

CIVIL PROCEDURE

SECTION 1

SPRING - 2018

PROFESSOR KATHERINE VUKADIN

THE PROFESSOR

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LOCATION: Suite 231J

OFFICE HOURS: To be determined once students' schedules are established.

REQUIRED TEXTS

1. *Civil Procedure: A Coursebook*, Joseph W. Glannon, Andrew M. Perlman, and Peter Raven-Hansen (Wolters Kluwer), Third Edition.
2. *A Student's Guide to the Federal Rules of Civil Procedure*, Baicker-McKee (Thomson-West) (latest edition).

Suggested supplements:

1. *Civil Procedure Examples and Explanations*, Glannon (Wolters Kluwer)
2. *Acing Civil Procedure*, A. Benjamin Spencer. Thomson West (Second Edition).
3. *A Civil Action*, Jonathan Harr (Vintage Publishers). This book provides a view of civil procedure in context.

COURSE DESCRIPTION AND OBJECTIVES

Civil Procedure covers the process of litigation and the rules of procedure that govern this process. Through a discussion of the federal rules of procedure it analyzes the seven basic stages of litigation: investigative, pleadings, discovery, pre-trial, trial, post-trial, and appeal. It also involves the study of the most important determinations that must be made prior to filing a civil action: personal and subject matter jurisdiction and venue. Civil procedure makes up a significant portion of the bar exam. Therefore, mastery of this material is an urgent matter for your success on the bar exam and beyond.

CLASS OBJECTIVES

The class will be taught using four primary components:

- 1) Class lecture and discussion based on the casebook, *Civil Procedure: A Coursebook*, selected provisions of the United States Code, the Federal Rules of Civil Procedure, and pertinent handouts.
- 2) Quizzes: We will have regular quizzes to reinforce the material.
- 3) A mid-term
- 4) A final

At the end of the spring semester, you will be tested over the material taught in the fall as well as in the spring. Please see additional information below, in the section entitled "Grading."

THIS SYLLABUS IS NOT A CONTRACT AND IS SUBJECT TO CHANGE WITH OR WITHOUT NOTICE.

GRADING

The grade for the full one-year course is divided into two parts: my grade, which constitutes fifty percent of the total grade; and the grade for the final comprehensive exam offered at the end of the spring semester, which constitutes the other fifty percent. The comprehensive exam at the end of the spring semester is composed of 60 multiple-choice questions. Unless otherwise advised, the questions will be divided as follows:

Subject Matter Topics	Approximate Number of Questions
Subject matter Jurisdiction (Federal subject-matter jurisdiction (federal question, diversity, supplemental)	10
Removal	5
Venue/Forum Non Conveniens	6
Personal Jurisdiction	10
Pleadings	10
Joinder	4
Discovery	6
Disposition Without Trial (Verdicts & Judgments	4
Erie	1
Trials	2
Jury	1
Appeals	1

GRADE

The spring component in my class is weighted equally to your fall grade total in my class, and is made up of the following point allocations:

Quizzes:	200 points
Midterm:	150 points
Final:	250 points
Participation:	50 points
Tutorial participation:	5 points per tutorial attended

Further information on Quizzes: Unless otherwise announced, all quizzes will be cumulative. This means that you can expect the material from each quiz to appear on each subsequent quiz. In this way, you will keep the material in mind throughout the year.

Tutorials: There will be a number of tutorials, which will be announced in class. If you attend a tutorial for the entire time and take any required assessment in the tutorial, you will earn 5 points.

ACCOMMODATIONS

Students requesting accommodations may do so through the Office of Student Affairs. Please do so before the first quiz.

PARTICIPATION, ATTENDANCE & PROFESSIONALISM

ATTENDANCE

Class attendance and participation are mandatory. (See Students Rules of Matriculation for details on absences and grade reductions.)

TWEN

Please continue to use the same TWEN as last semester.

EXAM NUMBERS

The use of multiple exam numbers not only protracts the grading process, but also causes confusion in the recording process, which could be detrimental to your grade.

You should use only two (2) exam numbers in my class:

1. one number for the quizzes, other graded assignments; and for the midterm; and,
2. one number for the final.

Unless I have explicitly authorized it, the use of multiple exam numbers, will cause you to have 5 points deducted from the final grade.

PROFESSIONALISM

In keeping with the professional school environment, students should remember to respect their classmates and the Professor at all times. Please refrain from excessive side conversations or other distracting conduct. Please do not come and go from class unless having a personal bathroom or medical emergency. If you do so, I will counsel you individually, make an announcement to the class, and then deduct participation points.

READING SCHEDULE

Week 1

January 8 Review essay questions from final exam

January 10 Quiz over essay questions from final exam

Week 2

January 15 MLK Holiday

January 17 Begin complex joinder

Week 3

January 22 Complex Joinder
pp. 647-673

January 24 Finish Complex Joinder; Begin Supplemental Jurisdiction
pp. 673-683; 729-751

Week 4:

January 29 Finish Supplemental Jurisdiction
pp. 751-772

January 31 Begin Discovery
pp. 775-798

Week 5:

February 5 Quiz over Chapters 17, 18, & 20
pp. 799-816

February 7 pp. 817-839

Week 6:

February 12 pp. 839-867

February 14 pp. 867-889

Week 7:

February 19 Quiz over discovery and subject matter jurisdiction
Disposition without Trial
pp. 1003-1028

February 21 pp. 1028-0143

Week 8:

February 26 Disposition without Trial—exercises and review

February 28 Pretrial case management

Week 9:

March 5 Pretrial case management

March 7 Trial

SPRING BREAK

Week 11:

March 19 Trial

March 21 Trial

Week 12:

March 26 Trial

March 28 Erie doctrine and choice of law

Week 13:

April 2 Eerie doctrine and choice of law

April 4 Appeal

Week 14:

April 9 Appeal

April 11 Service of Process

Week 15:

April 16 Service of Process

April 18 Exercises and quiz

Week 16:

April 23 Review

April 25 In-class exam