LEAH A. CURTIS
Attorney at Law
P.O. Box 1256
2708 Washington
Greenville, Texas 75403-1256

This Course is Three Semester Hours.

Course Description

The purpose of the course is to provide the student with a basic overview of civil procedure, with specific emphasis on the practical matters of how information is received by the Court and how to determine where to file and why. Students will be expected to learn and be fluent in the identification of ethical issues that face practitioners. Students will be trained and expected to utilize computer programs to assist in drafting, if applicable. This is a 300 level class. It is assumed that the basics of legal research and writing have been learned in previous classes. You will be graded on content, participation, and professionalism. The first half of this class is text book material. The second half of this class is workshop with writing assignments.

Course Objectives

1. To give students a basic overview of civil procedure
2. To give students a portfolio of documents which reflect what they have learned about civil procedure
3. To accustom students to the Socratic method of teaching.
4. To allow students to express their interpretations of the issues covered in the reading which will assist them in discussing issues with attorneys, paralegals, clients and the community.

Texts

Emery, Jack S.; Linda L. Edwards, J.D. and J. Stanley Edwards, J.D., Civil Procedure and Litigation; West Thomson Learning; ISMN 0-314-12636-8

ProDoc (This will be discussed the first session)
Etiquette

All students enrolled at the University shall follow the tenets of common decency and acceptable behavior conducive to a positive learning environment. You are expected to exhibit respect for the instructor and fellow students at all times. Active cell phones, pagers and other electronic devices (excluding laptops) are not permitted in the classroom. Please turn off and fully conceal all such items during class. Do not conduct any activity on your laptop during class that is not related to class. Please disable any sound features associated with your laptop. Failure to adhere to these policies may result in removal from class.

Class participation is expected and encouraged. However, disruptive behavior will not be tolerated. Further, if a student appears to be under the influence of a mood/mind altering substance and the conduct is disruptive, the student will be asked to leave the class.

This class begins at 7:20 p.m. and continues until 10:00 p.m. You may be allowed to leave early to go to the Library to work on the following week's exercises.

Students with Disabilities:

The Americans with Disabilities Act (ADA) is a federal anti-discrimination statute that provides comprehensive civil rights protection for persons with disabilities. Among other things, this legislation requires that all students with disabilities be guaranteed a learning environment that provides for reasonable accommodation of their disabilities. If you have a disability requiring an accommodation, please contact:

Office of Student Disability Resources and Services
Texas A&M University-Commerce
Gee Library
Room 132
Phone (903) 886-5150 or (903) 886-5835
Fax (903) 468-8148
StudentDisabilityServices@tamuc.edu

Modifications

From time to time, modifications to the syllabus may be necessary. THEY WILL BE ANNOUNCED IN CLASS AND YOU WILL BE RESPONSIBLE FOR KNOWING ABOUT THE MODIFICATIONS WHETHER OR NOT YOU ARE IN ATTENDANCE AT THE TIME OF THE ANNOUNCEMENT. You should regularly check the instructor=s website for any changes in the syllabus or class assignments.
Notes

There will likely be very few notes posted related to this class. You will not be allowed to use the notes during the Mid Term Exam. Further, Instructor will endeavor to email notes and other information directly to the student.

Office Hours

Instructor will be available from 7:00 p.m. until class starts and after class. Any other time must be made through contact at the Instructor’s office 903-455-8113. Contact Christi London.

Attendance Policy

Attendance is required and roll will be taken at every class. If you miss more than 4 classes, I reserve the right to drop you from the course. If a student leaves before the end of class (without prior arrangement), it will be considered an absence.

“What is Plagiarism”

Many people think of plagiarism as copying another’s work, or borrowing someone else’s original ideas. But terms like “copying” and “borrowing” can disguise the seriousness of the offense:

According to the Merriam-Webster Online Dictionary, to "plagiarize" means

1. to steal and pass off (the ideas or words of another) as one's own
2. to use (another’s production) without crediting the source
3. to commit literary theft
4. to present as new and original an idea or product derived from an existing source.

In other words, plagiarism is an act of fraud. It involves both stealing someone else’s work and lying about it afterward.

But can words and ideas really be stolen?

According to U.S. law, the answer is yes. The expression of original ideas is considered intellectual property, and is protected by copyright laws, just like original inventions. Almost all forms of expression fall under copyright protection as long as they are recorded in some way (such as a book or a computer file).
All of the following are considered plagiarism:

- turning in someone else's work as your own
- copying words or ideas from someone else without giving credit
- failing to put a quotation in quotation marks
- giving incorrect information about the source of a quotation
- changing words but copying the sentence structure of a source without giving credit
- copying so many words or ideas from a source that it makes up the majority of your work, whether you give credit or not (see our section on "fair use" rules)

Most cases of plagiarism can be avoided, however, by citing sources. Simply acknowledging that certain material has been borrowed, and providing your audience with the information necessary to find that source, is usually enough to prevent plagiarism. If you have retained the essential idea of an original source, and have not cited it, then no matter how drastically you may have altered its context or presentation, you have still plagiarized." (www.plagiarism.org)

If you plagiarize, you will receive an F for the assignment in question and the matter will be referred to the Office of the Dean of the College of Arts and Sciences.

Course Content

Class 1: August 29, 2012
Overview

Class 2: September 5, 2012
Chapters 1 (18 Pages) & 2 (23 Pages)

Class 3: September 12, 2012
No Class—Prior Commitment

Class 4: September 19, 2012
Chapters 3 (27 pages) & 4 (19 pages)

Class 5: September 26, 2012
Chapters 5 (23 pages) & 6 (31 pages)

Class 6: October 3, 2012
Chapter 7 (45 pages)
Class 7: October 10, 2012
Chapter 8 (27 Pages)

Class 8: October 17, 2012
Review

Class 9: October 24, 2012
Mid-Term

Class 10: October 31, 2012
Workshop 1
Exercise Due (page 231)
Workshop 3
Exercise Due (page 268)
Extra Credit Assignment—Workshop #2 due.

Class 11: November 7, 2012
Workshop 4
Exercise Due (page 279)

Class 12: November 14, 2012
Workshop 5
Exercise Due (page 302)
Read Workshops 6 & 7 for information—will not discuss in class

Class 13: November 21, 2012
No Class—Thanksgiving Break

Class 14: November 28, 2012
Workshop 8
Exercise Due (page 352)
Read Workshop 9 for information—will not discuss in class
Extra Credit Assignment—Workshops #6 & 7 due.

Class 15: December 5, 2012
Workshop 10
Exercise Due (page 407)

Class 16: December 12, 2012
Workshop 11
Exercise Due (page 430)
Extra Credit Assignments--Workshops 12 – 19 due.
Teaching Method

The class will be required to brief the cases and excerpts from the texts. The Socratic method of teaching will be used in part. Class participants will be called upon to give briefs to the class. Straight lecture will also be used. Class participation is encouraged.

Expectations

< Reading Assignments....................................................................................... 10%
Students will demonstrate knowledge of material in reading assignments by class participation, including standing and giving briefs of cases and excerpts

< In-Class Participation............................................................................................. 10%
Students are expected to ask relevant questions and speaking in turn about the issues being discussed

< Mid-Term............................................................................................................. 40%

< Drafting/Briefing Assignments .......................................................................... 40%
Students will be expected to provide professional looking documents and to apply the facts to the forms being used in the class.

Grading Scale

A  90-100
B  80-90
C  70-80
D  60-70
F  Below 60

Mid-Term Exam Content

Multiple Choice

Short Answer

True/False

There will be a Mid-Term Exam. It will comprise forty percent (40%) of the student’s grade.

There will be no Final Exam. The workshop exercises will count as the Final Exam. They will comprise forty percent (40%) of the student’s grade.