

HAMLIN UNIVERSITY SCHOOL OF LAW--CIVIL PROCEDURE II

Weekend Section

Professor Pielemeier

Spring semester 2010

Initial Syllabus

Advance Assignment

For our first class on Saturday, January 23, read the remainder of this Syllabus and the material assigned for Units One and Two, noted on page 5.

Required Course Materials

(1) Civil Procedure, Cases and Problems, by Allan Ides and Christopher May (Third Edition, 2009), published by Aspen Publishers.

(2) Federal Rules of Civil Procedure 2009, Compiled by Kevin M. Clermont, published by Foundation Press.

(3) TWEN. I will be setting up an electronic course web site on TWEN ("The West Education Network") to facilitate communication outside of class. All students in the course must sign on to the web site and provide an e-mail address no later than our second class session. You can sign on by going to <http://lawschool.westlaw.com> and clicking on TWEN courses. Then click on Add/Drop Courses and you should then see all Hamline courses that have a TWEN page, where you can add this course which will be under the name Civil Procedure II-Weekend section.

(4) Supplemental materials. From time to time I will have some supplemental notes and other materials included as part of an assignment. An initial photocopied packet [this one] will be placed in your message box in the law school before our first class. Later supplemental materials will be posted on the course TWEN page under the link entitled "Assignments and Supplemental Material." There is no charge for these supplemental materials, and you may print them out or download them as you wish.

Office Hours and E-Mail

Office hours are posted on my office door (Room 225W), and I will usually be in during those hours. In addition, I am normally here throughout the day on many days, so feel free to ask questions at other times as well. My preference, however, is not to be disturbed during the hour preceding one of my classes.

You can reach me by E-Mail at:

Jpielemeier@gw.hamline.edu

I have a "Civil Procedure" web page behind my "Home Page" on Hamline's World Wide Web Pages. It contains links to litigation oriented resources, and recent old examinations. You may access this web page at

<http://www.hamline.edu/personal/jpielemeier/civpro.html>.

I will also provide a link on the TWEN home page for this course.

Supplemental Reading

It is not necessary to do any reading beyond that assigned. In fact, thoughtful consideration of the assigned materials is preferable to seeking other material, and I would not encourage extensive reference to outside materials. For those who want to go beyond the assigned materials, there is no single text or hornbook to recommend. Three that may be helpful are: (1) Shreve and Raven-Hanson, *Understanding Civil Procedure* (LexisNexis, 4th edition, 2009) (2) Friedenthal, Kane and Miller, *Civil Procedure* (West, 4th ed., 2005); and (3) James, Hazard, and Leubsdorf, *Civil Procedure* (Foundation, 5th ed., 2001) (available in both hard cover and soft cover). In addition, an occasional brief reference to *Moore's Federal Practice* and Wright, Miller, and Cooper's *Federal Practice and Procedure*, both multi-volume treatises in the library, may be helpful. I would suggest that you refer to a law dictionary if you see a word in the assigned material that you do not understand.

Goals and Objectives

The basic goals and objectives of this course are to develop an understanding of the issues, rules, and policies involved in the process of civil litigation. They are also to develop proficiency in legal methodology and problem solving. Coverage in this Spring Semester course in Civil Procedure II will begin with Chapters VIII and IX of the Casebook. We will then cover Discovery in Chapter VII E., and then go to Chapters X through XIII.

Preparation and Attendance

You are expected to be prepared for discussion of the materials assigned for each day.

If you are called upon and are not well-prepared, this will result in a waste of your classmates' time as well as your own. Thus, if for any legitimate reason, you are not well-prepared, please let me know *before* class begins, and you will not be called upon during that class period.

As the Academic Rules and Attendance Policy provide, regular and punctual class attendance and preparation are required. As a general rule, in Weekend classes, I

consider absences in excess of six class hours to be excessive. Potential sanctions for failure to meet these requirements are set forth in the HUSL Academic Rules. If the permitted number of absences is exceeded, opportunities to pursue “make-up work,” as opposed to being withdrawn from the course, will not be granted absent a strong justification for the excessive absence, such as incapacitating illness or injury, death in the family, childbirth, or analogous circumstances. Such make-up work, if permitted, will ordinarily be in the form of a required paper.

Please be on time (subject to snow emergencies) and remain in the classroom during each class session unless illness requires that you leave.

Grades:

The basis of your grade in this course will be a written final exam at the end of the semester. It will be based on topics covered this semester. However, there may be times when you may see some need to review issues you covered in Civil Procedure I. For example, some of the materials in Chapters VIII and IX will assume you have an understanding of Supplemental Jurisdiction, which was covered in Chapter IV of the Casebook.

Assignments :

In Civil Procedure II, supplemental materials such as these will contain the assignments for several “units” of the course. Units after those included in this initial handout will be posted on the TWEN page under the link labeled “Assignments and Supplemental Materials.” I used to call these “units” “classes.” That, however, was misleading because the amount of time given in class to each unit varied. The units are now grouped more by subject matter than by the amount of time likely to be spent on them.

I will let you know at the end of each class session the actual assignment for the next class.

Although on occasion specific rules or statutory provisions will be stated as part of the next assignment, I will sometimes only assign page numbers. You should assume that rules, statutes, and constitutional provisions focused upon in the assigned pages are also part of the assignment, and you should therefore study them as well as the assigned pages.

Sample Documents

A separate packet that will be placed in your message boxes contains a number of sample documents. These are documents I distributed to my weekday students in Civil Procedure I, but I have decided to provide them to you in Civil Procedure II as well.

We will not discuss these samples extensively in class, but I will ask you to bring them into at least one class session when we are covering Discovery, when we may refer to some of the Sample Interrogatories.

They are included to provide you with examples of what some documents used in litigation "look like." They are more simplistic than one would ordinarily see in substantial litigation, but they generally would be deemed sufficient and should serve the purpose noted above.

The documents, while reflecting a hypothetical case filed in a federal court in Minnesota, are in a form that is typical in federal courts throughout the United States. Slight variations in the way things are done exist from state to state (and even among different courts in the same court system within a given state), but such variations can easily be ascertained by consulting local court rules and local attorneys. These documents include some brief "NOTES," which elaborate on their use and purposes.

Technology Policy

You may use laptop computers or other electronic devices in class to take notes and access course related materials. You should not use your laptop or electronic devices for other purposes.

In addition to the usual courtesies due to your classmates, refrain from text-messaging and email, using cell phones, pagers, or any other communication device. Refrain also from displaying wallpaper, screen savers, or other material on your computer screen that can reasonably be expected to distract your classmates.

The remainder of this document includes projected assignments for Units 1 through 6. For our first class session on Tuesday, January 19, prepare for discussion of the materials assigned for Units 1 and 2.

**Hamline University School of Law
Civil Procedure II–Spring semester 2010
Professor James Pielemeier
Early Assignments**

Unit 1: Joinder of Claims, Counterclaims and Crossclaims

Assignment:

For Joinder of Claims: Read Rules 18 and 42, briefly review §1367, and read Casebook pages 679-680 (to Part B, which you may omit) and pages 685-686.
For Counterclaims and Crossclaims : Read Rules 13 and 7(a), Casebook pages 687-695 (to the case), 700 (Part 2)-705 (to the case), and the “Note” and Problem on page 708 (you may omit material that is not assigned).

Unit 2: Real Party in Interest, Collusion, Permissive Joinder of Parties, and Joinder of Parties by Defendants

Assignment:

For Real Party in Interest: Read Rule 17 and the three notes on page 713 (you may omit pages 709-712 and notes 4 and 5 on page 714). I will briefly lecture on this topic.

For Collusion: Read the Note spanning pages 714-715.

For Permissive Joinder of Parties: Read Rules 20 and 21, and read Casebook pages 715-731 (you should refer to §1367 in connection with these materials).

For Joinder of Parties by Defendants: Read the paragraph at the bottom of page 731, Rule 14, and Casebook pages 740 (Part 2)-744. You may omit the cases and notes from 732-740.

Unit 3: More Complex Cases

Assignment: Read (weekend section review) the case and notes on Casebook pages 366-373, Casebook pages 744-748 and Amco Construction, which will be available on TWEN.

Unit 4: Intervention

Assignment: Read Rule 24 and Casebook pages 748-761.

Unit 5: Interpleader

Assignment: Read Rule 22, 28 U.S.C. §§1335, 1397, and 2361, Casebook pages 761-765, and New Jersey Sports Productions, which will be available on TWEN. You may omit the cases and notes on Casebook pages 765-777.

Unit 6: Compulsory Joinder

**Assignment: Read Rule 19 and Casebook pages 777-791 and 802 (Temple)-805.
You may omit the case and notes on pages 791-802..**