

CIVIL PROCEDURE

Professor Howard Wasserman
Office: RDB 2065
e-mail: howard.wasserman@fiu.edu

Spring 2026
Phone: (305) 348-7482

Section A:
3-4:10 p.m. Wednesday-Thursday
1-2:10 p.m. Friday
RDB 2008

Section B:
11 a.m.-12:10 p.m. Wednesday-Thursday
RDB 2008

Semester Assessments

College of Law Academic Policies and Regulations:

All assignments are administered and conducted in accordance with all the provisions of the Florida International University College of Law Academic Policies, *reprinted in* the College of Law Student Handbook. Students are expected to be familiar with and to conduct themselves in accordance with those policies and regulations.

Essays

Everyone will write one (1) essay during the semester, worth **fifty (50) points**.

There are nine or ten topics. A group (6-10) will be assigned at random to one topic, corresponding to subjects in the class. Some assignments require you to review and analyze litigation documents, others require you to analyze and resolve a litigation situation, others require you to argue a motion, others require you to resolve a motion as the court. Each problem will be distributed right after we complete a topic and your essay will be due one (1) week later.

The first essay will be distributed approximately 2-3 weeks into the semester. During the second week of class, I will post who will be writing on which essays (by Blind ID #).

You need your **Spring** Blind ID # from the registrar, available at the beginning of the second week of class.

Directions:

Essays will be **maximum of 1000 words**. You **must** include a cover page containing your Blind ID #, the topic you were assigned, and a certification of the word count and the program used (e.g., "999 Words; Word for Mac 14.3.9"). The cover page does not count against the word limit. The paper must be typed, double-spaced, and in 12-point Times, Garamond, or similar font.

Except as otherwise indicated in your specific question, you may cite only to cases, rules, statutes, and other things from the assigned course materials and readings (including everything on the blog and in blog posts and all rules and statutes in your rules pamphlet), as well as the materials provided with the problem (e.g., if you are asked to discuss a new judicial decision, you may review the cases cited in that decision). No other outside research or materials is permitted. Do not do research on Westlaw, Lexis, or any other database (other than to find permissible cases).

You must work entirely on your own. No collaboration, consultation, communication, advising, discussion, or sharing is permitted--whether with me, with another student, with another faculty member, or with anyone else in the known universe from the day the assignment is distributed until all have been turned in.

The use of ChatGPT and other generative AI, LLM, or similar programs for written assignments is prohibited and will be deemed a violation of College of Law academic policies.

You are bound by the class plagiarism and AI policies, described on the Syllabus, as well as all College of Law rules.

Writing the Essay:

Write a good, well-organized, readable essay. The key to your grade is your analysis and explanation in reaching a conclusion. Show and explain your work and be specific. Good essays should follow a tight CREAC structure: State and explain the relevant legal rules (statute, rule, case, etc.), including text and (where appropriate) history and policy, then discuss and apply the specific facts you have to those legal rules.

Do not use sentence fragments, bullet points, or outlines. Do not cut-and-paste portions of your notes or outline. Do not list a series of rules and then talk about facts. Do not waste time and space reciting random facts divorced from the legal framework; discuss the law, then discuss the facts in light of the legal rules. The goal is not to show how many rules you know, but to resolve a problem under the law. Obey the principle of “Chekhov’s Rule.” Do not mention a rule, idea, principle, or fact unless it is part of your application and analysis. Not everything we say in class must find its way into your answer; figure out what matters and what furthers your answer.

Focus on the REA. Either start or end (not both) with a brief conclusion (“The court has jurisdiction”—do not give the because), so I know your conclusion. Spend more of your space explaining the rules and doing a more-than-conclusory application, in which you get detailed about the rules and specific about the facts and why the legal rule is satisfied. Otherwise, you write a concluding sentence that consumes 50 of your 300 words and repeats the conclusions I already saw, rather than using those 50 words to provide analysis.

Make sure your answer is an explanation, not a conclusion. If your “analysis” is “the rule is satisfied because the language of the rule is satisfied,” that is not enough. If your entire analysis takes up one sentence that repeats the legal standard, that is not enough. You must explain why a rule is satisfied, pointing to the specific and precise facts you have. If you have a document, cite to specific parts of that document.

Avoid throat-clearing (“the court will hold,” “the plaintiff will argue”); jump into your rule, explanation, and analysis. CREAC is your friend and should be used in organizing your answer. Given the space limitations, focus on the REA, with a brief conclusion at the beginning or end; I want you to focus on real analysis—rules and the application of those rules to the facts you have. Stay out of the argument (not “I think”).

If you are asked to play a particular role (court, attorney for one party or another), write in that role.

Read the problem and your assigned question carefully. The questions are designed to examine your grasp of materials we already have covered. Answer **only** the question asked.

Follow the recommendations and requirements ***Good Writing and Talking Procedure*** post on the ***Blog***.

You must follow the writing and citation rules in the *Good Writing and Talking Procedure* post on the ***Blog***. I will be watching for these. In particular, with respect to citations:

- Go to the primary source, not the treatise discussion of the primary source or concept.
- SCOTUS cases: Give party name and a year (*Iqbal* (2009))
- Lower court cases: Give one party name, court, and year (*Danizger* (2d Cir. 2020))

I will post a sample essay and answer prior to assigning the first essay. This will show you the basic format and what I want your essays to look like.

Preliminary Examination

The Preliminary Examination will be a one-week take-home, likely assigned in early March. It will consist of approximately 10 multiple-choice questions. Each question is worth 5 points, for a total of approximately **fifty (50) points**.

The goal is to check your progress and grasp on the material from early in the semester and to give everyone some easy points.

Final Examination

The Final Examination will be a 28-hour take-home. It will be worth **100-120 points**.

Full details TBD. Each student will answer two essay questions of 1000 words, worth 50 points each, plus one possible short answer question worth 20 points. Each essay should follow the structure and rules for in-semester essays.

Class Participation

Class participation is worth **thirty (30) points**.

Class is conducted largely in a question-and-answer format supplemented by my explanations. You must have read and prepared the material to engage in the conversation and for any of the discussion to make sense. I do not cold-call or random-call, except where a student makes a point or raises an issue; then I will return to that student in the future when that issue or that point arises again in later classes.

I have provided a separate document with a list of questions for each topic. These questions structure class discussions, give you a sense of how the materials fit together, and show where the next class discussion will go. Spend time thinking about and being ready to answer these questions and problems as part of your reading and class preparation.

In evaluating class participation, I consider both the quality and quantity of your answers and comments and your participation in the broader conversation.

Optional Creative Project Information

Everyone has the option of doing a creative project, which will be worth an additional **ten (10) points** of extra credit on the final grade.

You will explain or explore some concept(s) in a different form or format. This may include haikus and other poems, stories, music videos, songs, parody videos, skits, cartoons, short stories, drawings, paintings, cartoons, board games, video games, and anything else you can think of. The idea is to have fun, release some stress during the semester and while studying for exams, and surprise yourselves with how well you know and understand the material. Sometimes the project serves as a useful study aide. Obviously, please keep it tasteful.

The project is due at the pre-final exam Q&A session, held a day or two before the exam; you may, of course, turn it in at any point during the semester. **You may work with classmates or in groups within your section.** Projects will be displayed and presented/performed at the Q&A session.

Please limit anything performed live or recorded and shown during the review session (songs, skits, videos, games, dance routines, etc.) to no more than **3-4 minutes**.

Again, this project is optional and designed to let you have fun. Do not stress over this.

If you want details or ideas, you can stop by my office to see some past projects. The cover of the Documents Packet features two drawings that previous students created. Two videos for the first week assignments were projects from the past two years. You can speak with current upper-class students for advice and ideas.