

# SKILLS & VALUES: CIVIL PROCEDURE

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# SKILLS & VALUES: CIVIL PROCEDURE

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## SECOND EDITION

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MATTHEW  BENDER

# Introduction

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The materials in this text were developed to assist students and instructors in incorporating legal skills and analytical skills into the substantive study of Civil Procedure. The materials are designed to allow students to apply the substantive material from class to practical problems and self-assess their own proficiency in understanding the topics while thinking analytically and practically about the law. Each chapter in this text addresses a fundamental topic area common to most first year Civil Procedure courses. The chapters include a short introduction of the topic area followed by a series of problems and exercises that address the analytical components of the topic. The goal of each topical chapter is not to reiterate the applicable rules of law as described in the course materials and by the professor. Rather, the focus of the materials is to provide students with opportunities to exercise analytical skills in the context of the relevant substantive law. Therefore, each chapter contains various exercises which seek to address key areas in each topic.

Many of the chapters in this text contain materials which can be accessed on the **LexisNexis Webcourse** that was created for this book. These materials may include client and witness instructions, additional factual summaries, analytical flow charts, podcasts, video materials, and links to other relevant materials. The text will prompt readers to access the online materials when the materials are relevant to the exercise.

The exercises are designed for student to perform a self-assessment, provided online, which provides detailed analysis of the exercises. These self-assessment materials are not *answers* to the exercises, they are offered as suggestions on how to analyze the fact situations in the exercises. Each student may reach a somewhat different conclusion on a given exercise, just as judges often reach different conclusions based on similar facts. The self-assessment materials are offered primarily as guides for students to develop and use analytical skills in the context of Civil Procedure.

## Each chapter contains:

- An introduction that reviews the topic and introduces the exercise(s);
- One or more exercises on the topic;
- An estimated time for completing each exercise indicated by the icon below, each representing 15 minutes;



- An estimated degree of difficulty (difficult, moderate, easy) for each exercise represented by 1-5 black diamonds;





# *Dedication*

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Catherine would like to thank students and colleagues at the Elon University School of Law for their assistance in the preparation of this book. Also, Catherine humbly acknowledges the unending support of her family and dedicates this book to Jeff, Lucy and Davis.

Don dedicates this book to his wife, Martha M. Peters, and his sons, John D. Fitch, Michael L. Fitch, and Timothy D. Peters, with gratitude for the depth of appreciation of process, and the limits of attempts to regulate it, that loving them has given him.





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