

## Hamline University School of Law—Civil Procedure II

Professor Cobin

Spring, 2009

### Syllabus and Introduction

#### Required Materials:

Cound, Friedenthal, Miller, Sexton and Hershkoff Civil Procedure, (West, 9<sup>th</sup> ed., Revised 2008.)  
2008, Civil Procedure Supplement (Jade Green).

#### Supplemental Materials:

No other supplemental reading materials are required for the course. If a student finds a need for supplemental materials, the student should carefully consider the reasons for more materials. If a student needs a more detailed discussion of the topics we cover, then a treatise might be useful. Examples are Wright, Federal Courts, (West, 5<sup>th</sup> ed. 1994); Friedenthal, Kane and Miller, Civil Procedure (Foundation, 4<sup>th</sup> ed., 2005); and James, Hazard, and Leubsdorf, Civil Procedure (Foundation 5<sup>th</sup> ed., 2005). A student may find another approach, with examples and explanations, from Glannon, Civil Procedure, (Aspen, 5<sup>th</sup> ed., 2006), or Glannon, The Glannon Guide to Civil Procedure, (Aspen, 2003). If the problem seems to be losing the structure because of all the details, one might look at Kane, Law in a Nutshell—Civil Procedure (West, 5<sup>th</sup> ed., 2003). More depth on a particular issue can be found in Wright, Miller, and Cooper's Federal Practice and Procedure, a multi-volume treatise available in the library.

#### Office Hours and Email:

My office hours are posted on my door. Students can also make appointments to meet with me outside my office hours. If I am in my office with my door open students may enter and ask me questions.

Students can ask me question via email. My email address is [dcobin@hamline.edu](mailto:dcobin@hamline.edu)

#### Goals and Objectives:

This semester we concentrate on the Federal Rules of Civil Procedure, with occasional comparisons to Code Pleading. We also cover the right to trial by jury, claim and issue preclusion, and alternatives to adversarial processes. The goals of this semester include for you to learn the Federal Rules of Civil Procedure discussed in class, gain an understanding of the policies behind the rules, further develop a reasoned critical reading

of the case law decisions interpreting the applicability of the rules to particular facts, and to articulate persuasive arguments for applying the rules to facts in light of their underlying policies.

#### Preparation and Attendance:

I expect students to be prepared on each class assignment each day. Students are encouraged to ask questions and give answers without waiting to be called on. If there are no volunteers I will call upon students. If you are not prepared for class please let me know at the beginning of the class.

I expect regular class attendance. I will consider more than four unexcused absences to be excessive. Potential sanctions for failure meet these requirements are set forth in the Student Handbook.

#### Examination and Grades:

A three-hour final examination will be given at the end of the spring semester. The material covered during the spring semester, with some necessary reference to materials covered in the first semester. A three-credit grade will be given on the basis of the final examination. I reserve the option of raising a grade on the basis of superior classroom participation. I also reserve the option of lowering a grade on the basis of repeated lack of preparation or disruption of the class.

#### Course Coverage and Assignments:

We will begin the semester where we left off from the fall semester, beginning Chapter 8, Modern Pleading. During the semester we will cover all, or portions of, chapters 9, 10, 11, 13, 14 and 17. I will put a block of assignments on the board for two or three week segments. We will proceed at a rate of approximately 15 to 20 pages/class. You are required to bring your 2008 jade green supplement to every class.

#### First and Second Assignment:

In our first class of the semester we will first go over the fall semester final examination. The remainder of the first class will cover pages 513-top 520.

For our second class of the spring semester the reading assignment is pp. 520-537; Supplement pages 442-460 (the plaintiff's complaint in Bell v. Twombly).

#### Computer use in Class:

I permit the use of computers for note-taking in class. There may be times I will ask students to look up information during the class session. Students may, at times, check a question that has come up without my asking for an answer. Computer use is not a

substitute for listening and participating in class. I reserve the right to prohibit a student or students generally from computer use in class if such use has interfered with the learning process.