

SYLLABUS
CIVIL PROCEDURE I and II: SECTION 301
Florida A & M University, College of Law
Course Number 5300

Fall Term 2016 Professor Abrams
July 2016 Edition

N.B. This Syllabus is to be read in conjunction with the “Reading Assignments” document that describes the expected content and assigned material for each class session. Students also are expected to consult TWEN regularly for possible modifications of reading assignments and supplementary materials.

Class Meetings. Class will meet on Wednesdays and Fridays, beginning Wednesday, August 10, 2016 (Room will probably be 253). The last class meeting will be Tuesday, November 15, 2016. (Friday classes meet on that Tuesday to make up for the Veteran’s Day holiday the previous Friday.).

Required Text and Supplementary Volumes. Both are required and both must be proper edition.

Both the main volume and the supplement are new editions. I advise against using the 3rd edition of the text, there are new materials in the 4th edition and you will be responsible for them. In class, page references will be made only to the current versions of the text and Supplement.

Unlike most years, you may use other rules pamphlets WITH THE FOLLOWING WARNINGS— (1) there were amendments made to the Federal Rules of Civil Procedure which took effect in December of 2015. You are responsible for having the current rule available to you; (2) the supplement also contains the relevant portions of the U.S. Constitution and federal judicial code (statutes) that are important items that you must be able to access; (3) there is a very small amount of Developments (2 pages) material that post-dates the publication of the main volume in the new supplement that is keyed to various pages in the main text that is considered part of the assigned textual reading for which you are responsible, and (4) the rules pamphlet that accompanies the book has selected parts of the Advisory Committee notes, these are not required reading but often are very helpful in understanding the rule and its intended operation.

EXAM WARNING—The exam is open book and you will want the rules and statutes available, as well as at least some of the material that is on TWEN **BUT** open book is not open computer, anything you want to have available to you on the exam will have to be hard copy. This augers strongly for purchasing a rules pamphlet of some kind that has the FRCP and selected portion of the federal judicial code. As a final note, Professor Reyes may opt to have you use a particular rules pamphlet. If I become aware of her preference in advance of the semester’s beginning, I will indicate what it is.

TEXT: Rowe, Sherry and Tidmarsh's Civil Procedure, 4th (2016)) (University Casebook Series)
Foundation Press.
ISBN-978-1-62810-132-4

SUPPLEMENT:
Rowe, Sherry and Tidmarsh’s 2016 Civil Procedure Supplement
Foundation Press.
ISBN- not yet available

Schedule of Reading Assignments; Student Responsibilities to Locate Materials. Reading assignments for the entire semester are posted on TWEN (The West Education Network). These assignments are subject to revision and supplementation. Although announcements regarding variation in the schedule of reading or the availability of supplemental material usually will be made in class, it is the student's responsibility to use TWEN to ascertain the materials required for proper preparation and to access them. Students are responsible for completing the reading prior to class. **N.B. In regard to the Rules Supplement, it is the student's responsibility to locate and read all of the relevant specific Federal Rules of Civil Procedure and sections of the United States Code and United States Constitution even if they are not pointed out on the assignment sheet.** Similarly, there is a 2-page section of the Rules Supplement (pages 1-2 in the 2016 Supplement) entitled "Developments and Clarifications." These materials are a series of entries that add additional information about topics covered by the text. Each entry specifies which pages in the text are the ones with which it should be read. Students are responsible for locating and reading this material in conjunction with the correlative assignments in the main text.

Office Hours and Communications. My office is Room 332E. My office phone is 407.254.4001. My e-mail is robert.abrams@famuedu. My initial office hours for Fall 2015 are W 9:00 a.m. to 12:30 p.m. and Friday from 2:15 to 4 pm. After conferring with the class regarding the overall Section 301 schedule, additional regularly scheduled times may be added. Appointments also are available at other mutually convenient times. Students should try to e-mail or call first so that I can plan for the meetings and minimize wait times when more than one student wants to stop in. Even without an appointment, students should feel free to stop by and see me at any time I'm in the office.

Fall Midterm Examination. The midterm examination will be administered in class on Friday, September 30, 2016 during the regularly scheduled class period. It is an open book, which for this class is defined to include any hardcopy materials that you care to lug with you to the exam. For guidance, please refer to the FAMU, College of Law policy, and any printed or written materials that are allowed. The coverage of the examination will include all materials studied prior to the examination. That includes readings that were assigned, but not the subject of in-class discussion. If materials are to be excluded from examination coverage, that will be announced prior to the examination. The number of points available on the midterm will be clearly stated. The midterm scores will be weighted so that they account for approximately 15% of the total points earned in the class.

Fall Final Examination. The final examination in this class will be open book as defined in relation to the midterm examination. The coverage of the examination will include all materials studied in the semester. That includes all readings (casebook, rules pamphlet of TWEN) that were assigned, but not the subject of in-class discussion. If materials are to be excluded from examination coverage, that will be announced toward the end of the semester. The number of points available on the final examination will be clearly stated. The final examination scores will be weighted so that they account for approximately 85% of the total points earned in the class. The examination is scheduled for TBA.

Problems, Exercises, and Reading Questions. The class may optionally require some written work in the form of Exercises, and also may include Problems or Reading Questions. Most use of these techniques will depend on the instructor's assessment of the level of mastery of the materials students are demonstrating in class discussion. If these additional items are used, they will be clearly announced and added to the Assignment Sheet. Extraordinarily strong performance on these instruments may result in a one-step upward grade adjustment (this rarely occurs because the level of complexity of these instruments permits very good and thorough responses, but seldom offers an opportunity for an answer that is so much better than others as to be extraordinary. On the downside, failure to make a good faith effort to complete these instruments may result in a one-step grade reduction.

Paper Requirement. There will be no paper required in this class.

Class Preparedness: Students who are unprepared more than once will receive an absence each time after the first that they are unprepared.

Class Participation. The exact format of each class meeting will vary a bit depending on the subjects to be covered. Generally, I will call on several students in each class session. These include both volunteers and non-volunteers, although I tend to go with volunteers. The students will be asked to discuss the materials assigned for the class. I frequently respond to questions from members of the class, or enlist the assistance of class members in responding. Class participation will not be used as an element in grading.

On Time Attendance. In accordance with ABA guidelines, regular and punctual class attendance is required. ABA guidelines also require a policy to enforce class attendance. For that purpose, there will be a sign-in sheet to be signed or initialed by each student for each class. In the event that the sheets are not handed out or properly circulated, late signing will be allowed with the permission of the instructor. Your signature or initials are your certification that you were present in class that day. The College of Law will assign a grade of F if your number of absences exceeds the number allowed by the rules published in the Student Handbook. Students are strongly encouraged to be on time for class and seated and ready to begin immediately when class starts. Late arrivals are permitted to attend (not all instructors allow this), but if you are late you must make maximum effort to avoid disruption of the students already present.

Grading: Grades initially are determined from the total of points earned in the class, after the scores are weighted to achieve the desired proportions set forth above. Total scores will be ranked and grades will be assigned consistent with the applicable and relevant College of Law grading norms. The one exception to a strict correlation of grades to rank of score earned is in relation to the qualitative performance on the essay portion of the final examination. At the very top (A grades) and very bottom (D and F grades), the essay performance will be given extra consideration in assigning grades. Once grades are determined in that manner they are submitted for approval of the Associate Dean and any upward or downward adjustments for performance on the non-examination written work will be implemented by the Registrar's office based on a list submitted by the instructor.

Computers in the classroom: Computers are permitted but may not be used for activities other than displaying class-relevant material or taking notes during classroom sessions. Computer users must be polite and not distracting to their fellow students. Any abuse of this privilege will result in its revocation.

Professionalism: Students are expected to treat all members of the College of Law community with cordiality and respect at all times. Students are further expected to recognize that they are embarking on a professional career and conduct themselves accordingly.

Academic Learning Compact Information: Please follow this link

http://www.famu.edu/Assessment/UserFiles/File/07-08_summaries/law/FAMOUS-2007-2008-JD-Law.doc