

Wednesday, January 30, 2019 (class 2 of 30!!)

Today:

- What is Civil Procedure?
- OpenLab!

Now: Two things you learned from today's reading (C&W Intro & Ch. 1) to share with the class!

By Fri. Feb. 1: *If you want*, suggest additional "Instructor Expectations"!

For next class (Mon. Feb. 4) – *all to be discussed:*

- Read C&W ch. 2, answer Qs 4-7 on p. 21 in complete sentences, on paper.
- Review court charts & maps posted on OpenLab.
- Write post on OpenLab: "Who You Are"!

Mon. Feb. 11 (class 5): Start bringing CPLR to class.

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What is Civil Procedure?!

Civil procedure = rules and proceedings through which courts resolve disputes between private parties (individuals, businesses, etc.).

➤ civil "trial" / "matter" / "case" / "lawsuit" / "litigation," *etc.*

Who are the parties to a civil matter?

Plaintiff = believes she/he has been wronged; brings dispute to court to get relief ("remedy")

➤ "initiates" / "commences" / "files" a case, *etc.*

Defendant = alleged wrongdoer; party against whom plaintiff brings a case

➤ "responds" to case (*has several options*)

What are some differences between civil and criminal matters?

Parties

➤ Civil = Individual/entity wronged (victim, "plaintiff")

v. alleged wrongdoer ("defendant")

➤ Criminal = Government (e.g., People of State of NY, or US: "prosecution") v. alleged wrongdoer ("defendant")

Result ("relief" / "remedy")

➤ Civil = \$ damages (usually, or order to do/not do something, etc.)

➤ Criminal = fine; prison; DEATH.

Standards of Proof

➤ Civil = "preponderance of evidence"

➤ Criminal = "beyond a reasonable doubt"