

# LSTD207

**STUDENT WARNING:** This course syllabus is from a previous semester archive and serves only as a preparatory reference. Please use this syllabus as a reference only until the professor opens the classroom and you have access to the updated course syllabus. Please do NOT purchase any books or start any work based on this syllabus; this syllabus may NOT be the one that your individual instructor uses for a course that has not yet started. If you need to verify course textbooks, please refer to the online course description through your student portal. This syllabus is proprietary material of APUS.

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## Course Summary

**Course :** LSTD207 **Title :** Civil Practice and Procedure

**Length of Course :** 8

**Prerequisites :** N/A **Credit Hours :** 3

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## Description

**Course Description:** This course is an overview of civil practice and procedure and will examine the process that courts must follow when hearing cases of a civil nature. During the course of study, students will learn how a lawsuit is commenced, what kind of service of process is required, the types of pleadings, motions, and orders allowed in civil cases, the timing and manner of depositions and discovery, the conduct of trials, the process for judgment, various available remedies, and how the courts and clerks must function. The course focuses on the legal skills involving interviewing and counseling for civil cases, the drafting of legal documents for civil cases, and legal ethics focused specifically on civil cases. Course topics include civil trial practices of pleadings, motions, discovery, pre-trial conferences, jury selection, trial protocols, and appellate strategies.

### Course Scope:

This course will provide practical, broad-based information on types of problems faced in civil litigation. The material and assignments are designed to present a variety of civil procedure issues and perspectives. Topics include service of process, issues in determining and applying rules for jurisdiction, standing to bring civil cases, res judicata, and judgments. The overall theme is to address a broad range of civil procedure topics essential for the practice of law.

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## Objectives

After successfully completing this course, you will be able to

1. Interpret jurisdiction – types, methods of establishing, and ways to challenge.
2. Describe venue and how it applies to civil lawsuits.
3. Analyze proper service of process and understand its importance.
4. Distinguish between motions to dismiss and motions to amend.
5. Illustrate the basics of discovery.

6. Identify and analyze the different kinds of judgments.
  7. Differentiate between res judicata and collateral estoppel, and describe each.
  8. Track a case as it winds through various civil procedure issues.
  9. Confidently discuss basic civil procedure practices.
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## Outline

### Week 1:

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#### READING & TOPICS

##### Readings:

*Please complete all the reading in the Lesson for week 1, found in the Lesson section of the classroom.*

##### Weekly Topics:

- Where can a civil suit be brought?
- Federal Subject Matter Jurisdiction
- Personal Jurisdiction

#### Course/ Learning Objectives

CO-1: Interpret jurisdiction – types, methods of establishing, and ways to challenge.

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LO- 1: Explain the legal meaning of jurisdiction.

LO-2: Describe federal subject matter jurisdiction.

LO-3: Assess the fundamental considerations in determining where a law suit can be brought.

LO-4: Describe federal personal jurisdiction.

#### Assignment

##### **Forum Questions:**

- Introduction: Post your own Introduction no later than Wednesday evening and reply to at least 2 other students
- Respond to Week #1 Forum Question by Wednesday and reply to at least 2 other students by Sunday

### Week 2:

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#### READING

##### Readings:

*Please complete all the reading in the Lesson for week 2, found in the Lesson section of the classroom.*

##### Weekly Topics:

- Where can a civil suit be brought? (Cont'd)
- Venue, and the three "Hoops" of jurisdiction
- Pleadings, to include motions
- Discovery: scope and types used

#### Course/ Learning Objectives

CO-2: Describe venue and how it applies to civil lawsuits.

CO-3: Illustrate the basics of discovery.

CO-4: Distinguish between motions to dismiss and motions to amend.

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LO-5: Distinguish between the three "Hoops" of jurisdiction.

LO-6: Illustrate the rules governing where a civil law suit can be brought.

LO-7: Assess the various forms of pleadings, to include motions.

LO-8: Explain the legal meaning of venue.

LO-9: Discern the scope and purpose of the discovery process.

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#### Assignment

#### Forum Question

- Respond to Week #2 Forum Question by Wednesday and reply to at least 2 other students by Sunday

#### Week 3:

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#### READING

#### Readings:

*Please complete all the reading in the Lesson for week 3 found in the Lesson section of the classroom.*

#### Weekly Topics:

- Pre-trial litigation: Dismissal: Motion to Dismiss vs. Summary Judgment

#### Course/ Learning Objectives

CO-5: Identify and analyze the different kinds of judgments.

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LO-10: Describe the pre-trial litigation process.

LO-11: Illustrate the components of a motion to dismiss.

LO-12: Illustrate the components of a summary judgment.

LO-13: Discern the difference between motion to dismiss and summary judgement.

#### ASSIGNMENT

## Forum Question

- Respond to Week #3 Forum Question by Wednesday and reply to at least 2 other students by Sunday
- Complete CALI Lessons Assignment. See Assignment tab in the classroom for more details.

## Week 4:

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### READING

In preparation for the Midterm, review all the material in the lessons for weeks 1 - 3.

### ASSIGNMENT

- Take open-book Midterm Exam. The midterm exam may be found under the section titled "Tests and Quizzes".

## Week 5:

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### READING

#### Readings:

*Please complete all the reading in the Lesson for week 5 found in the Lesson section of the classroom.*

#### Weekly Topics:

- Trial – Burdens of Production and Persuasion
- Judgment as a Matter of Law (Directed Verdict)
- Judgment notwithstanding the Verdict (JNOV)
- New Trial under FRCP 59
- Appeals

#### Course/ Learning Objectives

CO-6: Track a case as it winds through various civil procedure issues.

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LO-14: Analyze the burdens of production and persuasion.

LO-15: Assess judgment as a matter of law (directed verdict).

LO-16: Summarize the application of judgment notwithstanding the verdict (JNOV).

LO-17: Evaluate the meaning of a new trial under FRCP 59.

LO-18: Appraise the nature and relationship of appeals to the civil procedure process.

### ASSIGNMENT

## Forum Question

- Respond to Week #5 Forum Question by Wednesday and reply to at least 2 other students by Sunday

## Week 6:

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### ASSIGNED READING & TOPICS

## Readings:

*Please complete all the reading in the Lesson for week 6 found in the Lesson section of the classroom.*

## Weekly Topics:

- The Effect of Judgment
- Res Judicata vs. Collateral Estoppel

## Course/ Learning Objectives

CO-7: Differentiate between res judicata and collateral estoppel, and describe each.

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LO-19: Describe res judicata estoppel.

LO-20: Describe collateral estoppel.

LO-21: Compare/contrast res judicata and collateral estoppel.

LO-22: Analyze the legal meaning and effect of a "judgment".

## ASSIGNMENT

### **Forum Question**

- Respond to Week #6 Forum Question by Wednesday and reply to at least 2 other students by Sunday
- Complete CALI Lessons Assignment. See Assignment tab in the classroom for more details.

## **Week 7:**

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## READING

## Readings:

*Please complete all the reading in the Lesson for week 7 pertaining to drafting a legal brief found in the Lesson section of the classroom.*

## Course/ Learning Objectives

CO-8: Confidently draft a legal brief pertaining to a civil procedure issue.

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LO-23: Analyze a court opinion and draft a legal brief.

## ASSIGNMENT

### **Forum Question**

- Respond to Week #7 Forum Question by Wed and reply to at least 2 other students by Sunday.
- Complete Case Brief Assignment. Please see the details for this assignment in the Assignment tab of the classroom.

## **Week 8:**

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## ASSIGNED READING & TOPICS

In preparation for the Final, review the lessons for each week of the course that can be found in the Lessons section of the classroom. The exam will cover the entire course.

## ASSIGNMENT

- Take open-book Final Exam which can be accessed in the "Tests and Quizzes" section of the classroom.

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## Evaluation

**Forum Assignments:** You must complete your forum assignment and post it no later than Wednesday evening and then respond to at least two other classmates no later than Sunday evening. Your initial forum post should be a minimum of 500 words. In addition, at least two of your responses to your classmates should contain at least 250 words.

**CALI Assignments:** Please complete the CALI assignments for both week 3 and week 6. Instructions for these two assignments can be found in the Assignment tab in the classroom.

### Final Project:

The final project for this class is to prepare a case brief. The assignment instructions for the case brief can be found under the Assignments section of the classroom. To complete this assignment the student will implement a variety of skills that he or she acquired throughout the duration of the course. This final project is due at the end of week 7.

**Exams:** The course consists of a midterm, and a final exam. Exams will be taken open book. The exams will be posted in the classroom under the "Tests and Quizzes" tab. These exams will be a mix of multiple choice, true/false and essays.

The University will issue final official grades. **Final grades will be posted in the electronic classroom within 7 days after the course ends.** Students should not telephone the University looking for grades until, at least, 30 days after the end of the semester.

Please see the [Student Handbook](#) to reference the University's [grading scale](#).

### Grading:

Name	Grade %
Introduction Forum	1.00 %
Intro	1.00 %
Forums	24.00 %
Week 1 Forum	4.00 %
Week 2 Forum	4.00 %
Week 3 Forum	4.00 %
Week 5 Forum	4.00 %
Week 6 Forum	4.00 %
Week 7 Forum	4.00 %
Exams	40.00 %
Midterm	20.00 %
Final Exam	20.00 %
Case Brief	20.00 %
Case Brief Assignment (due Week 7)	20.00 %
CALI Lessons	15.00 %
CALI Lesson Week 3	7.50 %

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## Materials

**Book Title:** Various resources from the APUS Library & the Open Web are used. Links provided inside the classroom in the Lessons section.

**Author:**

**Publication Info:**

**ISBN:** N/A

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### Web Sites Available under the Lessons Section of the Classroom

In addition to the required course texts, public domain web sites are useful. Please abide by the university's academic honesty policy when using Internet sources as well.

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## Course Guidelines

### Writing Expectations

All written submissions should be submitted in a font and page set-up that is readable and neat. They should use correct grammar and checked for spelling and other errors prior to submission. Specific details are provided in the assignment section as assignment formats vary. Uploaded documents in the assignment section should be in word (.doc, .docx) format. Faculty may require assignments be submitted to Turnitin.com. Turnitin.com will automatically analyze a paper and report instances of potential plagiarism or overuse of quotes for the student to edit before submitting it for a grade. The expectation is that the writing will be in your words after analysis of the sources.

### Citation and Reference Style

The central function of legal citation is to allow the reader to efficiently locate the cited source. All courses in the Legal Studies program require that any narrative essay or composition format follow the legal citation guidelines set forth in The Bluebook: A Uniform System of Citation. Do not purchase The Bluebook, as it is available at the APUS library. Use this link to access: <http://ezproxy.apus.edu/login?url=https://www.legalbluebook.com>

### Late Assignments

Students are expected to submit classroom assignments by the posted due date and to complete the course according to the published class schedule. As adults, students, and working professionals, I understand you must manage competing demands on your time. Should you need additional time to complete an assignment, please contact me before the due date so we can discuss the situation and determine an acceptable resolution.

### Deductions

Late forum posts, assignments, and exams may be penalized five (5) points per day.

### Netiquette

Online universities promote the advancement of knowledge through positive and constructive debate – both inside and outside the classroom. Forums on the Internet, however, can occasionally degenerate into needless insults and “flaming.” Such activity and the loss of good manners are not acceptable in a university setting – basic academic rules of good behavior and proper “Netiquette” must persist. Remember that you are in a place for the rewards and excitement of learning which does not include descent to personal attacks or student attempts to stifle the Forum of others.

Technology Limitations: While you should feel free to explore the full-range of creative composition in your formal papers, keep e-mail layouts simple. The Sakai classroom may not fully support MIME or HTML encoded messages, which means that bold face, italics, underlining, and a variety of color-coding or other visual effects will not translate in your e-mail messages.

Humor Note: Despite the best of intentions, jokes and especially satire can easily get lost or taken seriously. If you feel the need for humor, you may wish to add “emoticons” to help alert your readers: ;-), :)

Disclaimer Statement

Course content may vary from the outline to meet the needs of this particular group.

## Online Library

The Online Library is available to enrolled students and faculty from inside the electronic campus. This is your starting point for access to online books, subscription periodicals, and Web resources that are designed to support your classes and generally not available through search engines on the open Web. In addition, the Online Library provides access to special learning resources, which the University has contracted to assist with your studies. Questions can be directed to [librarian@apus.edu](mailto:librarian@apus.edu).

Charles Town Library and Inter Library Loan: The University maintains a special library with a limited number of supporting volumes, collection of our professors’ publication, and services to search and borrow research books and articles from other libraries.

Electronic Books: You can use the online library to uncover and download over 50,000 titles, which have been scanned and made available in electronic format.

Electronic Journals: The University provides access to over 12,000 journals, which are available in electronic form and only through limited subscription services.

Tutor.com: AMU and APU Civilian & Coast Guard students are eligible for 10 free hours of tutoring provided by APUS. [Tutor.com](http://Tutor.com) connects you with a professional tutor online 24/7 to provide help with assignments, studying, test prep, resume writing, and more. Tutor.com is tutoring the way it was meant to be. You get expert tutoring whenever you need help, and you work one-to-one with your tutor in your online classroom on your specific problem until it is done.

Legal Studies Program Guide: This should be your starting point as you explore the resources available for the Legal Studies Program! <https://www.apus.edu/apus-library/online-research/research/research-guides/school-of-security-global-studies/legal-studies-paralegal-studies>

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## University Policies

### [Student Handbook](#)

- [Drop/Withdrawal policy](#)
- [Extension Requests](#)
- [Academic Probation](#)
- [Appeals](#)

- [Disability Accommodations](#)

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