

Civil Procedure I – Professor Murphy

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

Required books

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

- Freer & Perdue, *Civil Procedure: Cases, Materials, and Problems* (8th ed. 2020) (Carolina Academic Press, ISBN 978-1531014087) (obtain the hardcover, not the electronic, version)
- **2021-2022 Edition of the Federal Rules of Civil Procedure** (Carolina Academic Press, ISBN 978-1531022808). 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 the book.

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 of Civil Procedure are available online and I will post PDF pages for the first assignment from the Freer & Perdue casebook to our Bridges course site under “Resources—Course Materials.”

Getting ready for the Civil Procedure course

I recommend that you work through all the "Zero L" 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

Material posted on our Bridges course site under “Resources-Course Materials”

- Study the Course Information memo
- Read “Prohibition on Student Usage of Electronic Devices During Class”
- Read the first page of the document titled “Summary of Course Coverage, Class Assignments, Master Challenge”
- Prepare Unit 1 in this document

	Topics	Preparation
1	<p>Introduction to Civil Procedure ****</p> <p>PART I Fundamentals of a Civil Lawsuit at the Trial Level PART I A: PLEADINGS AND JUDGMENTS BASED ON PLEADINGS</p> <p>The Complaint</p>	<p>Casebook 3-15; read "Sources of Federal Civil Procedural Law," which is included in this document</p> <p>Casebook 305-311 (not including “Legal Sufficiency”); Federal Rules of Civil Procedure (hereafter “F.R.C.P.”) 1, 7(a) & (b)(1)-(2), (8)(a), 8(e), 10; Sample Complaint in Course Materials Supplement</p> <p>Based on the selected Federal Rules of Civil Procedure that I have assigned and the sample complaint I have provided in this document 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>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>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>Upload your submission under the “Assignments Tool” in our Bridges course site. Place your name at</p>

the top right of the submission. However, at the end of your complaint, create fictitious information for attorney name, signature, address, email, and telephone.

I will *not* be grading your complaint. Please keep a hardcopy of your complaint available for you to review during class.

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, 20__ , 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, 20__ , 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, 20__

Respectfully submitted,
COLLINS & MOORE, P.A.

attorney signature

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