Most courses focus on the substance of the law—the rights and duties arising from various laws in our society. For example, a corporate officer’s duties to the corporation’s shareholders are a matter of substantive corporate law. An accident victim’s ability to obtain compensation for his injuries is a matter of substantive tort law. When we think of the “the law,” we generally mean “substantive law.”

Ultimately, we look to the judicial system to enforce the rights and responsibilities embodied in substantive law. The process by which an individual seeks vindication in the courts is governed by a set of rules, which we call the “Rules of Civil Procedure.” For example, did the plaintiff file his suit in the right court? Did the defendant receive adequate notice of the claims alleged against her? What information must the parties exchange? Can the case be resolved without the need for a full trial? This course will examine the “rules of the game” that answer these and other similar questions.

As we study the rules of civil procedure, ask yourself whether these rules are fair to the parties, and whether they assist the courts in efficiently and effectively resolving disputes.

With that, welcome to civil procedure! I hope you will enjoy taking this course as much as I will love teaching it.

TEXTS: All students must have the two required texts listed below. Although no other materials are necessary for this course, two optional study guides are available in the Reference Area of the law library, which provide further background on the topics we will be studying.

**Required Texts** (available in the University Bookstore):
- Rowe, Sherry & Tidmarsh, *Civil Procedure* (Foundation Press, 3d ed. 2012)

**Optional Study Guides** (available in the Reference Area of the law library):

**GRADING:** Grades will be based on a final examination (90%) and class participation (10%).

**Examination (90%):**
The examination will be a three-hour open-book exam. You may bring your casebook, any other assigned readings, legal or non-legal dictionaries, translation aids approved by the law school, and your own notes and outlines. You may NOT bring commercially prepared outlines or
Participation (10%):
All students are expected to participate in class discussions. The entire class benefits when each of you shares your opinion and asks questions. The class’s active participation also lets me know that all of you have understood the material, and it helps me provide clarification where necessary. I will call upon you in class at least once during the quarter. Your participation score will depend on your ability to provide thoughtful responses to my questions.

ATTENDANCE: Please do attend and participate in class—it’s the best way to learn, do well, and enjoy your time in school. Law school policy requires at least 80% attendance to receive course credit. Please review the student handbook if you have any questions regarding attendance.

DISABILITY ACCOMMODATION: Please review the Law School student handbook for the University’s disability accommodation policy. Do not hesitate to contact me if my assistance is needed.

RECORDING CLASSES: On request, I will arrange for classes to be recorded and posted to the course website. Please contact me at least one week in advance if you would like a particular class to be recorded.

READING ASSIGNMENTS: All readings are subject to change. Please complete readings before the date on which they are listed. In the reading assignments below, “CB” refers to pages in the Rowe, Sherry & Tidmarsh Civil Procedure casebook. “Supp.” Refers to the 2012 Supplement to the Civil Procedure casebook. You will likely reference the complete Federal Rules of Civil Procedure as we proceed through the course.

January 6 – 8

PART I: INTRODUCTION TO CIVIL PROCEDURE (Chapter 1)

A. Overview of American Federalism

B. Overview of the American Judicial System
   All sections (CB 18-23)

C. American Civil Procedure in Comparative Perspective
   Whole section (CB 24)

PART II: PERSONAL JURISDICTION (Chapter 9)

A. Perspectives on Personal Jurisdiction
   Whole section (CB 409-15)
B. From Presence to Contacts
   Introduction (CB 416-17)
   Pennoyer v. Neff, Case Notes 2, 3, and 5 (CB 417-20)
   International Shoe Co. v. Washington, Case Notes 1 – 4 (CB 422-26)

C. Applying Minimum Contacts
   Introduction and discussion of two analytical steps (CB 437-40)
   World-Wide Volkswagen Corp. v. Woodson, Case Notes 1-4 and 6 (CB 441-55)

January 13 – 15

PART II: PERSONAL JURISDICTION (Continued)

D. Review of Personal Jurisdiction Concepts

E. Other Bases for Jurisdiction
   General Jurisdiction (CB 478)
   Goodyear Dunlop Tires Ops., S.A. v. Brown, Case Notes 1-3, 5 and 6 (CB 478-85)
   Introductory paragraph before Burnham v. Superior Court (CB 485)
   Note 1 after Burnham v. Superior Court (CB 497)
   Introduction before Carnival Cruise Lines, Inc. v. Shute (CB 499)

F. The Requirement of Notice
   Introduction (CB 505)
   Mullane v. Central Hanover Bank & Trust Co., Case Notes 1-6 (CB 505-13)
   Rule 4 and Advisory Committee Notes (Supp. 10-25)

G. Personal Jurisdiction in Federal Court
   Entire Section (CB 513-15)

H. Venue
   Original Venue (CB 515-16)
   Change of Venue (CB 517-19)
   28 U.S.C. §§ 1404, 1406 (Supp. 298)

January 20 – 22

NO CLASS – Martin Luther King, Jr. Holiday

January 27 – 29

PART III: SUBJECT MATTER JURISDICTION (Chapter 10)

A. Federal Question
   Case Notes 1-2 after Louisville & Nashville Railroad Co. v. Mottley (CB 536-37)
Merrell Dow Pharm. Inc. v. Thompson, Case Notes 1-4 (CB 540-48)
28 U.S.C. § 1331 (Supp. 284)

B. Diversity Jurisdiction
Introduction sections and the Complete Diversity Rule (CB 554-55)
Sheehan v. Gustafson, Case Notes 1-6 (CB 555-60)
Hertz Corp. v. Friend, Case Notes 1-6 (CB 560-68)

C. Supplemental Jurisdiction
Introduction (CB 572)
United Mine Workers of America v. Gibbs, Case Notes 1, 3-8 (CB 572-79)

PART IV: STATE LAW IN FEDERAL COURTS (Chapter 11)

A. Erie Doctrine
Introduction and Perspectives on Erie (CB 595)
Erie Railroad Co. v. Tompkins, Case Notes 1-4 (CB 598-603, 605-06)

February 3 – 5

PART IV: STATE LAW IN FEDERAL COURTS (Continued)

B. Applying the Erie Doctrine
Hanna v. Plumer, Case Notes 1-4 (CB 609-17)
Walker v. Aramco Steel Corp., Case Notes 1-4 (CB 619-23)

PART V: PLEADING (Chapter 2)

A. The Complaint
Introduction before Section A (CB 28)
Section B, Model (?) Complaint (CB33-34)
Bell Atlantic Corp. v. Twombly, Case Note 2, 4-7 (CB 43-53)
Ashcroft v. Iqbal, Case Notes 1-10 (CB 53-67)
Rule 8(a) (Supp. 36)

B. Filing and Serving the Complaint
Introduction (CB 67-69)
Rio Properties, Inc. v. Rio International Interlink, Case Notes (CB 69-76)
PART V: PLEADING (Continued)

C. Responding to the Complaint
   Introduction through Rule 12 Motions (CB 76-79)
   Rule 12 and Advisory Committee Notes (Supp. 50-54)

D. The Answer
   Introduction (CB 79)
   *Milton v. Gen. Dynamics Ordnance and Tactical Sys., Inc.*, Case Notes (CB 79-82)
   Rules 8(b) and 8(e) (Supp. 36-37)

E. Amending the Pleadings
   *Tran v. Alphonse Hotel Corp.*, Case Notes (CB 92-96)
   Rule 15 and Advisory Committee Notes (Supp. 57-61)

F. Rule 11 Sanctions
   Rule 11 and Advisory Committee Notes (Supp. 40-50)
   Introduction to Section E (CB 97)
   *Patsy's Brand, Inc. v. I.O.B. Realty, Inc.*, (CB 97-102)
   *In re Pennie & Edmonds LLP*, Case Notes 1-9 (CB 102-08)

PART VI: DISCOVERY (Chapter 3)

A. Perspectives on Discovery
   Chapter Introduction (CB 114)
   Section A (CB 114-19)

February 17 – 19

NO CLASS – President’s Day Holiday

February 24 – 26

PART VI: DISCOVERY (Continued)

B. The Mechanics of Discovery
   Section B (CB 119-25)
   Rules 26-36 and Advisory Committee Notes for each Rule (Supp. 105-64)

C. The Scope and Limits of Discovery
   Introduction to Section C and Relevance and Proportionality (CB 125-27)
   Section on Privilege (CB 144)
   *Hickman v. Taylor*, Case Notes 1-6 (CB 144-56)
D. Discovery Disputes and Sanctions
   Section D Introduction (CB 163-64)
   National Hockey League v. Metropolitan Hockey Club, Inc., Case Notes 1-10
   (CB 164-70)
   Rule 37 and Advisory Committee Notes(Supp. 164-69)

PART VII: SUMMARY JUDGMENT AND JURIES (Chapter 5)

A. Perspective on Jury Trial
   (CB 238-41)

B. Summary Judgment
   Celotex Corp. v. Catrett, Case Notes 1-5 (CB 242-48)
   Scott v. Harris, Case Notes 1-5 (CB 249-55)
   Rule 56 and Advisory Committee Notes (Supp. 203-10)

March 3 – 5

C. Review of Summary Judgment

D. Judgment as a Matter of Law
   Reeves v. Sanderson Plumbing Products, Inc., Case Notes 1-6 (CB 281-89)
   Rule 50(a) (Supp. 187)

E. Relief from Judgments
   Section F Introduction (CB 304)
   Ackermann v. United States, Case Notes 1-7 (CB 304-310)

PART VIII: JUDGMENTS (Chapter 7)

A. Claim Preclusion – Res Judicata
   Chapter Introduction (CB 330)
   Restatement (Second) of Judgments, Notes 1-4 (CB 330-32)
   Rush v. City of Maple Heights, Case Notes 2-5 (CB 332-37)
March 10 – 12

PART VIII: JUDGMENTS (Continued)

A. Issue Preclusion – Collateral Estoppel
   Restatement (Second) of Judgments, Notes 1-6 (CB 338-342)
   Parklane Hosiery Co. v. Shore, Case Notes 1-5 (CB 342-350)

B. Law of the Case and *Stare Decisis*
   Section E (CB 354-46)

PART IX: COURSE REVIEW

Tuesday, December 18 – 8:30 a.m.

FINAL EXAM