

Monday: 4:00-5:15 p.m. & Tuesday: 11:30-12:45 p.m. Room: Law Lib 300

Course Webpage (CWP): <<http://home.att.net/~sломansonb/fcivpro.html>>

“Day” -> 14 academic weeks; each week meets twice; each day = 1 or 2; Day 1.1 = Wednesday, Aug. 19, 2009.

“& n.1, 4” = read notes 1 and 4 after assigned case. The few that are assigned are just as important as reading cases.

Day	Subject(s)	Casebook	Webpage Diagram	FRCP/US Code (Supplement)
1.1	Administrative & Survival Skills		CWP, click: Assigned Reading/Charts	
1.2	Civil Lit Preview			FRCP 1: sentence 2
2.1	JURISDICTION (subject matter) Federal Question	299 (Louisville) & n.3; 303 (TB Harms) & n.2; 307 <i>Note</i> (Bivens only)	■ Jurisdiction, Venue & COL (Choice of Law) ↓ <i>through class 7.2</i>	<i>Const.</i> : Art III §2 ¶1; <i>US Code</i> : 1331; 1338(a)
2.2	Diversity	278 (Mas) & n.1, 4, 5, 6, 9, 10; 285 (A.F.A. Tours) & n.1, 2, 4 (<u>not</u> a-f), 5, 6, 7; 276 New Developments		<i>Const.</i> : Amend. XIV §1, sentence 1; <i>US Code</i> : 1332 (a)-(c); 1359; 1369(a); 1332(d)
3.1	Supplemental	324 D (Gibbs); 330 (<i>Note</i>) & n.1 (Aldinger) & n.2 (Owen); Allapattah <u>web</u> version—might start)	Aldinger, Owen, & Finley <i>diagrams</i> and Allapattah <i>case</i>	<i>US Code</i> : 1367(a)-(c)
3.2	Removal	(Allapattah—finish); 350.E [<u>just</u> §1441a-b] (Shamrock) & 329 n.1, 3, 5, 12	Removal Hypos & Problem One	<i>US Code</i> : §1441(a)-(b)
4.1	Jurisdiction (over person/entity)	71 (Pennoyer) & n.2, 3, 4, 5, 6; 82 (Hess); 75 C (Int'l Shoe) & n.2		<i>Const.</i> : Amend. XIV §1, sentence 2
4.2	State Long-arm Stats; Shoe test applied	91 D (Gray); 99 2 (McGee*); 101 (Hanson*); 105 (WWVolks) & n.1, 2; 119 (Burger King*); 129 (Asahi*); 155 <i>Note</i>		
5.1	Juris over Property (IPJ disguise); Appearances: general, special, & limited.	158 (Tyler); 159 (Penn.); 160 (Harris) & n.1; 161 (Shaffer); 174 <i>Note</i> ; 186 I (<u>not</u> Ireland); 195 K (Data Disc*)	Juris Nutshell (summary)	<i>FRCP</i> : 4(n)2
5.2	Due Process: Notice; Service of Process; Trickery	199 (Mullane); 213 B -214; 217 B -220; 220 C ; 221 D (Nat'l Equip); 225 E (Hellenic); 228 (f*); 231 4 -232; 237 (Wyman)		<i>FRCP</i> : 4(d); 4(e)1-2; 4(h)1; 4(f*); 4(m)
6.1	Opport to be Heard	239 D (Fuentes)	Problem Two	
6.2	Venue & Transfer	369 (article*); 374 (Reasor-Hill); §1391a-c Q & R; 383 (Hoffman); 391(Gulf Oil*); 392 (Piper)		<i>US Code</i> : 1391(a)-(c); & (g*) [brief reference to Multiforum Act, from Class 2.2]
7.1	Governing Law (aka COL or Choice of Law)	404-407*; 408 (Erie); 466 (Klaxon); 416 (York); 424 (Byrd)		<i>Const.</i> : Amend. X; <i>US Code</i> : 1652
7.2	COL	431 (Hanna)	Problem Three & COL Nutshell	<i>US Code</i> : 2072
8.1	Exam Do's/Taboos		Civ Pro Exam Writing	Takehome midterm

8.2	PLEADING Equity Jurisdiction & Terminology	Pleading History; 505 1 -506* (<u>not</u> Veale); 532 (Maitland article*)-534; 539-541(<u>not</u> Combe); 552 3	■ Pleadings & Motions <u>and</u> State-Federal Pleading Chart	<i>FRCP</i> : 2; 7a; 8(a)1-3
9.1	Complaint; Motions	554 (Gillespie); 561 n.1; 562 (Conley) (whacky complaint); 579 (Garcia)	Iqbal (basic pldg) & Garcia Motion chart	<i>FRCP</i> : 8(a)2; 12(b)(6); 12(f); 12(e)
9.2	Special Damages; Prayer; Answer	584 (Burden)-586 (<u>not</u> Shaffer); 587 (Denny) & n.1, 2; 595 (Ziervogel); 599 (Bail) & n.3; 610 (<i>Note</i>); 612 4 (Zelinski)	Responses to Complaint <u>and/or</u> Version 2	<i>FRCP</i> : 9(b); 9(g); 12(a); 12(g); 8(b)
10.1	Affirm. Defenses; Amendments	618 (Ingraham); 623 D (Beeck); 630 (Worthington) & n.2		<i>FRCP</i> : 8(c); 15(a) & (b); 4(m)
10.2	Sanctions	→	Merrill; Problem 4	<i>FRCP</i> : 11
11.1	Joinder: P Permiss; RPII; D Countercl; Crosscl; TPC	652 (<u>not</u> Avery); 655n.1, 2; 675 (Ellis); 657 B.1 -658 (<u>not</u> Heyward)	Great Lakes	<i>FRCP</i> : 18(a)/42; 17(a); 13(a),(b), (g)
11.2	Multiple Parties; Necess v. Indisp D	679 (Ryder); 684 n.1; 685 (Tanbro) & n.2; 688 (Bank CA) & n.1; 693 (Provident)	Provident Trademan fact table	20(a); 19(a)-(b)
12.1	Third-party Prac. (COL review); Interpleader	705 (Jeub); 711 n.2; 713 (<u>not</u> Hancock); 717 n. 2, 3, 4 (elements); 722 (Pan Am); 727 (Tashire)	Interpleader Chart	<i>FRCP</i> : 14(a); Rule 22 = Diversity Interpleader & <i>US Code</i> : 1335+1397+2361 = Fed Question Interpleader
12.2			Problem Five	
13.1	Intervention & Class Actions	733 G (Smuck); 741-751* (<u>not</u> Falcon); 753 n.6-757*); 757* B -759 (<u>not</u> Castano)	Adams v Robertson* & Class Action Chart	<i>FRCP</i> : 24; 23; <i>US Code</i> : 1332(d) 2
13.2	Class Actions	(Adams—finish); Class Action Fairness Act §1332(d)	Problem Six (start)	
14.1			Problem Six (finish)	
14.2	Q & A			

• REQUIRED BOOKS AND COURSE WEBPAGE READING:

- Friedenthal, Miller, Sexton & Hershkoff, *Civil Proc Cases & Materials* (10th ed. 2009).
- 2009 *Civil Procedure Supplement* (same authors & publisher).
- **Course Web Page** @ <<http://home.att.net/~sломansonb/fcivpro.html>>, scroll/click Assigned Webpage Reading/Charts. If nothing else, see the Compasses. Coupled with my weekly e-mail messages (usually Thurs (AM), these resources will help you determine “Where are we?”—the most important question in the course.

• EXAMINATIONS (We’ll choose takehome midterm due date in class):

- Midterm: takehome Practical Drafting Exercise -> same format as last Fall’s exam.
- Final: prior exams are online and accessible via the Course Web Page. Go to <<http://home.att.net/~sломansonb/fcivpro.html>>, scroll & click on: Prior Final Exams & Civil Procedure I.

• Assigned cases for class discussion are listed above (including Web-based materials at “**CWP**”).

- *Peruse* statutes & rules in right-hand column. They (and others) will be mentioned in the reading & class.
- You are free to read all the notes after each case. But I normally will not cover unassigned notes in class. Assigned notes will often, but not always, be covered in class. I am very picky about the notes I assign, for obvious reasons.
- Symbol “ * ” means to quickly peruse that material, which will be incorporated into our class discussion via lecture/Qs. If a * appears next to a *case*, be ready to present it, but the scope will be less “demanding.”
- I use a seating chart to take roll & get to know you. The playing cards are used to call on people. Any time after the first class, you may combine into two to three-person law firms.

[Last rev: 08/05/09]