

## **Civil Procedure I – Professor Murphy**

Welcome to RWU Law and to Civil Procedure. I look forward to meeting you soon.

### **Required books**

Well in advance of our first class, please obtain the following books:

- Freer & Perdue, *Civil Procedure: Cases, Materials, and Problems* (7th ed. 2016), published by Carolina Academic Press (ISBN 978-1611639117). Please obtain the hardcover, rather than the electronic, version. (I chose the 7th edition because it is substantially less expensive than the 8th edition.)
- *2020-2021 Edition of the Federal Rules of Civil Procedure* pamphlet published by Carolina Academic Press. (ISBN 978-1531020163). (This edition is necessary because it contains statutes and constitutional provisions that we will be consulting, in addition to the Federal Rules of Civil Procedure, and I frequently will be referring to a specific page in this book; I chose the 2020-2021 edition because it is substantially less expensive than the 2021-2022 edition, and no changes to the Federal Rules of Civil Procedure have occurred since the 2020-2021 edition).

If for some extraordinary reason you have not obtained the assigned books before the first class, you should prepare for the first class nonetheless--the Federal Rules are available online and I will post pages for the first assignment from the Freer & Perdue casebook to our Bridges course site.

### **Getting ready for the Civil Procedure course**

I recommend that you work through all the "Zero Law" modules before coming to law school.

The following modules are particularly helpful for entering the Civil Procedure course, and I urge you to work through these specific modules and take notes on them before our first class:

#### **Introduction to Law and the Court Systems**

- Kinds of Law: Some Major Categories and Sources of Law—Video 2
- Federal v. State Law and Order of Authorities--Videos 1 & 2
- The Federal Court System—Videos 1 & 2
- The State Court Systems

#### **A Preview of Your 1L Courses**

- The Stages of Civil Litigation

### **Assignment for first class**

1. Study the Course Information Memo, posted separately.
2. Prepare Unit 1 below

## ASSIGNMENT PLAN

Unit	Topics	Preparation
1	<p data-bbox="313 300 675 350"><b>Introduction to Civil Procedure</b> ****</p> <p data-bbox="313 422 756 541"><b>PART I Fundamentals of a Civil Lawsuit at the Trial Level</b> <b>PART I A: PLEADINGS AND JUDGMENTS BASED ON PLEADINGS</b></p> <p data-bbox="313 575 488 604"><b>The Complaint</b></p>	<p data-bbox="816 300 1438 359">Casebook 3-15; within this document, "Sources of Federal Procedural Law"</p> <p data-bbox="816 575 1438 695">Casebook 293-299 (not including "Legal Sufficiency"); Federal Rules of Civil Procedure (hereafter "F.R.C.P.") 1, 7(a) &amp; (b)(1)-(2), (8)(a), 8(e), 10; Sample Complaint within this document</p> <p data-bbox="816 728 1466 940">Based on the selected Federal Rules of Civil Procedure that I have assigned and the sample complaint I have provided as a guide, type and submit at the beginning of class one hard copy of a simple complaint for Sarah Jones in the United States District Court for the District of Wyoming. Your complaint should be based on the following facts and any additional facts that you deem warranted:</p> <p data-bbox="816 974 1466 1339">On August 1, 2013, Mark Jones was physically injured in an automobile accident. Jerry Smith rear-ended Jones's car while Jones was stopped at a red light at the intersection of Oak Ave. and Maple St. in Cheyenne, Wyoming. Mark Jones has been married to Sarah Jones since May 1, 2010. Sarah wishes to sue Smith for "loss of consortium," which the relevant law defines as arising when an injured spouse, due to a tortious act, can no longer supply the affection and companionship natural to a spousal relationship. The relevant law thus far has recognized loss of consortium claims only when a couple is married, and the date of marriage must have preceded the date of the tortious act.</p> <p data-bbox="816 1373 1466 1549">In drafting the complaint, do not do any outside research or rely on complaints you may have seen elsewhere. Moreover, in your complaint, do not attempt to make a statement of jurisdiction; we will study this concept later in the course (simply use the words "Statement of Federal Court Jurisdiction" in brackets where appropriate in the complaint).</p> <p data-bbox="816 1583 1466 1759">Place your semester three-digit number, which Student Finance &amp; Records will provide you before classes start, in the top right corner of your submission. (This number is different from the four-digit anonymous number you will use on the final exam.) Make up fictitious information for attorney name, signature, address, email, and telephone.</p> <p data-bbox="816 1793 1438 1879">I will <i>not</i> be grading your complaint. Be sure to keep a second copy of your complaint available for you to review during class.</p>

## **Sources of Federal Civil Procedural Law**

United States Constitution



Federal Statutes



Federal Rules of Civil Procedure



Local Rules of Individual District Courts

*and case law interpreting the above sources*

**United States District Court  
for the  
District of Rhode Island**

Gary Parker,  
Plaintiff

v.

Civil Action No. CV2016-23

Hoteliers, Inc.  
Defendant

**COMPLAINT**

1. [*Statement of Federal Court Jurisdiction*]

2. On May 16, 2017, the Plaintiff, Gary Jones, was a registered guest at the Harding Hotel in Cary, North Carolina. The Defendant, Hoteliers, Inc., was the sole owner and operator of the Harding Hotel on May 16, 2017.

3. On May 16, 2017, the carpet leading from the game room to the reception area at the Harding Hotel had a rip in it, causing the Plaintiff Gary Jones to trip and fall while walking on the carpet.

4. The Defendant Hoteliers, Inc. was negligent in failing to remedy the rip in the carpet or in failing to warn the Plaintiff Gary Jones of the hazard posed by the rip.

5. As a result of the negligence of the Defendant, the Plaintiff suffered a substantial fracture in his leg, suffered physical pain and emotional distress, lost wages in the amount of \$10,000, and incurred medical expenses in the amount of \$70,000.

Therefore, the Plaintiff seeks compensatory damages, costs, and such other relief as the court deems appropriate.

Date: August 1, 2018\_\_\_\_

Respectfully submitted,  
COLLINS & MOORE, P.A.

*attorney signature*

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