

**College of Micronesia – FSM**  
**P.O. Box 159**  
**Kolonia, Pohnpei**

**Course Outline Cover Page**

**Appellate and Civil Procedure/Jurisdiction**

Course Title

**LAW 236**

Department and Number

**Course Description:** This course is designed to provide the student with an understanding of the law of civil and appellate procedure in the FSM, with an emphasis on a thorough understanding of the FSM Rules of Civil Procedure and Rules of Appellate Procedure.

**Prepared by:** Scott Garvey

**State:** \_\_\_\_\_

	Hours per Week	No. Of Weeks	Total Hours	Semester Credits
Lecture	4/8	16/8	64	4
Laboratory				
Total Semester Credits:				4

**Purpose of Course**

Degree Requirement	_____
Degree Elective	_____
Advanced Certificate	_____
Certificate	_____XX_____
Remedial	_____
Other (Workshop)	_____

**Prerequisite Course(s):** Admission to Trial Counselor Program; no specific prerequisites

\_\_\_\_\_  
**Signature, Chairman, Curriculum Committee**

\_\_\_\_\_  
**Date Approved by Committee**

\_\_\_\_\_  
**Signature, President, COM-FSM**

\_\_\_\_\_  
**Date Approved by the President**

## **General Learning Outcomes:**

The objective of this course is to introduce students to the principles and rules governing the law of civil procedure and appellate procedure in the Supreme Court of the Federated States of Micronesia. The course will also cover the underlying concepts of Due Process, Federalism and the importance of finality in the decision making process.

**Specific Learning Outcomes:** Upon successful completion of this course the student will be able to:

- 1 Identify the legal issues facing a trial counselor or attorney when handling a civil or appellate case.
- 2 Apply the FSM Rules of Civil Procedure and Rules of Appellate Procedure, relevant FSM code provisions, and FSM case law to specific legal and factual situations.
- 3 Describe the basic legal principles and constitutional doctrines that underlie the system of civil and appellate procedure in the FSM; and
- 4 Draft motions and appellate briefs.

## **Outline of Content:**

This course covers the following topics:

1. Due Process and how it relates to civil procedure
2. The constitutional basis of jurisdiction in the FSM Supreme Court
3. Personal Jurisdiction
4. Subject Matter Jurisdiction
5. Venue and Forum Non Conveniens
6. Choice of law in the FSM Supreme Court (the “Erie Doctrine”)
7. Pleadings
8. Preclusive effect of judgments (Res Judicata and Collateral Estoppel)
9. Multiple claims and parties
10. Discovery
11. Pre-trial disposition (Summary Judgment)
12. Enforcement of judgments
13. Appellate Jurisdiction
14. Appellate Procedure
15. The Appellate Brief

**Assessment Criteria:** On completion of this course the learner will be able to:

**Learning Outcome 1** Identify the legal issues facing a trial counselor or attorney when handling a civil or appellate case.

Assessment Criteria When presented with a hypothetical civil procedure fact pattern, students must identify the legal issues relevant to a court's analysis of the fact pattern.

Assessment Methods Essay questions that present hypothetical fact situations.

**Learning Outcome 2** Apply the FSM Rules of Civil Procedure and Rules of Appellate Procedure, relevant FSM code provisions, and FSM case law to specific legal and factual situations.

Assessment Criteria

1. When presented with a legal issue for analysis, students must know the appropriate rule or statute that a court will use to decide the legal issue.
2. Students must be able to apply rules, code provisions, and case law to specific procedural situations.

Assessment Methods Essay questions and writing assignments.

**Learning Outcome 3** Describe the basic legal principles and constitutional doctrines that underlie the system of civil and appellate procedure in the FSM.

Assessment Criteria Analyze fact situations in which no established legal rule supplies the answer, so that students must be able to make a coherent argument based on fundamental principles and constitutional theory as to what the proper legal analysis should be.

Assessment Methods Essay questions and writing assignments.

**Learning Outcome 4** Be able to draft motions and appellate briefs.

Assessment Criteria

Draft a typical civil procedure motion and draft an appellate brief.

Assessment Methods

Writing assignments consisting of a sample motion with memorandum of points and authorities in support thereof and an appellate brief.

**Required Course Materials:**

**1. Instructor:**

- a. Classroom with whiteboard or chalkboard
- b. FSM Rules of Civil Procedure
- c. FSM Rules of Appellate Procedure
- d. FSM Constitution
- e. FSM Code
- f. FSM Supreme Court Digest

**2. Student:**

- a. Ring binder
- b. College ruled note sheet, pencil or pen

**Textbook:** Handouts selected by instructor and available for purchase through the COM-FSM bookstore.

- FSM Rules of Civil Procedure
- FSM Rules of Appellate Procedure
- FSM Constitution
- FSM Code
- FSM Supreme Court Digest

**Reference Materials:**

- FSM Rules of Civil Procedure
- FSM Rules of Appellate Procedure
- Article XI of the FSM Constitution
- FSM Code Title 1, Chapter 2; and FSM Code, Title 6
- Relevant cases from the FSM Supreme Court (to be assigned by instructor)
- Relevant cases from foreign jurisdictions,  
especially U.S. Supreme Court cases (to be assigned by instructor)
- Case books on Civil Procedure and comparative legal systems

**Method of Instruction:**

1. Lecture
2. Socratic method

**Evaluation:**

Final Grade for this course will be based on meeting the course requirements at the following percentage rates:

90% - 100%	A – Superior
80% - 89%	B – Above Average
70% - 79%	C – Average
60% - 69%	D – Below Average
0 % - 59%	F – Failure

**Attendance:**

The COM-FSM attendance policy will apply.

**Academic Honesty Policy:**

The COM-FSM academic honesty policy will apply.