SOUTHERN ILLINOIS UNIVERSITY

SCHOOL OF LAW

Law 615: Illinois Civil Procedure
Spring 2018

Professor Beyler
Room 236

Syllabus

Contact Information: My e-mail address is beyler@siu.edu. My office telephone is 453-8716.

Office Hours: Drop in any time, but right after class is the best time. On days when our class meets, I usually will be in my office from 9:00-11:00. I encourage you to e-mail me to set up a specific meeting time. Questions by e-mail are always welcome.

Meeting Times & Place: We meet Monday and Wednesday from 2:00-2:50 p.m. in Room 251. I will announce makeup classes by e-mail through TWEN.

Learning Objectives: You will learn enough Illinois civil procedure to (1) get a passing score on the bar exam’s Illinois civil procedure questions, and (2) handle ordinary civil suits in the Illinois courts, provided you learn the local rules where you practice.

Textbook: (1) Student Packet and (2) Bar Exam Questions, both downloadable from TWEN.

Other Books: You will need to refer to: (1) the Illinois Code of Civil Procedure & Illinois Supreme Court Rules, which are online in many places, including Westlaw and Lexis; and (2) IICLE SmartBooks, which are available online via the SIU Law Library web page.

TWEN: The TWEN page for this course will have the Student Packet, Bar Exam Questions, Syllabus, PowerPoint slides, the Complaint-Drafting Exercise, and announcements.

Final Exam: This will be three hours long, given on Thursday, May 3, 2018 at 1:15 p.m. The exam will consist primarily of long and short essay questions. **THE EXAM WILL BE CLOSED BOOK, SO PREPARE ACCORDINGLY THROUGHOUT THE SEMESTER.**

Complaint-Drafting Exercise: You will draft a complaint for filing in an Illinois Circuit Court, based on materials posted on TWEN. You will consult no one in drafting your complaint. Talking with other students (or lawyers) about what cause(s) of action to plead, how to plead, or anything else about this assignment will violate the rule against consultation and will subject you to punishment under the Law School Ethics Code. You will begin work on this assignment immediately after the first class.

Bar Exam Question: Because the faculty is committed to preparing you to pass the bar exam on the first try, I will administer a practice bar exam question sometime in the second half of the course.
Course Grading Scale: Your grade will be based on the total number of points you earn on the Final Exam, Complaint-Drafting Exercise, and Bar Exam Question. The relative weights for these will be 85% for the Final Exam, 10% for the Complaint-Drafting Exercise, and 5% for the Bar Exam Question. The course grades will comply with the Law School Grades and Grading rule, which specifies mandatory medians and expected grade distributions.

Late Work Policy: If you miss the deadline for the Complaint-Drafting Exercise, I will deduct: (1) 25% from your score if you are late by up to 24 hours; or (2) 50% from your score if you are late by more than 24 hours. I will extend the deadline only for an unexpected, extraordinary emergency. Like any good lawyer, you must continue work on the assumption that your request will be denied until the extension is actually granted.

Workload Expectations: The American Bar Association standards for accrediting law schools contain a formula for calculating the amount of work that constitutes one credit hour. According to ABA Standard 310(b)(1), “a “credit hour” is an amount of work that reasonably approximates: (1) not less than one hour of classroom or direct faculty instruction and two hours of out-of-class student work per week for fifteen weeks, or the equivalent amount of work over a different amount of time.” This is a 2-credit hour class, meaning that we will spend two 50-minute blocks of time together each week. The amount of assigned reading and out of class preparation should take you about 2 hours for each class session. All told, you should plan on spending 6 hours per week on course-related work.

Emergencies: Southern Illinois University Carbondale is committed to providing a safe and healthy environment for study and work. Because some health and safety circumstances are beyond our control, we ask that you become familiar with the SIUC Emergency Response Plan and Building Emergency Response Team (BERT) program. Emergency response information is available on posters in buildings on campus, available on BERT's website at www.bert.siu.edu, Department of Safety’s website www.dps.siu.edu (disaster drop down) and in Emergency Response Guideline pamphlet. Know how to respond to each type of emergency.

Instructors will provide guidance and direction to students in the classroom in the event of an emergency affecting your location. It is important that you follow these instructions and stay with your instructor during an evacuation or sheltering emergency. The Building Emergency Response Team will provide assistance to your instructor in evacuating the building or sheltering within the facility.

Recording of Classes: All classes will be automatically recorded. If you have approved access as an accommodation for disability reasons, you do not need my permission to view the recordings. Otherwise, you do need my permission. I will gladly give it if you must miss a class due to illness, a moot court competition, or a job interview. Upon reporting to my secretary (Susan McLaren) that you have viewed the recording, she will refund the absence.

Saluki Cares: The purpose of Saluki Cares is to develop, facilitate and coordinate a university-wide program of care and support for students in any type of distress—physical, emotional, financial, or personal. By working closely with faculty, staff, students and their families, SIU
will continue to display a culture of care and demonstrate to our students and their families that they are an important part of the community. For Information on Saluki Cares: (618) 453-5714, or siucares@siu.edu, http://salukicares.siu.edu/index.html. At the School of Law, Assistant Dean Judi Ray is also available to help students access university resources. Her email is judiray@siu.edu, and her phone number is 618-453-3135.

**Attendance:** I follow the Law School’s attendance policy. You can miss up to four classes. If you miss more than four, you will be sanctioned under the Law School rules.

**Disability Services:** Disability Support Services provides the required academic and programmatic support services to students with permanent and temporary disabilities. DSS provides centralized coordination and referral services. To utilize DSS services, students must come to the DSS to open cases. The process involves interviews, reviews of student-supplied documentation, and completion of Disability Accommodation Agreements. http://disabilityservices.siu.edu/. Upon completion of a Disability Accommodation Agreement with DSS, students should bring the agreement to the School of Law Registrar’s Office to ensure the School of Law provides the proper classroom and examination accommodations.

**Practice Questions:** I enjoy fielding real-world questions. Don't hesitate to ask for help this year or in later years. All you owe me is an e-mail letting me know the final outcome.

**Class Discussion:** I call on students in alphabetical order. On your day, you (or a substitute) must be present and ready to discuss the material thoroughly.

**Tentative Schedule:** Attached is a tentative schedule of the topics we will cover in each class. I have listed the assigned reading for the first several classes. I will post updates on TWEN as the semester progresses.
<table>
<thead>
<tr>
<th>Class #</th>
<th>Topic &amp; Material</th>
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| 1       | **Pleadings (I): The Fact Pleading Standard; Other Form and Content Rules; Special Pleading Requirements**  
Student Packet: Chapter 1  
Statutes & Rules: Cited in Chapter 1  
Bar Exam Questions: 1(a), 3(a), 6(a), 10(b) |
| 2       | **Pleadings (II): Joinder of Causes of Action; Joinder of Legal and Equitable Matters; Responsive Pleadings; Rule 137 Duties**  
Student Packet: Chapter 2  
Statutes & Rules: Cited in Chapter 2  
Bar Exam Questions: 1(b), 4(b), 7(a)-(b), 21(a), 33(a) |
| 3       | **Parties (I): Proper Parties; Permissive Joinder of Parties as Plaintiffs, Defendants or Third-Party Defendants; Misjoinder, Severance and Consolidation; Compulsory Joinder**  
Student Packet: Chapter 3  
Statutes & Rules: Cited in Chapter 3  
Bar Exam Questions: 2(a)-(b), 11(a), 28(a)-(b), 29, 33(b), 38(b), 45(c) |
| 4       | **Parties (II): Intervention; Interpleader; Parties for Special Purposes; Class Actions**  
Student Packet: Chapter 4  
Statutes & Rules: Cited in Chapter 4  
Bar Exam Questions: 32, 38(a), 48(a)-(c), 49(a)-(c) |
| 5       | **Jurisdiction: Subject Matter Jurisdiction; Personal Jurisdiction; Jurisdiction Agreements**  
Student Packet: Chapter 5  
Statutes & Rules: Cited in Chapter 5  
Bar Exam Questions: 8(a), 10(a), 15, 25, 26(a), 30(a), 31(a), 34(1)-(2), 36, 39(a)-(b), 40(a), 41(a), 43 |
6 **Service of Process: Process; Process Servers; Methods of Service**

Student Packet: Chapter 6  
Statutes & Rules: Cited in Chapter 6  
Bar Exam Questions: 8(b), 16(a)-(b), 40(b), 41(b), 42

7 **Challenging Jurisdiction or Service of Process: Procedure on Motions to Dismiss; Procedure on Motions to Quash**

Student Packet: Chapter 7  
Statutes & Rules: Cited in Chapter 7  
Bar Exam Questions: 41(c)

8 **Default Judgment**

Default Judgment Requirements; Relief from Default Judgments

9 **Venue and Forum Non Conveniens**

The General Venue Statute; Special Venue Statutes; Venue Agreements; Venue Procedure; Interstate and Intrastate Forum Non Conveniens; Forum Non Conveniens Procedure

10 **Amendment of Pleadings**

Types of Changes; Necessity of Getting Leave; Discretionary Factors; Post-Amendment Proceedings

11 **Statutes of Limitation and Repose**

When the Action Commences; Contractual Modification; Limitations for Minors; Limitations in Derivative Actions; Laches; The Discovery Rule; Statutes of Repose; Extension or Tolling; The Borrowing Statute

12 **Relation Back**

Relation Back of Claims and Defenses; Relation Back of Changes of Party

13 **Motion Practice (I)**

Proper Type of Motions; Pleadings Motions; Summary Judgment Motions; Involuntary Dismissal Motions

14 **Motion Practice (II)**
Motion Based on Delay in Service; Motion to Strike a Jury Demand; Motion for
Good Faith Settlement Finding; Motion to Adjudicate Subrogation Claims;
Motion to Adjudicate Health Care Liens

15

**Discovery (I)**
Scope of Discovery; Depositions; Interrogatories; Requests to Produce or Inspect;
Physical and Mental Exams; Requests for Admission; Discovery and Health Care
Privacy; Discovery Procedure

16

**Discovery (II)**
Attorney-Client Privilege and Work Product

17

**Discovery (III)**
Disclosure of Witnesses; Consultants; Sanctions; Pre-Suit Discovery; Limited and
Simplified Discovery

18

**Pretrial Procedure**
Change of Judge by Recusal, Substitution of Right, or Substitution for Cause; Case
Management Conferences; Voluntary Dismissal; Dismissal for Want of
Prosecution

19

**Trial (I)**
Voir Dire; Challenges for Cause; Peremptory Challenges; Dismissal of Jurors for
Misconduct; Opening Statements; Mistrial; Directed Verdict Motions; Closing
Arguments

20

**Trial (II)**
Jury Instructions; Verdict Forms; Jury Deliberations; Return of Verdict; Entry of
Judgment; Non-Jury Trial

21

**Post-Trial Motions**
Necessity in Jury Cases; Timing; Judgment NOV; New Trial; Conditional Rulings;
Non-Jury Cases

22

**Enforcement of Judgments**
Enforcement Requirements; Exempt Property or Income; Citation to Discover
Assets Proceedings; Other Types of Enforcement Proceedings; Revival of
Judgments
23  **Appeal**  
Types of Appeals; Requirements for Each Type; Retained Jurisdiction; Revested Jurisdiction; Law of the Case

24  **Petitions for Relief from Judgment**  
Timing; Requirements; Procedure

25  **Res Judicata (I)**  
Claim Preclusion Requirements; Claim Preclusion Exceptions

26  **Res Judicata (II)**  
Issue Preclusion Requirements; Issue Preclusion Exceptions

27  **Injunctions**  
Interlocutory Injunctions; Permanent Injunctions; Statutory Injunctions; Enforcement of Injunctions; Damages for Wrongfully Entered Injunctions

28  **Exam Review**