

Federal Civil Procedure

Fall 2013 – Mon., Wed., Fri. 9:10 to 10:10, Room 101/103 (?)

Morgan Holcomb, Associate Professor

Hamline University School of Law

Office 210E – 651-523-2546 – mholcomb01@hamline.edu

Office Hours: I am in my office until 4:00 p.m. on Mondays and Wednesdays. You are welcome to drop by. You may also e-mail me to set up an appointment.

Readings: The text for this course is Civil Procedure by Ides & May (4th ed., 2012). You will also need the Civil Procedure Supplement, also by Ides & May. These are the same texts we will use for the Spring semester of Civil Procedure II.

Grading: Grades will be based on a final exam (90%) and in-class participation (10%). We will have a practice midterm exam that will not impact your grade. The midterm will be a 50 to 60 minute, in-class exam. The final exam will be a *cumulative*, 3 to 4 hour exam. Both exams likely will include multiple choice, short answer, and essay questions, but I reserve the right to change my mind about format.

Format of the class, and class participation: We will use an “on call” system; however, all class members are expected to have done the reading and to be prepared to participate. This class will also use cooperative learning (group work) during class. All class members are expected to participate. There will be several in-class quizzes. Quizzes will not impact your grade except to the extent that failure to take a quiz could impact your class participation grade.

Computers and Laptop Use in Class: We learn best when we are not distracted. To improve your learning and that of your colleagues, any device that can be turned off, must be turned-off (with the exceptions of laptops). Use of computers during class for purposes unrelated to class (such as checking e-mail, having Facebook open, buying shoes, etc.) is prohibited. If you use your laptop for purposes unrelated to class, you forfeit the privilege of using a computer during our class for the remainder of the course.

Attendance: Regular and timely class attendance is required. Missing more than 5 classes is grounds for being withdrawn from the class. Absent exceptional circumstances, excessive absences will result in our removal from the class without “make-up” alternatives.

Learning outcomes:

- We will learn how to read legal opinions, how to brief cases, and how to synthesize a series of related cases.
- We will become familiar with the Federal Rules of Civil Procedure, we will become adept in working with the Federal Rules of Civil Procedure and demonstrate an ability to analyze basic procedural problems.
- We will learn to identify, and eventually to make, quality legal arguments.
- We will develop an understanding of how the civil litigation system operates.

Assignments: This syllabus will change as we move through the semester. Any changes will be announced in class or on TWEN.

Date	Assignment	Topic
Wed., Aug. 21 Fri., Aug. 23	I&M pp. 1-51	Introduction
Mon., Aug. 26 Wed., Aug. 28 Fri., Aug. 30	I&M pp. 55-70 (continued) I&M pp. 70-77	Jurisdiction: <i>Pennoyer</i> <i>Harris</i>
Mon., Sept. 2 Wed., Sept. 4 Fri., Sept. 6	I&M pp. 77-90 I&M pp. 90-112	Long-Arm Jx; <i>Int'l Shoe</i> Purposeful availment
Mon., Sept. 9 Wed., Sept. 11 Fri., Sept. 13	I&M pp. 112-32 I&M pp. 132-151 (continued)	Purposeful availment, take 2
Mon., Sept. 17 Wed., Sept. 18 Fri., Sept. 20	I&M pp. 150-75 I&M pp. 175-83 (continued)	Minimum contacts
Mon., Sept. 23 Wed., Sept. 25 Fri., Sept. 27	I&M pp. 183-206 (continued) I&M pp. 206-19	
Mon., Sept. 30 Wed., Oct. 2 Fri., Oct.	In class midterm (UNgraded) Recover from midterm I&M pp. 223-45	Midterm covers personal jurisdiction
Mon., Oct. 7 Wed., Oct. 9 Fri., Oct. 11	I&M pp. 246-67; 271-81 I&M 282-99 (continued)	Service of Process, Notice
Mon., Oct. 14 Wed. Oct. 16 Fri. Oct. 18	I&M pp. 301-29 Fall break Fall break	Subject matter jurisdiction
Mon., Oct. 21 Wed., Oct. 23 Fri., Oct. 25	I&M pp. 329-48 I&M pp. 352-60 I&M pp. 360-74	
Mon., Oct. 28 Wed., Oct. 30 Fri., Nov. 1	I&M pp. 374-94 I&M pp. 394-409 I&M pp. 409-16	
Mon., Nov. 4 Wed., Nov. 6 Fri., Nov. 8	I&M pp. 417-35 I&M pp. 435-53 In class practice exam	Venue, Transfer & FNC Covering through Part IV (SMJ)
Mon., Nov. 11 Wed., Nov. 13 Fri., Nov. 15	I&M pp. 453-65 I&M pp. 559-61 (continued)	
Mon. Nov. 18 Wed., Nov. 20 Fri., Nov. 22	I&M 616-31 FRCP 15 (TWEN) Review practice exam	Amendments to Pleadings
Monday, Nov. 25	No class	