

**CIVIL PROCEDURE 112 001**

Prof. Newman – Spring 2009

Tentative Syllabus

**Required Texts:**

Richard Marcus, Martin Redish, Edward F. Sherman, CIVIL PROCEDURE: A MODERN APPROACH (Updated Fourth Edition, 2008).

A. Benjamin Spencer, Federal Civil Rules Supplement 2008-2009 (Thomson West)

Materials posted or linked on TWEN page.

**General Class Policies:** posted on TWEN page

**Tentative Reading Assignments and Topics:**

(To be revised as needed. Check the TWEN site each week before beginning class preparation to get the full assignment. It should go without saying that any Federal Rules referenced in the casebook assignment should be read in full.)

<b><u>Class</u></b>	<b><u>Pages</u></b>  <b>(length of casebook reading—not including rules or supplementary materials)</b>	<b><u>Topic Description</u></b>
1	1-25; 98-120 (47)	Choosing a System of Procedure; Cost of Litigation, Alternatives to Litigation
2	27-67 (40)	Prejudgment seizure
3	67-96; (29)	Post Judgment Remedies
4	Materials on TWEN  121-131 (10)	Notice & Service  Historical Evolution of Pleading
5	131-173 (42)	Pleading Requirements
6	177-181; 1205-1223; 189-203 (36)	<i>Swierkiewicz</i> ; <i>Twombly</i> ; Defendant's Response
7	203-234 (31)	Affirmative Defenses; Voluntary Dismissal; Amendments to Pleadings; Proper Parties
8	234-265 (31)	Permissive Joinder; Compulsory Joinder; Impleader

9	265-297 (32)	Counter/Cross Claims; Interpleader; Intervention; Class Actions
10	297-331 (34)	Class Action: Certification, Notice, Opt-Out
11	332-377 (45)	Discovery: Devices, Scope, Burden
12	377-423 (46)	Discovery: E-Discovery, Exemptions, Sanctions
13	424-464 (40)	Summary Judgment
14	521-562 (41)	Trial; Right to Jury Trial
15	606-653 (47)	Judgment as a Matter of Law; Motion for New Trial
16	649-689 (40)	Rule 60(b); Remittitur/Additur; Nature of Verdict; Juror Impeachment of Verdict
17	690-729 (39)	Personal Jurisdiction: Power, Minimum Contacts; Long-Arm Statutes
18	729-765 (36)	Refining Minimum Contacts Analysis
19	765-809 (44)	Minimum Contacts cont'd; Presence of Property
20	809-847 (38)	Personal Service; General Jurisdiction; Litigating Jurisdiction; Requirement of Notice, Venue
21	860-890 (30)	Federal Jurisdiction: Diversity; Federal Question
22	890-92; 1224-1243; 911-930 (40)	Supplemental Jurisdiction; Removal; Choice of Law: <i>Swift v. Tyson</i> , <i>Erie Railroad Co. v. Tompkins</i>
23	930-965 (35)	The <i>Erie</i> Problem continued
24	1017-55 (38)	Appeals: Appealability; Final Judgment Rule; Collateral Order Doctrine; 1292(b)
25	1055-1090 (35)	Mandamus; 54(b); Interlocutory Injunctions; Supreme Court Jurisdiction; Review of Judicial Findings of Fact, Appellate Procedure
26	1092-1125 (33)	Claim Preclusion: Same Claim; Claim Splitting; On the Merits
27	1125-1164 (39)	Claim Preclusion in State-Federal Court Adjudications; Issue Preclusion
28	1164-1204 (40)	Persons Bound by Judgment