

CIVIL PROCEDURE
Professor Denis F. McLaughlin
Fall 2009

Textbook: Teply, Whitten, and McLaughlin, Civil Procedure - Cases, Text, Notes, and Problems (2nd Edition, Carolina Academic Press 2008)

Supplement: Federal Rules of Civil Procedure (Foundation Press 2009)

Class 1. Chapter 1 - An Introduction to Civil Procedure and the Adversary Process - p. 3-12

What is Civil Procedure and how is it different from the other courses you will study? Should the Courts be open for all human disputes? The Concept of Justiciability.

Class 2. Chapter 1 - The History of the American Judicial System - p. 12-22

How did we arrive at the judicial system we have today? The history of American jurisprudence evolves from centuries of legal development known as the English "Common Law." In order to understand the current structure and functioning of the American Court System, it is necessary to understand the historical development of the judicial system at "Common Law."

We will not be studying the intricacies of common law pleading so you need not spend time trying to figure out the differences between the different "common law" pleas other than to acquaint yourself generally with the terms and definitions. The goal of this reading is to achieve an understanding of the evolution of law and equity at "Common Law" and to learn how the distinctions between law and equity continue to affect the types of remedies that are available to a litigant today and whether a litigant has a right to a jury trial. Do you know that New Jersey still maintains Law and Chancery (Equity) Divisions as part of its court system?

Class 3. Chapter 1 - An Overview of a Civil Action - "Civil Procedure in a Nutshell" - p. 22-67. Read all of the explanatory text but we will not be covering the text problems in this Chapter. Despite the standing requirement to read in the supplement all rules and statutes referenced in the textbook, you need not do that for this assignment.

This class is intended only as a general overview of the many topics that we will study over the entire semester in Civil Procedure. The goal of this class is to achieve an overall general understanding of how a civil case is processed through our judicial system. It will be several weeks before most of these topics will be studied in class, but these concepts and terms will be constantly surfacing in the cases that you read in Civil Procedure as well as in Contracts and Torts.

Your goal for this assignment is to begin to assimilate the process and nomenclature of litigation. Focus on learning and understanding the steps, elements, and terminology of the litigation process. Your effort now will help you enormously in all of your courses. Throughout the semester, continue to view Chapter One as a handy reference chapter and as a glossary of the many procedural terms and concepts germane to the litigation process.