

CIVIL PROCEDURE
Spring 2008
Professor Douglas G. Smith

Materials

The textbook for this course is Marcus, Redish & Sherman, *Civil Procedure: A Modern Approach* (4th ed. 2005). A copy of the *Federal Rules of Civil Procedure, 2007-2008 Educational Edition*, which contains the Federal Rules of Civil Procedure and selected statutory provisions, is also required. Glannon's *Civil Procedure: Examples and Explanations* (5th ed. 2006) is also available at the bookstore, but is merely optional. It provides examples that some students may find useful. Finally, from time to time, I may provide additional materials as well.

Class Participation

Please prepare for class.

Grading and Final Examination

There will be a final examination on May 8, 2008 at 6:00 p.m. It will likely consist of essay questions, short answer questions and/or multiple-choice questions. I will also count class participation in determining your final grade.

Office Hours

I will hold office hours on Mondays at 4:15-5:15 p.m. and 7-8 p.m. in Room 319. If for some reason you need to reach me outside of office hours, please send me an email at dsmitj@gmu.edu that contains a number at which I may reach you and a time that would be convenient for me to call.

Schedule and Assignments

The following is the tentative schedule for the course and corresponding assignments, which may change throughout the semester as we move through some topics faster or slower than expected. "CB" refers to the Marcus, Redish & Sherman textbook. The assigned rules and statutory provisions may be found in *Federal Rules of Civil Procedure, 2007-2008 Educational Edition* (which is cited as "CB Supp."). This supplement provides both the old version of the rules and the current version, which became effective in December 2007. The rules were "restyled" to make them more "readable", but are not intended to change in meaning. You should focus on the "restyled" rules (*i.e.*, the current version of the rules) that are provided in italics after the old version of the rules, but we may discuss the old version at times during class. In addition, because the Marcus, Redish & Sherman text was written in 2005, it cites older versions of the rules.

Week 1 (Jan. 7, 9)	<p>Choosing a System of Procedure (CB 1-26)</p> <p>“An Outline of the Procedure in a Civil Action” (CB Supp. XVII-XXVIII)</p> <p>The Evolution of Pleading, Filing the Complaint, Rule 11 (CB 121-56; Rules 1-3, 7-8, 10-12)</p>
Week 2 (Jan. 14, 16)	Testing the Sufficiency of the Claims, Defendant’s Response (CB 156-212; Rules 8-9, 12-13, 55, 60; <i>Twombly</i>)
Week 3 (Jan. 23)	Voluntary Dismissal, Amendments to Pleadings (CB 212-27; Rules 15, 41)
Week 4 (Jan. 28, 30)	Proper Parties, Joinder, Impleader, and Intervention (CB 227-88; Rules 17-22, 24, 42)
Week 5 (Feb. 4, 6)	Discovery - Methods of Discovery (CB 332-80; Rules 26-36)
Week 6 (Feb. 11, 13)	Discovery - Exemptions from Discovery, Expert Materials (CB 380-414; Rules 26, 45)
	Discovery Sanctions (CB 415-23; Rule 37)
Week 7 (Feb. 18, 20)	Summary Judgment (CB 424-64; Rule 56)
	Pretrial Conferences, Phases of Trial (CB 465-83, 521-29; Rule 16)
	Right to Jury Trial (CB 529-31, 602-06; Rules 38, 47-48)
Week 8 (Feb. 25, 27)	Judicial Control of the Verdict (CB 606-21, 635-89; Rules 50, 59-60)
Week 9 (Mar. 3, 5)	Personal Jurisdiction (CB 690-835; Rule 4)
Week 10 (Mar. 10, 12)	Spring Break
Week 11 (Mar. 17, 19)	Personal Jurisdiction (continued)

	Notice (CB 835-40; Rule 4)
	Venue (CB 840-47; 28 U.S.C. §§ 1391, 1404, 1406)
Week 12 (Mar. 24, 26)	Subject Matter Jurisdiction - Diversity of Citizenship (CB 860-71; 28 U.S.C. § 1332)
	Subject Matter Jurisdiction - Federal Question (CB 871-90; 28 U.S.C. § 1331)
	Subject Matter Jurisdiction - Supplemental Jurisdiction (CB 890-911; 28 U.S.C. § 1367)
	Removal (CB 911-18; 28 U.S.C. §§ 1441, 1446)
Week 13 (Mar. 31, Apr. 2)	Choosing Between State and Federal Law (CB 919-1016; 28 U.S.C. §§ 1652, 2072-74)
Week 14 (Apr. 7, 9)	Preclusive Effect of Judgments - Res Judicata and Collateral Estoppel (CB 1092-1203)
Week 15 (Apr. 14, 16)	Preclusive Effect of Judgments - Res Judicata and Collateral Estoppel (continued)
	Appeals (CB 1017-1091; Rule 54, 58)
Week 16 (Apr. 21)	Clean-up and Review