



MASSACHUSETTS SCHOOL OF LAW at ANDOVER
SYLLABUS FOR CIVIL PROCEDURE AND CONFLICT RESOLUTION -- Fall 2018
Professor Michael L. Coyne
Professor Amy Dimitriadis

Instructor: Professor Coyne - Email: coyne@msslaw.edu
Professor Dimitriadis - Email: Amyd@msslaw.edu
Web: www.msslaw.edu/mcoyne
Phone: 978.681.0800
Text: Pleading and Procedure, Hazard, Fletcher, Bundy and Bradt, 11th Edition.
READ AND BRIEF THREE CASES FOR EACH
AND EVERY CLASS, UNLESS TOLD OTHERWISE.
First group of cases are in the supplemental packet of cases.

Class Times: Monday & Wednesday 9:00 a.m. - 10:20 a.m.; Friday 2:00 p.m. - 3:20 p.m.
Monday 9:00 p.m. – 10:15 p.m.; Wednesday & Friday 6:00 p.m. – 7:15 p.m.
Every other Friday from 5:00 - 6:00 p.m. beginning 8.31.18, 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 civil procedure and conflict resolution and business.

You will prepare a complaint that would be accepted for filing in a federal court. You will also take an examination during finals on December 11th.

Interesting Links:

www.law.cornell.edu -- Source for law

www.uscourts.gov -- U.S. Federal Courts Home Page

Course The objective of this course is for the student to have a thorough

Objectives: understanding of the federal and state court systems and the rules and procedure that are used in those systems. The student will master this material in order to be better advocates, to resolve disputes to better serve their client's interests and to be excellent problem solvers and litigators.

Grading Criteria: Your top three quiz scores, 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.

There are supplemental CDs for sale in the bookstore and in the media lab that will be available in mid-September.

ASSIGNMENTS DUE FOR EACH CLASS

Class 1

August 20:

The Methods of Resolving Disputes.

The various methods of conflict resolution include:

Federal Court Litigation, State Court Litigation, Negotiation, Minitrial, Fact Finding, Settlement Conference, Private Judging, Conciliation, Multi-door Courthouse Center, Mediation, Arbitration, Early Neutral Evaluation, Dispute Review Board, Collaborative law, Cooperative Law, Summary Jury Trial, Partnering, Facilitation, Med-arb, and Bucking-up.

After we discuss this in class, please EMAIL me your thoughts on the five most important concepts in how you resolve disputes. Please refine these concepts to one or two words which would constitute the five "Do's and Don'ts" of being better at resolving disputes. 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 effectively resolving disputes.

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 22:

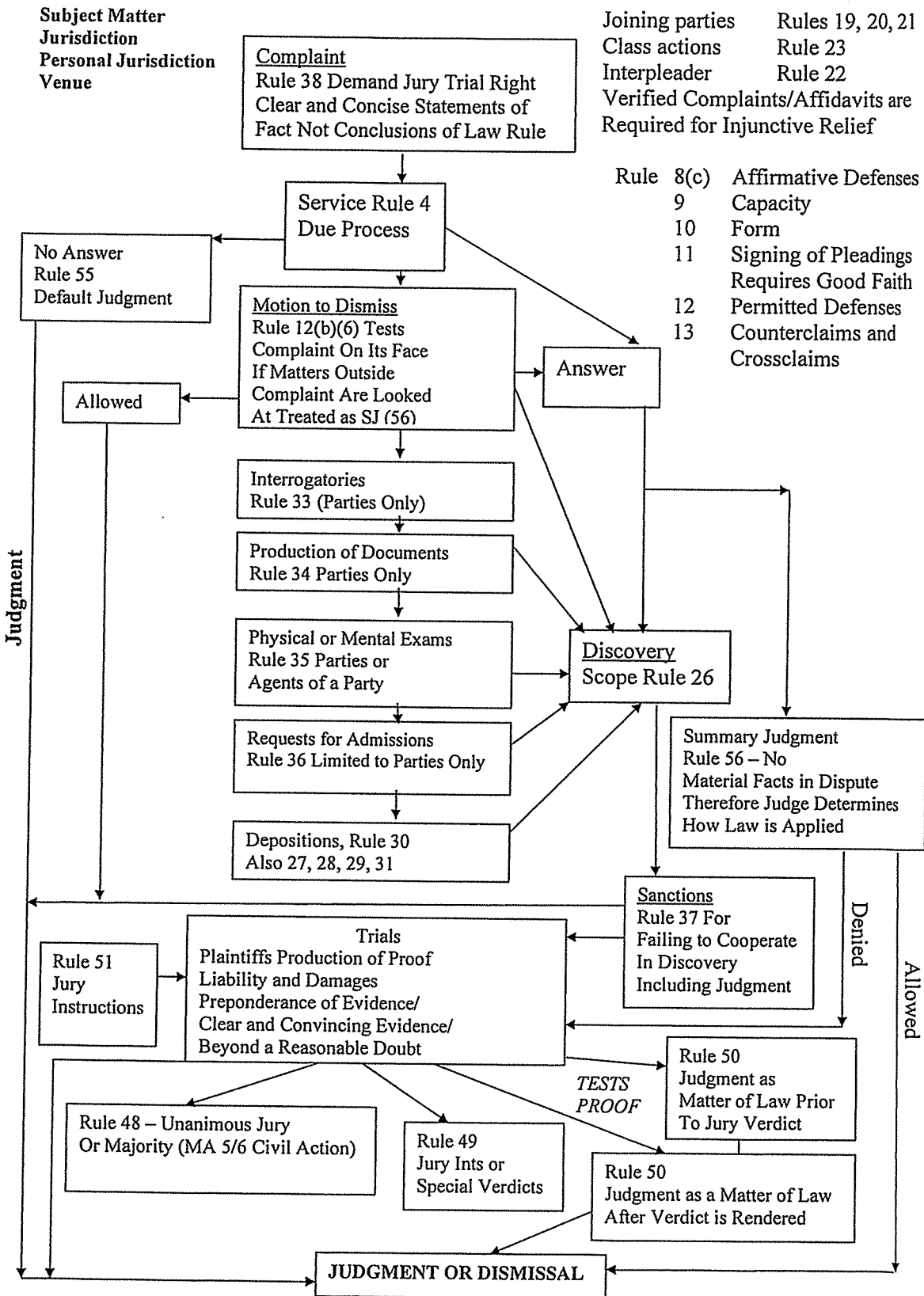
Weinberger v. Romero Barcelo
Seffert v. Los Angeles Transit
B.M.W. v. Gore

Class 3

August 24:	Due Process and Defenses Rules 4 and 12 <i>U.S. v. Kubrick</i> <i>Connecticut v. Doehr</i> <i>Commonwealth v. Olivo</i>
Week of August 27	Chapter 2 Choosing the proper court. <i>Phillips Petroleum v. Shutts</i> p.96 et al and last case in packet. 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 in your textbook that follow in sequence from the last case we discussed in our previous class. However, please skip the following cases in the textbook: Pennoyer 49, Harris 59, Burger King 85, and Shaffer 145.
September 3:	Labor Day -- Off
September 5, 2017	Long Arm Statutes, Notice, and Consenting to or Objecting to Jurisdiction.
September 5 & 7:	First in class question.
Week of September 10:	Subject Matter Jurisdiction and Venue. Federal Question, Diversity and Removal Jurisdiction as a basis to be in Federal Court.
Week of September 17:	The Erie Problem.
Week of September 24:	Pleading Issues.
Week of October 1:	Responding to the Complaint.
October 8:	Columbus Day Holiday--OFF.
October 10:	Civil Procedure Review.
October 12:	Midterm Examination.
Week of October 15:	Joinder, impleader, intervention and complaint exercise.
Week of October 22:	Class action and complaint exercise.

Week of October 29:	Discovery, including electronic discovery, and Summary Judgment.
Week of November 5:	Finish Summary Judgment and discuss motions after verdict.
November 9:	Complaint exercise.
Week of November 12:	Post Trial Motion and Review.
November 16:	Work with a partner on presentation.
Week of November 19:	Interdisciplinary Presentations and ADR.
November 22 and 23:	Thanksgiving Break.
November 26:	Res Judicata and Collateral Estoppel.
November 28:	Filing claims and defenses exercise.
November 30:	Jeopardy
December 3:	Review and Questions.

Professor Coyne – Civil Procedure Overview



Joining parties Rules 19, 20, 21
 Class actions Rule 23
 Interpleader Rule 22
 Verified Complaints/Affidavits are Required for Injunctive Relief

Rule 8(c) Affirmative Defenses
 9 Capacity
 10 Form
 11 Signing of Pleadings Requires Good Faith
 12 Permitted Defenses
 13 Counterclaims and Crossclaims

G.L. c. 234 § 34A Civil Jury Verdict Needed Not be Unanimous	Rules 1-16 Pleadings 17-25 Parties 26-37 Discovery	Rules 38-53 Trials 54-60 Judgments 61-End Post Judgments and Special Reliefs
--------------------------------------------------------------------	----------------------------------------------------------	------------------------------------------------------------------------------------