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 (11th Edition) and the 2014-15 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. **Class 1**: 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. **Class 2**: Pleading from the Common Law to *Iqbal*
   i. The reading is too long for one class, but it is all collected here to keep the topics coherent. We will continue discussing these materials next class.
   ii. FRCP 8(a), 12(a)(1), 12(b)
   iii. CB 507-11, 539-41, 553-56, 559-89
   v. Supp: 358-70 (Just skim after you read *Twombly*)

b. **Class 3**: *Twombley/Iqbal* Continued, Special Pleading and Rule 12 Motions
      1. Just get the idea
   ii. FRCP 8(a), 8(d), 9; 12(b), (c), (d), (f)
   iii. CB 593-609

c. **Class 4**: The Answer, Affirmative Defenses, Amending Pleadings, Relation Back and Sanctions
   i. FRCP 8, 11, 15, 23.1
   ii. CB 610-38, 641-46

d. **Class 5**: Notice and Service
   i. FRCP 3, 4(a) – (f), (h), (m); 12(b)(4),(5);
   ii. CB 201-213 (Please make sure to read the notes following *Mullane* through note 9); 216-230
   iii. Supp 151-53

e. **Class 6**: Opportunity To Be Heard and Review
   i. CB 243-57
   ii. Prepare questions in advance of class
III. **Personal and Subject Matter Jurisdiction**

a. **Class 7: Subject Matter Jurisdiction 1: Intro and Diversity**
   i. CB 259-60, 266-85, 289-91
   ii. Constitution, Art III, §§ 1, 2, 28 U.S.C. §§ 1332 (a)-(c), 1359

b. **Class 8: Subject Matter Jurisdiction 2: Federal Question Jurisdiction**
   i. CB 291-316
   ii. 28 U.S.C. §§ 1331, 1333-34, 1338

c. **Class 9: Subject Matter Jurisdiction 3: Supplemental Jurisdiction and Removal**
   i. CB 318-47
   ii. 28 U.S.C. §§ 1367, 1441, 1446 (a), (b), (d), 1447.

d. **Class 10: Personal Jurisdiction 1**
   i. CB 75-82, 89-96, 196-98
   ii. FRCP 4(k)
   iii. Supp 241-45 (NY, NC, and RI long arm statutes)

e. **Class 11: Personal Jurisdiction 2**
   i. CB 97-102, 104-48
   ii. The reading for this class is too long; I include it all here for thematic reasons. We will cover the last case or two during the following class

f. **Class 12: Personal Jurisdiction 3: General Jurisdiction and Technology**
   i. CB 150-63

g. **Class 13: Personal Jurisdiction 4: In Rem, in Personam and Consent based Personal Jurisdiction**
   i. CB 167-97
      1. Just get the idea
h. **Class 14: Venue, Transfer, Forum Non-Conveniens, and Waiver**
   
i. **CB 359-63, CB 373-396**
   
ii. **28 U.S.C. §§ 1391, 1404; review FRCP 12(b)(3), (h)(1).**
   
iii. Supplement 390-95

i. **Class 15: 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. **Class 16: Joining Claims and Counterclaims**
   
i. **CB 662-69, 671 (note 1), 674-78**
   
ii. **FRCP 13, 17**

b. **Class 17: Joinder, Intervention and Interpleader**
   
i. **CB 686-88, 691-94, 696-712, 737-42**
   
   i. **FRCP 14, 20, 21, 42(a)**
   
   ii. Also review your notes on supplemental jurisdiction

   ii. **Rule and Statutory Interpleader**
   
   i. **CB 719-36**
   
   ii. **FRCP 22; 28 U.S.C. §§ 1335, 1397, 2361.**

c. **Class 18: Class Actions 1**
   
i. **CB 747-48, 752-88**
   
   ii. **FRCP 23**

b. **Class 19: Class Actions 2**

   iii. **CB 788-819, 823-27**
V. **Discovery, Summary Judgment and Trial**

a. **Class 20: Discovery: Introduction, Mandatory Disclosure, Depositions and Interrogatories**
   i. CB 831-42, 844-52 (note 4); 855-70, 878-79
   ii. FRCP 26, 33, 34, 36, 45
   iii. Pages 13-16 of the “Duke Rules Changes”
   iv. Review this short article on the rules changes

b. **Class 21: Limits on Discovery, Experts and the Duty to Preserve**
   i. We may still be discussing the last class’s reading here
   ii. CB 886-904, 907-916
   iii. FRCP 26(a)(2), (b)(1), (3), (4), (c), 37 (skim Rule 37)

c. **Class 22: Summary Judgment, Default Judgment, Directed Verdicts and JNOV**
   i. Review materials on motions to dismiss
   ii. FRCP 56

d. **Class 23: Trial By Jury and Review**
   i. CB 987-1007, 1013-21
   ii. Skim 1028-38
   iii. FRCP 38, 39; Amendment VII of U.S. Constitution
   iv. Prepare questions in advance of class
VI. **Preclusion**

   a. **Class 24: Claim Preclusion or Res Judicata**
      i.  CB 1211-22, 1230-35, 819-23

   b. **Class 25: Issue Preclusion or Collateral Estoppel**
      i.  CB 1235-39, 1249-56, 1271-99

VII. **The Erie Doctrine**

   a. **Class 26: Erie 1**
      i.  CB 397-431 (through note 3)
      ii. 28 U.S.C. §§ 1652, 2072

   b. **Class 27: Erie 2 and the Return of Federal Common Law**
      i.  CB 434-469, 479-81

VIII. **Appellate Review**

   a. **Class 28: Review**
      i.  Prepare any questions in advance of class