Welcome to Civil Procedure! In this document, you will find the reading assignments for the semester. The assignments, however, are subject to change.

**Communication:** All class communication will be over email. There will also be a TWEN page on which I will post documents, but I will let you know about that either in class or by email. You are responsible for anything that is emailed to the class. If you are not receiving emails that I refer to in class, let me know. Also, rather than hold formal weekly office hours, I will be available to talk with anyone who has questions after each class session.

**Readings:** We will use the Friedenthal, Miller, Sexton and Hershkoff, *Civil Procedure: Cases and Materials* casebook (10th Edition) and the 2011-12 supplement to the casebook, which contains the Federal Rules of Civil Procedure and all the relevant statutes. In the list of assignments below, CB refers to readings from the casebook, “Supp” to readings from the supplement, FRCP refers to specific rules and statute numbers refer to federal statutes (both of which appear in the syllabus). Further, where it says “review,” it means that a block of class time will be spent reviewing material from the prior few classes and answering whatever question you have about the material. Before these classes, you should send questions by email to me (DSchleic@gmu.edu), if you have them. In the course of doing the review, I will address questions received by email first.

**Grading and Participation:** I will be using a “soft Socratic” style. I will call on students at random, but will also take questions and comments from other students. The final exam is 100% of your grade subject to a one third class participation adjustment at my discretion.
Class Schedule and Reading:

I. Introduction
   a. January 9: Introduction
      i. CB 1-22
      ii. Supp: vi-vii
      iii. 28 U.S.C. § 2071-2072

II. The Complaint, Motions to Dismiss and the Answer
   a. January 11: Pleading from the Common Law to Iqbal
      i. FRCP 8(a), 12(a)(1), 12(b)
      ii. CB 505-06, 511-14, 552-79
      iii. Supp: 184-86 (forms 10-15), 492-505
      iv. Supp: 469-83 (just skim)

   b. January 18: Special Pleading and Rule 12 Motions
      i. FRCP 8(a), 8(d), 9: 12(b), (c), (d), (f)
      ii. CB 579-611
      iii. We will probably still be chewing on the material from the previous class.

      i. FRCP 8, 11, 15, 23.1
      ii. CB 612-42, Supplement 564-70
      iii. Supp 447 (Lawsuit Abuse Reduction Act of 2011)

   d. January 25: Notice and Service
      i. FRCP 3, 4(a) – (f), (h), (m); 12(b)(4),(5);
      ii. CB 199-212 (Please make sure to read the notes following Mullane) 213-219, 225-32
      iii. Supp 179-181

   e. January 30: Opportunity To Be Heard and Review
      i. CB 239-65
      ii. Prepare questions in advance of class
III. **Personal and Subject Matter Jurisdiction**

a. **February 1: Subject Matter Jurisdiction 1: Intro and Diversity**
   
   i. **CB 266-67; 272-91** (through note 3), Supplement 540-48, **CB 292-294** (note on judicially created exceptions to diversity jurisdiction)
   
   ii. Supp: 588-96
   
   iii. **Constitution, Art III, §§ 1, 2, 28 U.S.C. §§ 1332 (a)-(c), 1359**

b. **February 6: Subject Matter Jurisdiction 2: Federal Question Jurisdiction**

   i. **CB 295-324**
   
   ii. **28 U.S.C. §§ 1331, 1333-34, 1338**
   

c. **February 8: Subject Matter Jurisdiction 3: Supplemental Jurisdiction and Removal**

   i. **CB 324-43, 350-356**
   
   ii. **28 U.S.C. §§ 1367, 1441, 1446 (a), (b), (d), 1447.**

d. **February 13: Personal Jurisdiction 1**

   i. **CB 71-81, 84-99, 191-95**
   
   ii. **FRCP 4(k)**
   
   iii. Supp 291-95 (NY, NC, and RI long arm statutes)

e. **February 15: Personal Jurisdiction 2**

   i. **CB 99-136**
   
   ii. Supp: 550-564

f. **February 20: Personal Jurisdiction 3: General Jurisdiction and Technology**

   i. It is likely that we will still be reviewing materials from the last class during this one
   
   ii. **CB 138-48, 150-57**
   
   iii. Supp: 532-37

g. **February 22: Personal Jurisdiction 4: In Rem, in Personam and Consent based Personal Jurisdiction**

   i. **CB 161-90**
h. **February 27: Venue, Transfer, Forum Non-Conveniens, and Waiver**

   i. CB 369-74, CB 378-403
   ii. 28 U.S.C. §§ 1391, 1404; review FRCP 12(b)(3), (h)(1).

i. **February 29: Review and Catch-up:**

   1. No reading
   2. Prepare questions in advance of class on any aspect of jurisdiction.

IV. **Joinder and Class Actions**

   a. **March 5: Joining Claims and Counterclaims**

   i. CB 652-78
   ii. FRCP 13, 17

b. **March 7: Joinder, Intervention and Interpleader**

   i. Party Joinder:
   
   i. CB 678-79, 682-83, 688-710, 733-38
   ii. FRCP 14, 20, 21, 42(a)
   iii. Also review your notes on supplemental jurisdiction

   ii. Rule and Statutory Interpleader

   i. CB 713, 722-33

   **SPRING BREAK**

c. **March 19: Class Actions 1**

   i. CB 741-77, FRCP 23

b. **March 21: Class Actions 2**

   iii. CB 777-816.
   iv. Supp: 599-615
V. **Discovery, Summary Judgment and Trial**

a. **March 26: Discovery: Introduction, Mandatory Disclosure, Depositions and Interrogatories**
   i. CB 826-43, 849-51, 853-77
   ii. FRCP 26, 33, 34, 36, 45

b. **March 28: Limits on Discovery, Experts and the Duty to Preserve**
   i. CB 896-926
   ii. FRCP 26(a)(2), (b)(1), (3), (4), (c), 37 (skim Rule 37)

c. **April 2: Summary Judgment, Default Judgment, Directed Verdicts and JNOV**
   i. Review materials on motions to dismiss
   ii. FRCP 56
   iii. CB 959-87, 992-95, 1070-76, 1092-94

d. **April 4: Trial By Jury and Review**
   i. CB 997-1013; 1026-34, 1042-45, 1019-22
   ii. FRCP 38, 39; Amendment VII of U.S. Constitution
   iii. Prepare questions in advance of class

VI. **Preclusion**

a. **April 9: Claim Preclusion or Res Judicata**
   i. CB 1249-55, 1258-62, 1267-1272, 819-23

b. **April 11: Issue Preclusion or Collateral Estoppel**
   i. CB 1272-75, 1284-90, 1196-99, 1305-32
VII. **The *Erie* Doctrine**

a. **April 16: *Erie* 1**
   
i. CB 404-439 (through note 3)
   
ii. 28 U.S.C. §§ 1652, 2072

b. **April 18: *Erie* 2 and the Return of Federal Common Law**
   
i. CB 442-466, 476-81
   
ii. Supplement 576-88

VIII. **Appellate Review**

a. **April 23: Appellate Review and Review**
   
i. 1187-1091, 1194-1198 (through note 1), 1205-12, 1224-1226
   
ii. 28 U.S.C. §§ 1291-922
   
iii. Prepare any questions in advance of class