

LAW 746

VIRGINIA & NON-VIRGINIA

STATE CIVIL PROCEDURE

COURSE SYLLABUS

Including: Reading and Writing Assignments

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STATE CIVIL PROCEDURE SYLLABUS
SPRING 2011
T & TR 2:00 p.m. – 3:35 p.m.

PROFESSOR: **Professor Ben Madison**
Suite 353D, Robertson Hall
benjmad@regent.edu
757.352.4325

TEXTS REQUIRED: Benjamin V. Madison, III, CIVIL PROCEDURE FOR ALL STATES
(2010) (hereafter also referred to as “Casebook”)

VIRGINIA STUDENTS:

*Virginia Code Title 8.01 (hard cover volume of Code in which
Most Virginia procedural statutes are located)*

*Virginia Rules of Court (soft cover Volume included in the
Virginia Code and containing Rules of Virginia Supreme Court for
practice in lower courts, for appeals, and for proceedings before
other tribunals)*

Other Materials posted on Blackboard or distributed in class,
usually dealing with Virginia-specific law (Virginia Code sections,
Virginia Rules of Court, cases, and/or past Virginia Bar Exam
Questions)

NON-VIRGINIA STUDENTS:

*Please obtain the same materials required above for Virginia
Students; however, please find them preferably for the jurisdiction
in which you to plan to take the bar exam and practice law.*

Other Materials posted on Blackboard or distributed in class,
usually dealing with Virginia-specific law (Virginia Code sections,
Virginia Rules of Court, cases, and/or past Virginia Bar Exam
Questions)



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**OPTIONAL OR
SUPPLEMENTAL
BOOKS:**

K. Sinclair & L. Middleditch, *Virginia Civil Procedure* (a good treatise on Virginia procedural law that is particularly helpful in gaining an overview of a particular procedural area of law) [Available in hard cover AND on Lexis under Virginia Secondary Resources/Treatises]

COURSE DESCRIPTION, OVERARCHING PURPOSE, AND OBJECTIVES

This course is about the process through which civil legal disputes are resolved in state courts. It is designed not simply to challenge you to master the procedural rules and doctrines necessary to handle a civil suit in state court. Instead, the course will allow you to see the stages of a civil action as separate units and as a whole. By the end of the course, you will be able to appreciate a civil lawsuit as an interrelated series of events that require you not just to know the rules but to use your intelligence, skills, and judgment to develop strategies, weigh the course of action in a client's best interests, and to conduct yourself professionally in some of the most demanding situations that a lawyer can face.

Perhaps more than any course you have had in law school, this course is designed as a bridge between law school and law practice. It will challenge you to think like a lawyer not simply in analyzing the Master Case Problem (introduced at the beginning of the Casebook and analyzed in each chapter as the case proceed to and through trial), but also in resolving numerous specific factual hypotheticals called "Practice Problems." The course is designed, moreover, to encourage the student to begin thinking of herself or himself not as a student, but rather as a lawyer. The text addresses the reader as if she already is a lawyer handling a lawsuit. To make the transition from law student to lawyer, you will need to engage in the thinking, strategy, and judgment that effective litigators embrace as part of their everyday practice. In other words, the days of analyzing particular units of information are coming to a close. You will be called on in practice to integrate procedural concepts with the underlying law on which a lawsuit or defenses are based.

Lawyers who embrace the challenges of handling a civil lawsuit can find it one of the most fulfilling experiences they are likely to have in their chosen profession. The course will show, however, that to be fulfilled as a litigator does not mean one always "wins" a verdict. Effectively handling a case may mean, and in most cases does mean, that the lawyer achieves a resolution by settlement. You will learn, however, that the degree to which a settlement corresponds to the merits of your client's position will be affected by your handling of the case. Knowing procedural rules, and maintaining leverage in a case by adhering to the rules, more often than not influences the results of a case—whether that is a settlement or a decision. If you embrace the method outlined in this course, you will not only know the procedures at each stage of litigation, but will recognize the decisions that must be made at each stage and the opportunity



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to proactively advance your client's cause.

Another primary goal of the course is to challenge you to begin developing your professional identity now, rather than wait until you are practicing. Throughout each chapter of the text are questions identified as “Professional Identity Questions.” Some might think of these as ethics questions, but they are more than that. The Model Rules of Professional Responsibility set the minimum standard of conduct—one that the lawyer must avoid dipping below if she wishes to maintain her license. The Rules of Professional Responsibility place obligations on the lawyer as an officer of the court. Moreover, they leave wide discretion for lawyers in choosing the means by which a lawyer will handle litigation. In other words, lawyers can choose to practice consistently with objective moral values—*i.e.*, right and wrong. You can and should aim your conduct so that it is higher than the low threshold of the Rules of Professional Conduct, *i.e.*, conduct that is such that you can be sanctioned. Indeed, this course will repeatedly ask you to consider these values in a variety of challenging scenarios so that you can evaluate what you would do. In this process, you will develop a better sense of your “professional identity”—the way in which a “moral” (and professional) lawyer handles herself, and the limits and boundaries you are likely to be called on to set with clients, opposing counsel, and sometimes the court. Having formed such an identity, you will be far better prepared to face the challenges of law practice. To form one's identity after being retained sets one up for failure. Why? Because once you undertake representation of a client you become an advocate and automatically your judgment will (though you may not even be fully aware of it) lack the objectivity one needs to resolve, prior to litigation, how you believe a moral lawyer should conduct herself. If you doubt whether becoming an advocate makes you think differently (*i.e.*, from the client's perspective), ask any lawyer who has represented clients for awhile whether this phenomenon is true. Do not be mistaken. I believe this phenomenon is crucial to the adversary system and consistent with Biblical principles. However, if you have not formed a strong sense of what you will and will not do as a lawyer *before* you begin to represent clients, your ability to do so in the process of lawyering puts you at great risk. In short, this course presents you with the opportunity to develop a sense of “What kind of lawyer you want to be” and what a “moral lawyer” is like *before* you encounter the inevitable decisions that will test your professional character. So armed, you are more likely to make decisions that are consistent with your values.



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EXPECTATIONS

I expect you to:

- Impose high expectations on me, on yourself, and your peers;
- Be respectful to me and to your peers;
- Treat the class as a professional obligation;
- Care as passionately about your learning as I do;
- Have fun; and
- Learn to love and become excited by the process of litigation as a means of resolving disputes and your role in that.

My philosophy of teaching and learning is that the effort must be collaborative. If either the professor or student does not put in at least equal preparation and effort, the process will not work well. I promise you that I will provide you the level of preparation and effort I have found to be necessary to perform one's job in a professional manner. I expect students to do the same.

I also believe in variety in teaching methods. I do so for a number of reasons. First, students are diverse in their predominant ways of processing information and learning. Note that I said "predominant" above. We all use each of the different methods of learning to some degree. However, some for instance learn effectively when collaborating on a group exercises. For instance, you may have some reservations about group exercises. I ask you to put those aside and keep an open mind. If you do so, you will likely find that you will glean from group work learning that you would not otherwise. I can assure you in law practice that lawyers have to work with others regularly. Hence, the different methods employed in this class (*e.g.*, group exercise) have an underlying purpose of not only providing different forms of teaching to students with a variety of learning preferences. Second, the diversity of teaching methods provides variety. Approaching material in different ways enhances the learning process. As a byproduct, variety in my experience makes the learning process more enjoyable.

Third, you are about to enter a career in which you must be a lifelong learner. You cannot have learned everything you will need in law practice during law school. And the law will change. Thus, experimenting with different methods of teaching and learning should give you a sense of how you will best "teach yourself" while in practice.

The final point I will make about my philosophy of teaching is that enjoying the process, and caring about the subject, improve students' learning. You will see that I care a great deal about the civil litigation process. Although it has its warts, the litigation of disputes resolves them. By doing so, civil litigation provides a crucial function in serving God's larger plan. *See* Casebook at pages 13-14. Moreover, the procedural rules may seem at times to have little connection. However, if one keeps in mind the overall goals of the system—to provide impartial justice by among other means offsetting bias and prejudice through neutral rules—the connection between



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the parts of the system become clearer. As you view the civil litigation process from this vantage, you too should not only respect but I hope begin to care increasingly about the system.

SPECIFIC COURSE OBJECTIVES

Students should keep in mind the overarching course objectives and goals in reviewing the following more specific goals.

- I. Experiential Objectives
 - A. Both the professor and students will enjoy the process of learning.
 - B. Students will choose to regulate their own learning and to develop as professionals by the manner in which they do so.

- II. Value Objectives. Students will:
 - A. Show respect for students, staff, and faculty.
 - B. Cultivate an attitude of cooperation with students, faculty, lawyers, and judges.
 - C. Understand the role of a lawyer handling civil litigation.
 - D. Develop a concept of the moral lawyer.
 - E. Show integrity, honesty, diligence, judgment, self-motivation, hard work, self-reflection, and other qualities reflecting professionalism.

- III. Skills objectives. Students will:
 - A. When provided with the description of a civil lawsuit between two or more parties and the facts underlying the case:
 1. Be able to identify the procedural issues at each stage of the dispute, the decisions that must be made at each such stage, and the strategic factors that will affect a client's case.
 2. Be able to develop claims and defenses that effective lawyers representing all involved parties would make.
 3. Be able to predict how a court would evaluate those claims and defenses and, in light of that, advise one's client of the value of her case (if a plaintiff), the strength of a party's defense (if a defendant), and to outline a reasonable range of settlement for each such party.
 - B. Representing a party to a civil suit,
 1. Know the procedural rules and doctrines affecting a party's claims or defenses.
 2. Recommend to the client a plan for the case based on the claims or defenses and in light of the procedural rules and doctrines.
 3. Choose a forum that serves the client's best interests rather than your preferences.
 4. Carry out the plan developed at the outset of the case, as modified in light of new developments, and ensuring one's client is aware of the progress of the case according to the plan.
 5. Conduct oneself consistently with the concept of the moral lawyer.
 - C. Be able to prepare the pleadings and other documents required in civil litigation, to perform the analyses necessary to protect a client's interests (*e.g.*, determine the statute of limitations on all claims and the earliest deadline for filing suit), and to skillfully anticipate issues in a case and address those in time to protect one's client



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- (*e.g.*, moving to amend one's pleadings if discovery shows additional claims or defenses, anticipating evidence needed to avoid summary judgment, and developing such evidence in discovery).
- D. Be able to effectively self-regulate your learning in the course.
- IV. Content Objectives. Students will know, with a high degree of mastery, the rules that govern:
- A. How to determine deadlines under the specialized rules for judicial counting that typically requires one to exclude certain days, *e.g.*, the day of the accident, judgment, or similar event.
 - B. Required notice or exhaustion of non-litigation remedies, as a prerequisite for suit.
 - C. Statute of limitations analysis, including each of the concepts required to determine the deadline for a claim in a given situation, *i.e.*, determining the applicable period of limitations, accrual of the limitations period, rules on tolling, and in light of these calculating the last date on which a claim can be filed.
 - D. The difference between a statute of limitations and a statute of repose, the criteria for identifying when a statute of repose applies, how to calculate the time for filing suit under a statute of repose.
 - E. The different courts in Virginia's judicial system the criteria for filing suit in them, especially the court of general jurisdiction (*i.e.*, circuit courts) in which most civil cases are heard.
 - F. The Virginia Long Arm Statute and principles of Due Process that, in addition to satisfying the Long Arm Statute, a party must satisfy to sue a nonresident.
 - G. Venue rules dictating the place where suit can be filed within Virginia, and the hierarchy set up by Virginia's scheme in which you must check whether a "preferred" venue exists before going to "permissible" venues.
 - H. Rules for "aggressive" or "offensive" pleading (either by a plaintiff, a counter-claimant, cross-claimant, or third-party plaintiff), including:
 - 1. The form of pleadings;
 - 2. The importance of considering and demanding a jury early, if one desires a jury;
 - 3. The specificity required for pleading different types of claims or relief;
 - 4. The obligation to investigate and/or have a good faith basis for filing claims, under the facts and the law, prior to doing so;
 - 5. Joinder of claims;
 - 6. Joinder of parties; and
 - 7. Amendment of pleadings.
 - I. Rules for service of process on individuals, corporations or other business entities, municipal corporations, states, and nonresidents.
 - J. Rules for defensive or "responsive pleadings" and motions (either by a defendant, or a counterclaim defendant, a cross-claim defendant, or a third party defendant), including the decisions:
 - 1. If the defendant is a nonresident of the state where suit is filed, whether the defendant should respond at all or wait for the plaintiff to come to her state;
 - 2. The defenses that should be raised first if they apply, lest one risk waiver, such as personal jurisdiction, venue, insufficient process, insufficient service of process, failure to serve within the time required in the forum's jurisdiction, etc.;



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3. The form and suggested contents of pre-answers motions or, if the jurisdiction permits them, other similar pleadings that would if granted result in early dismissal of the case; and
 4. The form and suggested contents of answers to complaints, the methods for responding to allegations, and the necessity to include affirmative defenses.
- K. Rules for Involuntary Dismissal (called “nonsuit” in Virginia).
- L. Rules governing how a party may go into default status, the criteria for seeking relief from default status, and the extent to which the defendant can participate in a hearing on a default judgment determining the relief sought if the defendant is not let out of default status.
- M. Discovery rules and strategy, including:
1. Planning at the outset of a case to develop the evidence needed to support claims or defenses;
 2. Informal investigation and discovery as an alternative to formal discovery; and
 3. The form, requirements related to, and methods of formal discovery such as interrogatories, request for production of documents, subpoena duces tecum for documents from nonparties, request for admissions, depositions, special issues related to discovery of experts, issues related to electronic discovery, and both the work-product doctrine and attorney client privilege, as well as the advantages and disadvantages of each form discovery, and the optimal sequence in which to employ discovery tools.
- N. Rules for summary judgment.
- O. Final pretrial conferences and procedures to prepare for trial.
- P. Procedures at trial, including jury selection, motions for directed verdicts at trial, or motions for mistrial.
- Q. Rules for determining the date of final judgment so as to calculate post-trial motions deadlines, notice of appeal deadline, etc.

TEACHING AND LEARNING METHODS

- Socratic
- Charts and other visual aids
- Drafting and other hands on learning
- Professional Identity Formation Exercises
- Law practice simulations
- Cooperative learning experiences (*e.g.*, group exercises)
- Lecture

Class Attendance, Preparation and Participation, and Related Procedures

A. Attendance. The professor reserves the right to raise or lower a student’s final grade for insufficient attendance and/or excessive tardiness. In addition, the professor’s method of calling on students does not hinge on whether the student is in class. If a student is called on to answer questions and the student is not present, that is treated as being unprepared for class



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and will be considered in the classroom performance part of the student's grade (as described below under the heading entitled "COURSE GRADING.")

B. Class Preparation and Participation. A student's grade may be based in part on class participation. The grading of class participation will concentrate on the student's familiarity with the assigned materials when called upon to answer questions by the professor. The questions will not only seek to determine whether the student is familiar with the materials but also whether the student can apply the rules, statutes, cases, etc. to hypotheticals and the like. A student's being called on in one class does not affect whether the student will be called on in other classes. Except in extraordinary cases, a student's grade will not be raised or lowered more than a letter grade based on performance in class participation. Nevertheless, consistent unpreparedness will be considered "extraordinary" and will be reflected in the student's grade.

PLEASE NOTE: THERE IS A SIGNIFICANT DIFFERENCE BETWEEN BEING UNPREPARED AND BEING UNABLE TO "ANSWER" ONE OF MY QUESTIONS. I will not reduce your grade simply because you offer an incorrect answer (unless, of course, your answer reflects inadequate preparation).

ALSO: Life happens to everyone and, on occasion, excellent lawyers are not prepared when they should be. In such instances, the good lawyers let everyone involved know in advance and collaborate to reschedule. I therefore will excuse you from participating in class once during the semester if you let me know you are unprepared *prior to the commencement of class that day* and tell me why you are unprepared. Because you are professionals, I do not expect you to treat my willingness to be understanding as an excuse for not doing required coursework. Thus, I am unlikely to grant requests for excuses made because you have not yet "used up" your excuse.



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COURSE GRADING

Your grade will derive from four components: (1) your mandatory professional development work and essay (10%); (2) your completion of written assignments (25%); (3) class preparedness and performance (10%); and (4) your performance on the final examination (55%).

A student's grade will derive primarily from the following kinds of assessments.

- **Mandatory Professional Development Work and Essay:**

- Like most law professors around the country, one of my goals is to give you the skills, knowledge and values you need to be able to learn and grow as a professional. I therefore have chosen to make these skills an explicit and graded part of my course.
- All students who complete the work described below will get at least 70% of the points available for this portion of your grade. I am reserving the last 30% of your score to reward students who write insightful essays and/or significant and insightful Blackboard Discussion Group entries, who do more than the minimum, and whose insights and efforts are excellent.
- Because you are in the best position to evaluate what you need to grow as a professional in the context of my course, I have decided to offer you options to meet this course requirement and to allow you to choose how to do so. No matter which option you choose, you must hand in, on the last day of class before the final, (1) evidence of your efforts *and* (2) a two-page essay in which you identify which option(s) you have chosen, the basis for your choice, and what you have learned from your efforts.
- Options
 - Option 1: Keeping a Professional Development Journal. You may satisfy your professional development obligation by continuing to keep a journal, making at least one entry every week responding to the “Professional Identity Questions” in the course text, CIVIL PROCEDURE FOR ALL STATES. You may answer as many or as few questions as you like as long as each entry is at least 500 words. You may use Professional Identity Questions raised in class or ones that are in the reading but not discussed in class. Your evidence must include your journal and a statement after each essay entry that the entry is at least 500 or more in length.
 - Option 2: Course Webpage Postings. You also can meet your professional development obligation by posting at least 15 significant entries on to the course webpage for this class addressing Professional Identity Questions in the text. (See below for a definition of “significant comments”).

What is a “significant entry”? The entry must (1) report whether any



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Virginia Rules of Professional Conduct and/or law (*e.g.*, Rule 11 obligations) apply—or might indirectly apply—to the Professional Identity Question, whether the matter is one in which the lawyer ultimately is free to determine the “means” by which she handles the matter, etc.; (2) identify applicable moral principles, deriving from the Bible or Natural Law, bearing on the Question; (3) discuss the sources raised in (1) and (2); and (4) reach a conclusion on what you conclude a moral lawyer would do in the situation. If the conclusion or possible resolution would depend on further facts not set forth in the Professional Identity Question, explain how those further facts would lead to different courses of action.

You may also propose your own variations on the Professional Identity Question(s) in the Casebook, but you must stay within the spirit of these questions and the topics explored. (In other words, this is a civil procedure course, not a criminal procedure course, and the proposed alternative question should be a matter that puts the lawyer in a dilemma in a civil case. Ideally, the question will pose either a situation that could involve a violation of the Rules of Professional Conduct or, better yet, one where the matter is not clearly covered by these Rules but a moral lawyer in determining the “means” of representation would see a dilemma. If you choose to pose your own Professional Identity Question for all to see on the Blackboard Discussion Group, you should state it in detail. Then include the elements of a significant entry identified in the above paragraph, subparts (1) through (4).

- Option 3: Combination of Option 1 and Option 2: You can also do a combination of Option 1 and Option 2. If you choose this approach, two significant Blackboard Discussion Group postings (according to the above criteria) will be the equivalent of one 500 word journal entry. For example, you could do ten 500-word journal entries. Then, in lieu of the five more journal entries needed to reach the required fifteen under Option 1, you could do ten significant Blackboard Discussion Group postings under Option 2.

- **Written Assignments**

At the end of each chapter of the course Casebook, the reader is presented with one to three Written Assignments. I will distribute and post on the Blackboard site a list of ONE written assignment per chapter. You will generally have a week after we have finished that chapter—*i.e.*, on the last day of the class on which we address that chapter—to perform the assignment. I will give one assignment for each chapter. Because Chapter 1 is an Introductory chapter without any assignments, and Chapter 10 is one that I do not cover, you will end up having ten Written Assignments.



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As you can see from the text, the Written Assignments are designed to take you back to the Master Case Problem introduced at the beginning of the Casebook and which we will work through to trial and beyond. By the time you have finished the Chapter, you will be equipped to do the Written Assignment. The Practice Problems, Follow-Up Questions, etc. and class time are designed to help you—in addition to your own work in preparing for class, and integrating what you learn in class—perform tasks that lawyers actually perform. Every one of these Written Assignments is a practical task that you will need to master if you are going to handle civil litigation. (Even if you think you will not be doing too much litigating, you will be surprised at how often you find yourself doing one of these tasks.) The assignments range from researching and preparing a moderate-length (three- to five- pages) interoffice memos from you (the associate) to Mr. Befayre (the partner in charge), to drafting a complaint, or to preparing discovery requests or answers.

I grade these Written Assignments as follows. If the student makes a good faith effort to do thorough, excellent work, she gets full credit. If the student makes less than a good faith effort to do thorough, excellent work, she gets half credit. If the student makes no effort to do the assignment, or turns the assignment in late, she gets no credit.

- **Final Exam**

The final examination will consist of two parts. One part will consist of essay questions designed to take about 35 minutes to answer—the amount of time you have to answer an essay on the Virginia Bar exam. The second part will consist of Limited Space questions focusing on particular topics.

I realize that this course has by design a significant in-semester work component—but one that is certainly manageable, according to students who have taken the course with these in-semester components for the past two years. Thus, I aim to make the Final Exam a two-hour exam rather than a three-hour final exam, as would be usual for a three-credit-hour course.

- **Classroom Preparedness/Preparation**

Your class preparedness (see above at the bottom of page 7 about the difference between an incorrect answer [not unpreparedness] and unpreparedness) will represent a part of the grade as noted above.

ASSIGNMENTS

A Reading Assignments sheet will be distributed in class and be posted on the Course webpage. Depending on how well students are assimilating the concepts outlined, the schedule



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of assignments may have to be adjusted to accommodate to spend more time on a concept and less on another.¹

OFFICE HOURS, APPOINTMENTS, AND E-MAIL

Students may use office hours to address their concerns and confusion regarding the course material or for other guidance. My office hours will be announced during the first week of classes, posed on the Blackboard page, and put on a card on my door.

Please schedule appointments through my assistant Carol. His/her contact information is caropal@regent.edu; tele. 757.352-4325. I also respond to questions posed by e-mail. My e-mail address is on the first page of this syllabus.

COURSE BLACKBOARD SITE

The course will have a Blackboard site. You are expected to check this Course site on a regular basis.

The site includes a Syllabus tab, an Assignments tab, a Course Material section (where I will post materials, for instance, reflecting Virginia-specific procedural law), and a Discussion Board (on which you can do the Discussion Board “entries” noted above under Mandatory Professional Development Work), and other valuable resources.

CELL PHONE, ELECTRONIC DEVICE, POLICY

If a cell phone or other electronic device rings, chimes, or otherwise attracts attention during class my policy is that the student press the button to “answer” but not answer herself/himself. Instead, the student should pass the phone to me so that I can answer it. I ask the caller whether it is an emergency and, if not, whether the student can call back after class. Likewise, if an audible text message comes through during class, I check to see whether the message is appropriate for “public” disclosure and, if so, have it read out loud.

¹ A copy of last semester’s Reading & Writing Assignments are attached at the end of this syllabus.

DISABILITY ACCOMMODATIONS

Any student who desires disability accommodations is responsible for contacting Natt Gantt, Associate Dean for Student Affairs. Dean Gantt will work with the Regent University Director of Student Life in formulating an accommodations plan. The student requesting accommodations will be required to submit an explanation of his or her disability, including appropriate verification from a medical provider or other professional, along with any suggestions on what the student believes to be reasonable accommodations.

The following website is designed to help disabled students at Regent learn of their rights and responsibilities with regards to disability services. The site also has resources for faculty to become better informed of their responsibilities towards the disabled students in their classes—
<http://www.regent.edu/disabilities>



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VA CIVIL PROCEDURE ASSIGNMENTS – Spring 2011

DATES	TOPICS	PAGES
1/3, 1/5 & 1/7	Chapter 1 & Part of Chapter 2: Intro, Calculation of Deadlines, Pre-Suit Notice of Claims	1 – 36
1/10, 1/12, 1/14, 1/19 & 1/21	Last Part of Chapter 2: Statute of Limitations and Statute of Repose	36 – 45
1/24, 1/28, 1/31 & 2/2	Chapter 3: Subject Matter Jurisdiction, Personal Jurisdiction & Venue	47 – 71
2/4, 2/6, 2/9, 2/11 & 2/14	Chapter 4: Pleading Claims, Joining Parties, Veracity in Pleadings, Amendments	73-99
2/16 & 2/18	Chapter 5: Service of Process	101-120
2/21, 2/23, 2/25, 3/7 & 3/9	Chapter 6: Defendant's Responses to Suit	121-150



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3/11 & 3/14	Chapter 7: Defaults & Pretrial Dismissal	151-163
3/16, 3/18, 3/21 & 3/23	Chapter 8: Discovery & Privileges	165-214
3/25 & 3/28	Chapter 9: Right to Jury Trial & Summary Judgment	215-229
3/30 & 4/1	Chapter 11: Motions at Trial, Jury Selection, Mistrials	251-262
4/4 & 4/6	Chapter 12: Post-Trial Motions & Knowing Appeal Deadline	263-283
4/8, 4/11 & 4/12	Miscellaneous Topics Not Already Addressed Tested On Virginia Bar Exam (Special Kinds of Actions, Enforcement of Judgments, and Appeals)	Reading to be Supplied

Virginia Civil Procedure Written Assignments Chart



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<u>Assignment #</u>	<u>Completion Of Topic²</u>	<u>Due Date (By e-mail and hard copy)</u>
1 ³ <i>Written Assignment # 2 at End Ch. 2 (P. 46)</i>	1/21/10	1/28/10
2 <i>Written Assignment # 1 at End Ch. 3 (P. 71)</i>	2/2/10	2/9/10
3 <i>Written Assignment # 2 at End of Ch. 4 (P. 99)</i>	2/14/10	2/21/10
4 <i>Written Assignment # 3 at End of Ch. 5 (Pp. 119-120)</i>	2/18/10	2/25/10
5 <i>Written Assignment # 2 at End Ch. 6 (P. 150)</i>	3/9/10	3/16/10
6 <i>Written Assignment # 2 at End Ch. 7 (P. 163)</i>	3/14/10	3/21/10

² This is the date by which the last class on the chapter from which the Written Assignment is chosen will be. See *Reading Assignments and you'll see that the date here is the last class for a Topic*. However, you do *not* have to wait until that date to begin working on the Written Assignment assigned

³ Note that the numbers in this Column are Nos. 1-11 to denote the eleven written assignments I will assign to you. Each chapter has at least two Written Assignments at the end, some of them three. If the assignment in a block under this number says "Written Assignment # 3" and gives the page numbers where you can find that assignment, you should do that assignment. In other words, I do not assign every Written Assignment from each chapter.



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7 <i>Written Assignment # 1 at End of Ch. 8 (Pp. 213-214)</i>	3/23/09	3/30/10
8 <i>Written Assignment # 1 At End of Ch. 9 (P. 229)</i>	3/28/10	4/4/10
9 <i>Written Assignment # 2 at End of Ch. 11 (P. 262)</i>	4/1/10	4/8/10
10 <i>Written Assignment # 1 at End of Ch. 12 (P. 282)</i>	4/6/10	4/13/10



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