

Initial Assignments—Professor Parker’s CIVIL PROCEDURE (Law 112, § 1), Spring 2008

Course Materials and TWEN site. The required materials for this course are (1) Friedenthal, et al., *Civil Procedure: Cases and Materials* (9th ed. 2005: Thomson/West) (ISBN 0-314-15231-8)(the “Casebook”); and (2) Friedenthal, et al., *2007 Civil Procedure Supplement* (Thomson/West) (ISBN 978-0-314-17984-5)(the “Supplement”). Additional required and optional materials will be posted to the course’s TWEN site. For this reason among others, registration at the TWEN site is required of all enrolled students.

Class Meetings. This is a four-hour course that will meet twice weekly, on Tuesdays and Thursdays at 3-4:50 P.M., Room 121, in two 50-minute sessions with a 10-minute break in between. Student participation in class discussions, primarily through Socratic dialog with the instructor, will be stressed. A seating chart will be distributed at the first class meeting, and will be used as the definitive indicator of students’ presence and location throughout the semester.

Initial Reading Assignments. From the outset, students should be advised that Civil Procedure is different from your previous subjects in law school, which have focused primarily on substantive law. Civil Procedure, which also could be named “basic” procedure, commences your study of the distinct body of procedural law. Civil Procedure also differs in its relatively greater emphasis on statutory materials (including constitutional provisions, ordinary statutes, and rules) as sources of law in addition to cases, and its relatively greater emphasis on public law as contrasted with the predominately private law focus of courses like Contracts, Torts, or Property. As we will see, substantive law would be of little moment without procedure, which is what actually makes the legal system work.

January 8: The first class meeting on January 8 will be devoted to an overview of the subject. The assigned readings are: (1) Sections A-D of Chapter 1 of the Casebook (Casebook pages 1-21); (2) introductory lecture notes that will be posted on the TWEN site by December 21; and (3) general familiarization with the contents of the Supplement, with particular attention to the “litigation flow chart” at pages vi-vii and the provisions of the Federal Rules of Civil Procedure at pages 1-230, and, as newly “restyled” as of December 1, 2007, at pages 452-585. Throughout the semester, we will be using the Federal Rules of Civil Procedure as our primary example of a civil procedure system, but please note that the Supplement also contains comparative state provisions of alternative approaches, and the Casebook also contains state materials. Our objective here is to present a national perspective on Civil Procedure.

January 10: At the second class meeting on January 10, we will commence the detailed study of the subject, with the topic of jurisdiction over persons and things (Casebook Chapter 2). For January 10, read Casebook pages 63-89 and study appropriate portions of the Supplement. For January 15, read Casebook pages 89-117 and study appropriate portions of the Supplement. For January 17, read Casebook pages 117-43 and study appropriate portions of the Supplement.

A full syllabus for the entire semester will be distributed during the first week of classes.