

# **Course Information for Civil Procedure § 4**

## **Professor Tarkington**

### **Class Location and Time**

Room 100A: M & W at 1:30 to 2:55 p.m.

### **Texts**

The texts for the course are:

- Freer and Perdue, Civil Procedure: Cases, Materials, and Questions (5th Edition)
- A. Benjamin Spencer, Federal Civil Rules Supplement 2010 (Foundation Press). (The “Rules Pamphlet”)

### **Exam**

There will be one final examination at the end of the semester. You are allowed to have with you at the exam (1) your copy of the Rules Pamphlet; and (2) an outline that **you prepared** that is 4 pages or less (you can use both sides of each page if you would like).

### **Grades & Participation**

Approximately 95% of your raw score in the class will be based on the final exam. Approximately 5% of your raw score will be based on participation as follows. I will give most, if not all, students 7 out of 14 possible points for participation. However, the participation score may be increased or decreased for student performances that are particularly outstanding or particularly poor. Outstanding performance will be based on quality rather than quantity. I define lack of preparation as the failure to make a good faith effort to read and understand the materials.

### **Passes for Being Unprepared**

I expect you to be prepared every day for class. Nevertheless, I will give each student 2 passes on preparation, which will allow you to avoid both public humiliation (from being called on when unprepared) and any lowering of the 5% participation portion of your grade. In order to use a pass, you must give me a note with your name and the date on it **before class begins** and before I call on you—I will then refrain from calling on you on that day. You cannot pass me a note or attempt to use a pass once class begins. I will keep track of who has turned in passes and when each student has exhausted their passes. Use of passes will not be considered lack of preparation and will **not** affect the participation portion of your grade.

### **Seating**

On Wednesday, August 25, 2010, I will distribute a blank seating chart for you to fill in. Please sit in your chosen seat thereafter to help me learn your names.

## **Outlines and Outside Sources**

I strongly recommend that you prepare your own outline for Civil Procedure, as well as your other classes. Preparing your own briefs and outlines will greatly assist you in understanding and digesting the materials covered. If you feel you need additional texts to help you understand and clarify what we cover in class, there are numerous Civil Procedure study aids, hornbooks, and outlines that have been published.

You are free to consult such materials if you find them helpful—but they are not required to do well in the class. Here is a list of sources that other professors have recommended:

- Richard D. Freer, Introduction to Civil Procedure (Aspen Publishers).
- Friedenthal, Kane & Miller, Civil Procedure (West).
- Black-letter series Civil Procedure outline by Kevin Clermont (West).
- Kevin M. Clermont, Principles of Civil Procedure Concise Hornbook (West).
- Glannon, Civil Procedure: Examples and Explanations (Aspen).
- Shreve and Raven-Hansen, Understanding Civil Procedure (LexisNexis).

## **Office Hours**

I will be in my office for student questions and consultation on Thursdays from 12:20 until 1:20 p.m. and also at other times by appointment. Feel free to email me ([tarkingtonm@law.byu.edu](mailto:tarkingtonm@law.byu.edu)) or call me at home ((812) 932-2344) or on my cell ((812) 717-0344) with any questions or to make an appointment. If you call and I am not there, please leave a message. There is no need to feel intimidated about approaching me or asking me questions—they are encouraged and welcomed.

## **Comments Regarding Class**

Please feel free to email me or talk to me about any concerns, comments or questions you may have about the course. It will NOT negatively affect your grade to do so (the tests are anonymous). However, if you would feel more comfortable sending me an anonymous comment or concern, you can use the following gmail account to send an email to me at my regular account ([tarkingtonm@law.byu.edu](mailto:tarkingtonm@law.byu.edu)).

The anonymous gmail account that you can use is:

Username/account: [narkontark@gmail.com](mailto:narkontark@gmail.com)

Password: 4tarkington