Instructor: Professor Coyne - Email: coyne@mslaw.edu
Professor Dimitriadis - Email: Amyd@mslaw.edu
Web: www.mslaw.edu/coyne
Phone: 978.681.0800
Text: Pleading and Procedure, Hazard, Tait and Fletcher.
READ AND BRIEF THREE CASES FOR EACH AND EVERY CLASS, UNLESS TOLD OTHERWISE.

Class Times: Monday & Wednesday 9:00 a.m. - 10:20 a.m.; Friday 2:00 p.m. - 3:20 p.m.
Monday & Friday 6:00 p.m. - 7:20 p.m.; Wednesday 9:00 p.m. - 10:20 p.m.
On Fridays from 5:00 - 6:00 p.m. Professor Dimitriadis will be available in Room 206 for additional questions or guidance.

Scope: Federal and State Court Systems and the Rules of Civil Procedure

You are required to make an oral presentation of approximately 5 minutes on a topic which will be assigned to you at the end of October. This presentation will be made with an assigned partner and involve property and civil procedure and conflict resolution.

You will prepare a complaint that would be accepted for filing in a federal court. You will also take an examination during finals in December.

Interesting Links:
www.adr.org -- Intro on ADR
www.govstartpage.com -- Federal Court Locator and other interesting things
www.law.cornell.edu -- Source for law

Course Objectives: The objective of this course is to have the student thoroughly familiar with the federal and state court systems and the rules of procedure
that are used in those systems. The student will master this material in order to be better advocates, to better serve their client’s interests and to be excellent problem solvers and litigators.

**Grading Criteria:**

The midterm examination, oral presentation, lack of class participation and final examination will all contribute to your final grade in this class. This is your first step in the legal profession and you are expected to be fully prepared, professional and respectful to each other, and to the faculty and staff.

**ASSIGNMENTS DUE FOR EACH CLASS**

**Class 1**

August 18: The Methods of Resolving Disputes.

The Methods of Conflict Resolution are:


Please EMAIL me your thoughts on the five most important concepts in resolving disputes. Please refine these concepts to one or two words which would constitute the five "Do's and Don'ts" of conflict resolution. Please rank these in order of importance so that your first of the five "Do's" is the concept you believe to be the most important concept in conflict resolution.

Overview of the rules, procedure and court system for conflict resolution. An introduction to the adversary system (End of Chapter One). Remedies and damages issues.

**Class 2**

August 20: *Weinberger v. Romero Barcelo*

*Seffert v. Los Angeles Transit*

*B.M.W. v. Gore*

Chapter 2
Class 3  
August 22:  Defenses and Due Process  
Rule 12 and Rule 4  
*U.S. v. Kubrick*  
Skip Fuentes  
*Connecticut v. Doehr*  
*Commonwealth v. Olivo*

Class 4  
August 25  
Costs and attorneys fees. How does the cost of litigation affect access to the process and a just resolution of a matter? What cost effective alternatives are available for people to resolve their disputes?  
*Van Haarkan*  
*Evans v. Jeff D.*  
*City of Burlington v. Dague*  
505 U.S. 557, 112 S.Ct. 2638 (1992)  
Skip Lassiter

Class 5  
Aug. 27 & 29  
Chapter 3  
Choosing the proper court.  
How does the choice of jurisdiction affect the outcome of cases?  
For this class and from this point on until you receive the schedule for the final month of our class, you should read and brief the 3 cases that follow in sequence from the last case we discussed in our previous class.

September 1, 2014  
Labor Day -- Off

September 3 & 5  
Introduction to personal jurisdiction and the modern standard for personal jurisdiction.

Week of September 8:  
Multiple choice questions, absent defendants, notice and jurisdictional issues.

September 13-Saturday:  
11:30 a.m. to 1:00 p.m. Review chart.

Week of September 15:  
Subject Matter Jurisdiction.  
Federal Question, Diversity and Removal Jurisdiction as a basis to be in Federal Court.
Week of September 22: Venue

Week of September 29: The Erie Problem.

Week of October 6: Pleading Issues.

October 13: Columbus Day Holiday--OFF.

October 15: Civil Procedure Review.

October 17: Midterm Examination.

Week of October 20: Complaints, parties, and responses.

Week of October 27: Joinder, impleader, intervention and complaint exercise.

Week of November 3: Discovery, including electronic discovery, Summary Judgment and motions after verdict.

November 10 and 14: Finish Summary Judgment and motions after verdict and discuss prior adjudication.

November 12: Work with partner on presentation.

November 17: Interdisciplinary Skills Presentations.

November 19: ADR.

Week of November 24: Other actions pending and miscellaneous matters.

November 27 and 28: Thanksgiving Break.

December 1: Review and Questions.
Preponderance of the Evidence – More Likely than not what the plaintiff is saying is true.