



MASSACHUSETTS SCHOOL OF LAW at ANDOVER  
SYLLABUS FOR CIVIL PROCEDURE AND CONFLICT RESOLUTION -- Fall 2020  
Professor Michael L. Coyne  
Professor Amy Dimitriadis

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**Instructor:** Professor Coyne - Email: [coyne@msslaw.edu](mailto:coyne@msslaw.edu)  
Professor Dimitriadis - Email: [Amyd@msslaw.edu](mailto:Amyd@msslaw.edu)  
**Web:** [www.msslaw.edu/mcoyne](http://www.msslaw.edu/mcoyne)  
**Phone:** 978.681.0800  
**Text:** Pleading and Procedure, Hazard, Fletcher, Bundy and Bradt, 11<sup>th</sup> Edition.  
READ AND BRIEF THREE CASES FOR EACH AND EVERY CLASS,  
INCLUDING FRIDAY'S ONLINE 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. for day students.  
Monday 9:00 p.m. – 10:20 p.m. and Wednesday 6:00 p.m. – 7:20 p.m. for evening students.

Friday's class is online for both day and evening students and since it is asynchronous, you can access the material and do the exercise anytime on Friday or over the weekend.

Professor Dimitriadis will hold a Zoom class every other Friday at 5:00 p.m. 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 in October. This presentation will be made with an assigned partner and involve civil procedure, conflict resolution, and business.

You will prepare a complaint that would be accepted for filing in a federal court. You will also take a final examination on December 14<sup>th</sup>.

Interesting Links:

[www.law.cornell.edu](http://www.law.cornell.edu) -- Source for law

[www.uscourts.gov](http://www.uscourts.gov) -- U.S. Federal Courts Home Page

**Course Objectives:** The objective of this course is for the student to have a thorough 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 is supplemental material including an audio review and Power Point presentation online and in the media lab to help you master the material.

### ASSIGNMENTS DUE FOR EACH CLASS

#### **Class 1**

8.24.20:

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**

8.26.20:

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

**Class 3**

Due Process and Defenses  
Rules 4 and 12  
*U.S. v. Kubrick*  
*Connecticut v. Doehr*  
*Commonwealth v. Olivo*

**Week of**

8.31.20:

Chapter 2  
Choosing the proper court. *Phillips Petroleum v. Shutts*  
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.

9.7.20:

Labor Day – Off

9.9 & 9.11.20:

Problems with “jurisdiction.”

**Week of**

9.14.20:

Long Arm Statutes, Notice, and Consenting to or Objecting to Jurisdiction.

9.21.20:

Subject Matter Jurisdiction and first essay question.

9.28.20:

Subject Matter Jurisdiction continued and Venue.  
Federal Question, Diversity and Removal Jurisdiction as a basis to be in Federal Court.

10.5.20:

The Erie Problem.

10.9.20

Examination

10.12.20:

Holiday – No Class

10.14.20 and 10.16.20:

Pleading Issues.  
Responding to the Complaint.

**Week of**

10.19.20: Joinder, impleader, intervention and parties to the party.

I will give you a class-by-class schedule of each day's assignment for the month of November.

10.26.20: Discovery, including electronic discovery, and begin Summary Judgment.

11.2.20: Complaint exercise.

11.4 & 11.6.20: Finish Summary Judgment and discuss motions immediately after verdict.

11.9.20: Work with a partner on presentation.

11.11 & 11.13.20: Post-Trial Motions.

**Week of**

11.16.20: Res Judicata and Collateral Estoppel.

11.23.20: Interdisciplinary Presentations and ADR.

11.25.20 Review Midterm examination and Key Concepts

11.26 & 11.27.20: Thanksgiving Break.

11.30.20: Finish Cases on Post Trial Issues

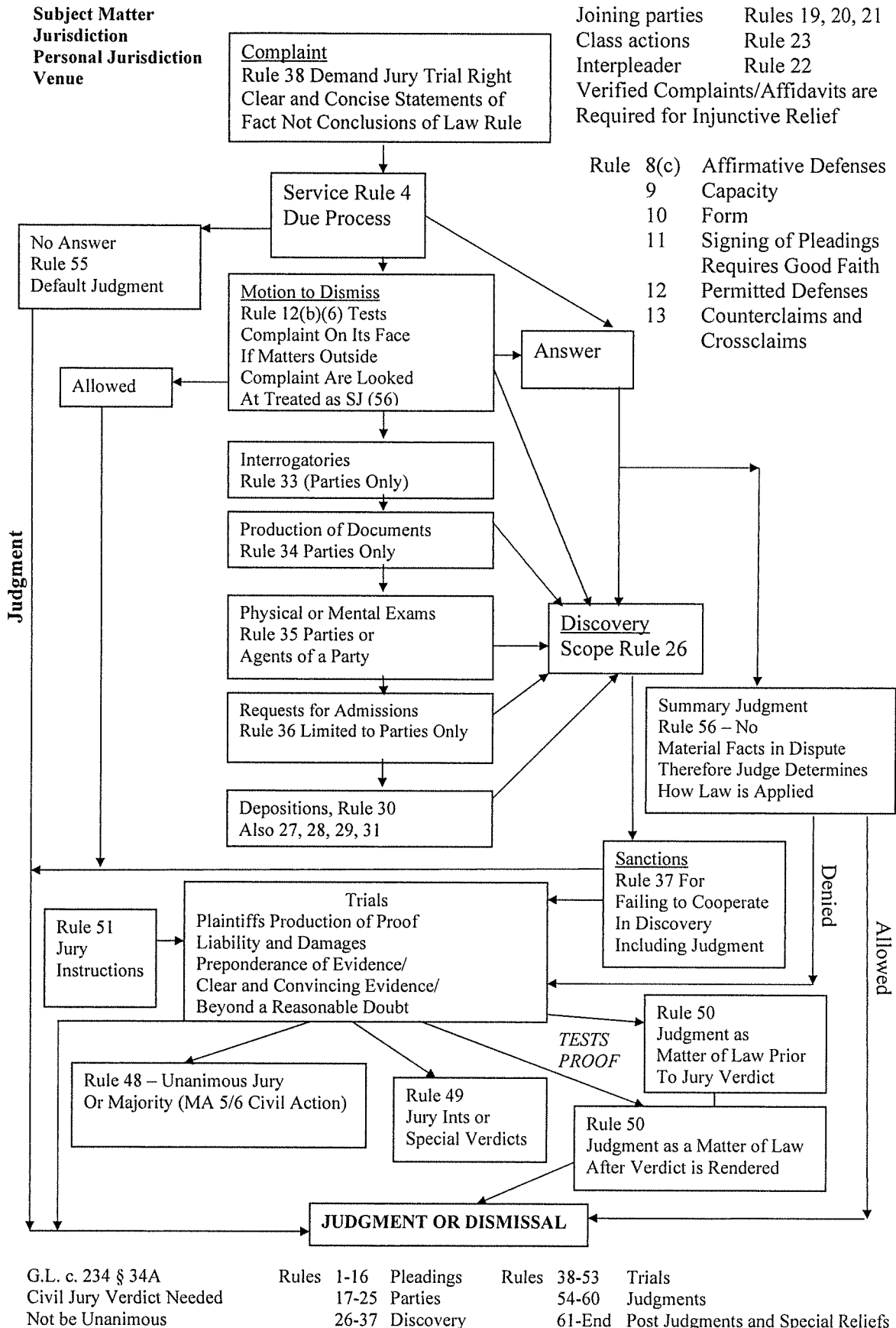
12.2.20: Jeopardy

12.4.20: Review Material and Examination Issues.

12.7.20: Questions and Discuss Final Examination

12.14.20 Final Examination.

## Professor Coyne – Civil Procedure Overview



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



Preponderance of the Evidence – More Likely than not what the plaintiff is saying is true.