

Course Syllabus

[Jump to Today](#)

 [Edit](#)

Course Description

This course is a continuation of the first-year, Civil Procedure course. Although this course is often referred to as “advanced civ pro,” its focus is on practical application of procedural concepts. Whether you plan on a judicial clerkship or externship, a career as a litigator, or whether you will oversee litigation as in-house counsel, a working knowledge of these topics is essential. We will cover topics related to claim and party joinder, federal court jurisdiction in multi-party litigation, class action practice, appellate review, recognition of judgments, and the doctrine of prior adjudication (claim preclusion and issue preclusion).

Prerequisites

Civil Procedure I (Law A502 or the graduate program equivalent). Students are encouraged to review the following civil procedure subjects in preparation for the course: personal and subject matter jurisdiction (including the jurisdiction statutes, 28 U.S.C. §§ 1331, 1332 & 1367), venue and venue transfer (28 U.S.C. §§ 1391, 1404 & 1406), pleadings, adjudication without trial, choice of law, and trials.

Required Text

Hazard, Tait, Fletcher & Bundy, [Pleading and Procedure](http://goo.gl/U0Guvf) (2015 11th ed.)
PUBLISHER: Foundation Press 2. There is also a 10th Edition and a 9th Edition of the text that has a 2008 supplement. Either of the 3 texts will work for purposes of our class, provided you supplement the old additions with the cases used in the 11th edition.

Other Required Materials

Additional required course materials may be posted on website and/or sent via email—these materials are updated periodically and students are responsible for all materials posted on the website and/or sent via email.

Suggested Materials

I suggest using a reasonably current supplement or rules compilation that includes the Federal Rules of Civil Procedure, Rules of Appellate Procedure, and jurisdiction and class action provisions from the United States Code, Title 28. Many of these materials are also available online.

Other Helpful Materials

Glannon, [Civil Procedure: Examples and Explanations](#) (current edition). This contains a full set of litigation papers (e.g., complaint, answer) with accompanying explanatory text, and also contains sets of helpful practice problems, with answers, on material we will cover this year.

Baicker-McKee, A Student's Guide to the Federal Rules of Civil Procedure (current edition). This book has a practical and helpful approach to how the civil rules and statutes have been applied by the courts, and also includes sections on common law procedural developments.

Wright, Hornbook on Federal Courts (West).

Wright, et. al, Federal Practice and Procedure (KF8840.W68).

Moore, Moore's Federal Practice (KF8820.A313 M63).

Other Helpful Websites

Legal Information Institute: www.law.cornell.edu (http://www.law.cornell.edu/) This site, hosted by Cornell Law School, has constitutions, statutes, codes, and the full text of court opinions as well as an "Introduction to Basic Legal Citation" and topical libraries.

Jurist: Legal News and Research: www.jurist.law.pitt.edu (http://www.jurist.law.pitt.edu/) This site, hosted by the University of Pittsburgh School of Law, has video, audio and on-line print stories on topic legal stories, both national and international. It also has documents and reports related to the featured news stories.

FindLaw: www.findlaw.com (http://www.findlaw.com/) Operated for the public and legal professionals, this site is basically a search engine for legal materials, especially cases and statutes. It also has news and a special section for law students.

U.S. District Court, Western District of Washington: www.wawd.uscourts.gov (http://www.wawd.uscourts.gov/) This is the homepage for our local federal court. It provides access to full text opinions as well as reference materials like the local rules and local forms, and a portal for electronic filing of documents in on-going cases.

Washington Courts Homepage: www.courts.wa.gov (http://www.courts.wa.gov/) This is the homepage for Washington state courts, and provides access to opinions, rules, and forms.

Homepage of the Federal Judicial Center: www.fjc.gov (http://www.fjc.gov/) This is the homepage for the educational and research arm of the federal courts. Has some useful information and studies.

Course Grading

This course is graded on 4.0 grade point scale because it is offered during the Spring quarter as part of the regular academic year for the graduate programs.

In order to receive a grade for this course you must satisfy all of the following:

- read and/or prepare the assigned materials prior to the indicated class;
- actively listen to class lectures and presentations;

- engage substantially in class discussions and small-group activities;
- participate in class exercises; and
- submit written answers for all assigned questions.

In-class questions comprise 50% of the graded material.

A final exam comprises the remaining 50%.

NOTE: The course and syllabus may be modified as needed for pedagogical purposes. Students are responsible for being aware of and complying with such changes.

Research Resources

In addition to your access to Westlaw and LexisNexis databases, you have access to law school research librarians, who are among the finest in the country. I recommend making an individual appointment with one of our reference librarians at least once during the academic year. As legal professionals, students should become comfortable consulting with research experts. Reference support is available in person in the reference office near the circulation desk on floor L1. Or, you may contact a reference librarian via e-mail at lawref@u.washington.edu (<mailto:lawref@u.washington.edu>) or by telephone at (206) 543-6794. Also, the library has posted many helpful documents in support of law school classes. Some specific resources you might want to bookmark for use in this course are:

- Basic Legal Skills research guide: <http://lib.law.washington.edu/ref/basic.html>
(<http://lib.law.washington.edu/ref/basic.html>)
- Washington State Law research guide: <http://lib.law.washington.edu/WA.html>
(<http://lib.law.washington.edu/WA.html>)
- U.S. (Federal) Law research guide: <http://lib.law.washington.edu/ref/fedlaw.html>
(<http://lib.law.washington.edu/ref/fedlaw.html>)
- Bluebook 101: <http://lib.law.washington.edu/ref/bluebook101.html>
(<http://lib.law.washington.edu/ref/bluebook101.html>)

Diversity

We all bring different experiences, abilities, backgrounds, and perspectives to our work as legal professionals. Understanding the differences and similarities that exist in the complex interrelationships between diverse personal identities enhances our ability to fully engage in the process of professional formation and to provide deeper service to the law school, our communities, and our clients.

Standard categories of gender, age, race, ethnicity, socio-economic class, religion, sexual orientation, linguistic abilities, country of origin, marital status, or personal beliefs provide us with an effective way to initially understand diversity. But diversity in the class room does not stop there. People tend to hold multiple “categories” simultaneously. Personal identities also tend to grow ever more complex and subtle with time and experience. I encourage students to be fully present to their educational process and to view this course as a supportive environment that seeks to explore difficult questions in productive ways, often based on the willingness of students to share who they are and respectfully work together to explore

relevant differences and similarities. Mastering an understanding of different perspective is a fundamental skill that is highly useful and enhancing to legal practitioners.

Access and Accommodation

Your experience in this class is important to me. If you have already established accommodations with Disability Resources for Students (DRS), please communicate your approved accommodations to me at your earliest convenience so we can discuss your needs.

If you have not yet established services through DRS, but have a temporary health condition or permanent disability that requires accommodations (conditions include but not limited to; mental health, attention-related, learning, vision, hearing, physical or health impacts), you are welcome to contact DRS at 011 Mary Gates Hall or 206-543-8924 or uwdrs@uw.edu or disability@uw.edu. DRS offers resources and coordinates reasonable accommodations for students with disabilities and/or temporary health conditions. Reasonable accommodations are established through an interactive process between you, your instructor(s) and DRS. It is the policy and practice of the University of Washington to create inclusive and accessible learning environments consistent with federal and state law.

Course Schedule of Topics and Assignments:

Class	Date	Topic	Assignment
Week #1	1/7 1/9	Joinder of Claims	<p>Read Hazard 11th, pp. 557-575 (or Hazard 10th, pp. 707-728); FRCP 18, 13; and 28 U.S.C. §1367. Focus on the <i>Jones & Fairview</i> cases</p> <p>2018 Work Group Questions Re Jones.docx</p> <p>2018 Work Group Questions Re Fairview.docx</p>
Week #2	1/14 1/16	Joinder of Claims Continued	<p>Review Joinder of Claims readings above and complete study questions. Bring answers to class.</p> <p>2018 Simulation Assignment #1.docx</p> <p>Court Order Template RE Simulation Assignment 1.docx</p>
Week	1/21	Joinder of Parties	Read Hazard 11th, pp. 576-598 (or Hazard 10th, pp. 728-

#3	1/24	Holiday on 1/21 (no class)	754); FRCP 20, 19. 20168Work Group Questions Re Kedra.docx 2018 Work Group Questions Re Temple.docx 2018 Work Group Questions Re Helzberg.docx 2016 Simulation Assignment #2.docx
Week #4	1/28 1/30	Impleader, Intervention, & Interpleader	Read Hazard 11th, pp. 599-637 (or Hazard 10th, pp. 755-794); FRCP 14, 24, 22; and 28 U.S.C. §1367. 2018 Work Group Questions Re Banks.docx 2018 Work Group Questions Re Atlantis.docx 2018 Simulation Assignment #3.docx
week #5	2/4 2/6	Class Actions	TBA
week #6	2/11 2/13	Claim Preclusion/Res Judicata	Read Hazard 11th, pp. 1049-1071 (or Hazard 10th, pp. 1223-1247); FRCP 8. 2018 PRECLUSIONARY DOCTRINES.docx 2018 Work Group Questions Re Moitie.docx 2018 Work Group Questions Re Davis.docx 2018 Work Group Questions Re Staats.docx 2018 Simulation Assignment #4.docx
week #7	2/18 2/20	Issue Preclusion/Collateral Estoppel Holiday on 2/18 (no class)	Read Hazard 11th, pp. 1072-1115 (or Hazard 10th, pp. 1248-1295); FRCP 8. 2018 Work Group Questions Re B&B Hardware.docx 2018 Work Group Questions Re Jacobs.docx 2018 Work Group Questions Re Parklane.docx

			2018 Simulation Assignment #5.docx
week #8	2/25 2/27	Recognition of Judgments	<p>Read Hazard 11th, pp. 1116- 1138 (or Hazard 10th, pp. 1296-1324).</p> <p>U.S. Constitution Article IV Section 1 Full Faith and Credit.pdf</p> <p>28 USC 1738.pdf</p> <p>2018 Work Group Questions Re Fauntleroy.docx</p> <p>2018 Work Group Questions Re Maresse.docx</p> <p>Latest Supreme Court Case on Recognition of Judgments:</p> <p>VL vs EL S Ct Case.pdf</p>
week #9	3/4 3/6	Appellate Process	<p>Review Hazard TBA; Familiarize yourself with Federal Rules of Appellate Procedure (FRAP), especially FRAP 25-40; and 28 U.S.C. §§ 1251, 1253-1254, 1257, 1291, 1292.</p>
week #10	3/11 3/13	Federal & State Review	<p>Read Hazard 11th, pp. 1139-1174 (or Hazard 10th, pp. 1325-1370).</p> <p>Cases for Discussion:</p> <p>Cox Broadcasting Corp. v. Cohn 2018 Cox Broadcasting Questions.docx</p> <p>Mohawk Industries, Inc. v. Carpenter 2018 Mohawk Industries Questions.docx</p> <p>See also slides on standards of appellate review: Equal Protection I & II.pptx</p> <p>28 USC 1291 (Final Judgment Rule--and see Note #2 on p. 1157 re the "collateral order " exception): https://www.law.cornell.edu/uscode/text/28/1291 (https://www.law.cornell.edu/uscode/text/28/1291)</p> <p>28 USC 1292 (Interlocutory Appeals): https://www.law.cornell.edu/uscode/text/28/1292</p>

[_ \(https://www.law.cornell.edu/uscode/text/28/1292\)](https://www.law.cornell.edu/uscode/text/28/1292)

Course Summary:

Date	Details	
Sun Jan 20, 2019	 Simulation Assignment #1--Joinder of Claims (https://canvas.uw.edu/courses/1256761/assignments/4576532)	due by 11:59pm
Sun Jan 27, 2019	 Simulation Assignment #2 Joinder of Parties (https://canvas.uw.edu/courses/1256761/assignments/4576533)	due by 11:59pm
Sun Feb 3, 2019	 Simulation Assignment #3--Impleader (https://canvas.uw.edu/courses/1256761/assignments/4576535)	due by 11:59pm
Sun Feb 17, 2019	 Simulation Assignment #4--Claim Preclusion/Res Judicata (https://canvas.uw.edu/courses/1256761/assignments/4576538)	due by 11:59pm
Sun Feb 24, 2019	 Simulation Assignment #5--Issue Preclusion/Collateral Estoppel (https://canvas.uw.edu/courses/1256761/assignments/4576539)	due by 11:59pm