

HAMLIN UNIVERSITY SCHOOL OF LAW
Syllabus for Civil Procedure I
Fall, 2009

Professor Douglas McFarland

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Class Meetings and Office Hours

The class meets Mondays, Wednesdays, and Fridays from 1:00 to 1:50. My other class meets Mondays, Wednesdays, and Fridays from 9:00 to 9:50. You will be able to find me in my office most of the day on Mondays, Wednesdays, and Fridays. The best times are right after a class. I may also be in the office on some Tuesdays and Thursdays.

Required Text and Supplemental Materials

The required casebook for class is Allan Ides & Christopher N. May, *Civil Procedure: Cases and Problems* (3d ed. 2009) [I & M]. The required enriching text is Roger C. Park & Douglas D. McFarland, *Computer-Aided Exercises on Civil Procedure* (5th ed. 2004) [P & M] with accompanying exercises from the Center for Computer-Assisted Legal Instruction [CALI], which are available on the CALI website [www.cali.org]. You are also required to have a current copy of the Federal Rules of Civil Procedure [preferably the 2009-10 West educational edition; an online version is not sufficient].

Supplemental readings are not required, although additional readings will assist understanding of the law of civil procedure. I strongly recommend first-year students concentrate on close study of their assigned materials, and do NOT consult additional, outside materials earlier than perhaps the middle of October. At that point, students seeking additional readings can choose from many hornbooks, supplemental materials, and study aids. Multi-volume treatises are available in the library. Of these, I recommend Charles A. Wright & Arthur R. Miller, *Federal Practice and Procedure*, and Douglas D. McFarland & William J. Keppel, *Minnesota Civil Practice* (4th ed. 2008). A good single-volume hornbook is Jack H. Friedenthal, Mary Kay Kane & Arthur R. Miller, *Civil Procedure* (4th ed. 2005).

A website for this class can be found on The West Education Network [TWEN]. The syllabus, additional course materials, sample examinations, and a list of computer-assisted lessons from the Center for Computer-Assisted Legal Instruction [CALI] will be posted on the TWEN site. Students should register on TWEN as soon as possible and check the site periodically for announcements and other materials.

Course Description and Objectives

This course studies the civil judicial process. Specific topics include jurisdiction over persons and property, federal subject matter jurisdiction, venue, and forum non conveniens.

The objectives of this course are the following:

- 1) learning legal method, including the skill of briefing cases;
- 2) understanding the development of the law of civil procedure;
- 3) familiarity and ability to work with the Federal Rules of Civil Procedure;
- 4) a nodding acquaintance with other procedural systems; and
- 5) reading and application of jurisdictional and procedural statutes.

Classroom discussion will primarily be the Socratic method based on the case method of legal instruction. We will also analyze and discuss hypotheticals and problems, sometimes in groups. Students will be asked to demonstrate the ability to read rules and statutes closely and precisely.

While case briefs will not be collected or graded, I strongly recommend that first-year students brief every case. We will spend the first few weeks of the semester concentrating on this skill.

Attendance Policy

Attendance will be recorded by circulation of the attendance sheet provided by the registrar's office. Attendance is expected at every class. Excessive absences (defined as six absences in a semester) will result in removal of the student from the class roster; no make-up work will be offered.

Examination and grading

The grade will be based entirely on the final examination, which in all likelihood will be a three-hour examination combining both traditional fact-pattern analysis questions and multiple-choice questions.

Assignments and Class Outline

Assignments are in Ides & May [I & M] and Park & McFarland [P & M]. Specific assignments are made for only the first five classes. For each class after that, prepare ahead approximately 20 pages, depending on the length of the cases included and nature of the materials. This book has a number of problems to consider; we will work through some in class, but most we will not. The number of classes indicated for each chapter is an estimate only. When the materials deal with one or more of the Federal Rules of Civil Procedure [FRCP], you must in addition study the applicable rule(s) (and preferably also the advisory committee comments). While the fall semester materials deal with few of the FRCP, you need to bring your rulebook to class whenever the material involves a jurisdictional statute.

Chapter 1. Modern Dispute Resolution: Litigation and its Alternatives (4 classes)

Class 1 P & M 1-18; brief *Mottley*

Class 2 I & M 1-24; discuss brief of in-class case

No earlier than after class 2, work through CALI exercise CIV05 (Analysis of a Diversity Case)

Class 3 I & M 24-41; brief *Emeronye* and *Johnson*

Class 4 I & M 41-52; brief *Mendez*

P & M 18-26; brief *Baker*

Chapter 2. Acquiring Jurisdiction over the Parties to a Lawsuit (10 classes)

Class 5 P & M 27-30

I & M 53-66

Classes 6 and beyond

I & M 66-167, 176-205, 212-220

Note: Exercise Two, Jurisdiction and Venue, in P & M, is assigned for study outside of class. You should consult the relevant parts of the Exercise as we complete that material, and near the end of the study of jurisdiction and venue, work through CALI CIV 03 (Jurisdiction and Venue).

Chapter 3. Service of Process and Notice (4 classes)

I & M 221-254

P & M 125-141; CALI exercise CIV 09 (Waiver Under Rule 12) [In class]

I & M 255-277, 281-286

Chapter 4. Subject Matter Jurisdiction (10 classes)

P & M 30-32

I & M 287-290

Hodgson (on TWEN)

I & M 290-295

I & M 298-305

P & M 32-39 (including *Scoggins*)

I & M 317-334, 345-380

P & M 39-41

I & M 380-394

Note: we will discuss exam-taking skills, take a practice examination (not graded), and discuss the examination at a convenient time in the semester (probably early November) (2+ classes)

Chapter 5. Venue, Transfer, and Forum Non Conveniens (3 classes)

I & M 403-425, 432-442

Chapter 7. Pleadings and Discovery [Pleadings this semester] (8 classes)

I & M 541-554

P & M 87-93

I & M 554-567

P & M 93-99

I & M 567-583

P & M 99-102

Handout cases [*Beeck*, *Schiavone*, *Zielinski*]

I & M 583-608