book/open-note) will consist of multiple choice questions. You will take the quizzes outside of class online, any time during the dates indicated in the Schedule below.
- The final exam (closed-book/closed-note) will consist of essay and short-answer questions.

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.

Disability Accommodations

For disability accommodation requests, contact the [Elon Law Registrar's Office](#).

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
August 29	Introduction The Judicial System and the Litigation Process	Clermont, Chapter 1 Casebook, Chapter 1
August 31	Parties and Claims Permissive Joinder of Parties and Claims	Clermont, Chapter 6 Casebook, Chap. 2, §§ 1 & 2
September 2	Counterclaims	Casebook, Chap. 2, § 3
September 5	No Class (Labor Day)	
September 7	Crossclaims and Third-Party Claims	Casebook, Chap. 2, §§ 4 & 5
September 9	Required Parties, Intervention, & Interpleader	Casebook, Chap. 2, §§ 6, 7, & 8
September 12 and 14	Preclusion Claim Preclusion	Clermont, Chapter 5 Casebook, Chap. 3, §§ 1 & 2
September 16 and 19	Issue Preclusion	Casebook, Chap. 3, § 3
September 21	Joinder & Preclusion Review	
September 21-23	Quiz 1	
September 23	Personal Jurisdiction Due Process and State Power	Clermont, §§ 4.2, 4.3, 4.4 Casebook, Chap. 4, § 1
September 26	No Class	
September 28 and 30	Minimum Contacts	Casebook, Chap. 4, § 2
October 3	General Jurisdiction & Long-Arm Statutes	Casebook, Chap. 4, §§ 3 & 4
October 5	No Class	
October 7	No Class (Fall Break)	
October 10 and 12	Subject Matter Jurisdiction Federal Question Jurisdiction	Clermont, § 4.1 Casebook, Chap. 5, § 1
October 14 and 17	Diversity Jurisdiction	Casebook, Chap. 5, § 2
October 19 and 21	Supplemental Jurisdiction & Removal	Casebook, Chap. 5, § 3 & 4
October 24	Jurisdiction Review	
October 24-26	Quiz 2	
October 26 and 28	Choice of Law Rules of Decision Act	Clermont, Chapter 3 Casebook, Chap. 6, § 1
October 31 and November 2	Rules Enabling Act	Casebook, Chap. 6, §§ 2 & 3
	Pleading	Clermont, § 2.2(A)

Date	Topic	Assignment
November 4 and 7	Complaints	Casebook, Chap. 7, §§ 1 & 2
November 9	Answers and Defenses	Casebook, Chap. 7, § 3
November 11	Amendments	Casebook, Chap. 7, § 4
November 14	Truthfulness and Good Faith	Casebook, Chap. 7, § 5
	Summary Judgment	Clermont, § 2.2(B), (C), & (E)(2)
November 16	Standard for Summary Judgment	Casebook, Chap. 8, § 1
November 18	Burden of Production	Casebook, Chap. 8, § 2
November 21	Choice of Law, Pleading, & Summary Judgment Review	
November 21-23	Quiz 3	
November 28	Final Review	
November 30	Final Exam	