

**Civil Procedure**  
**Professor Frederic Bloom**  
**Fall 2012**

Office: 453  
E-mail: frederic.bloom@colorado.edu  
Phone: (303) 492-3860  
Office Hrs: Tuesday: 4:00 – 6:00 (or by appointment)

**Course Description**

Civil Procedure provides a basic introduction to the process of civil litigation in federal court. Over the course of the semester, we will cover a variety of topics – from the limited powers of federal courts to the nuances of joining parties to a specific action. To start, we will focus largely on the power and authority of federal courts to hear cases. This concentration will lead us to ask *when* and *where* a federal court can hear a particular suit, as well as *what* law a court must apply. Topics covered will include personal jurisdiction, subject matter jurisdiction, venue, and *Erie* doctrine. We will then turn our attention to *how* the litigation process in federal court works, covering initial pleadings through final judgment. Topics covered will then include preliminary pleading, rules of discovery, joinder, adjudication without trial, trial itself, and post-trial alternatives.

**Important Texts**

Bloom, Classpack [Required]  
Yeazell, Civil Procedure (Aspen Pub., 8<sup>th</sup> ed.) [Required]  
Yeazell, Federal Rules of Civil Procedure: Rules Supplement [Required]

**Attendance**

Your attendance during each class session is mandatory. Students missing more than four (4) class meetings without excuse may be barred from receiving credit for the course. Should you be unable to attend class because of an issue beyond your control, please let me know as promptly as possible.

**Grading**

Your grade in this course will be based entirely on the final exam. As in most classes, grades will be assigned on a pre-established curve, and they will be awarded with your identity hidden; i.e., I will not know how any individual student scored until *after* I have finalized my grade report.

## **Exam**

There will be one exam will be held at the end of the semester. The exam will ask a number of questions, some multiple-choice and one long essay, each designed to test your mastery of issues big and small. The entire exam will be “open book,” though I encourage you not to rely too heavily (or at all) on commercially prepared materials.

## **Class Participation**

Class participation is an integral part of this course, and *all* students are expected to be prepared *each day* to answer questions. Volunteers are always welcome, and I will call on students to answer questions at random throughout the semester. If, for whatever reason, you have been unable to prepare for particular class session, please let me know before class; I will not call on you that day. Please do not make a habit of coming to class unprepared.

## **Outside-of-Class Meetings**

I will try to be as accessible as possible to meet with students outside of class. Feel free to contact me by e-mail or by telephone to schedule an appointment or to ask a question. Of course, if you prefer, you are always welcome to see me after class or in my office.

## **Course Outline and Assignment Sheets**

Attached to this syllabus is a tentative outline of the topics we will cover during the semester. Also appended is the first batch of reading assignments – which should take us through the first couple of weeks of the course. As the semester progresses, I will distribute additional assignment sheets, each providing detailed assignments for a handful of weeks.

## Course Outline

### **I. Introduction to the Federal Court System: *New York Times v. Sullivan***

### **II. Personal Jurisdiction**

1. Historical Tenets and Modern Constitutional Formulations
2. Types of Personal Jurisdiction
3. Related Concepts

### **III. Related Court-Made & Statutory Limits**

1. Venue
2. Forum Non Conveniens
3. Transfer

### **IV. Subject Matter Jurisdiction**

- A. Federal Question Jurisdiction
- B. Diversity Jurisdiction
- C. Supplemental Jurisdiction

### **V. Removal Jurisdiction**

### **VI. *Erie* Doctrine**

### **VII. Setting the Stage for Litigation: Initial and Responsive Pleadings**

1. Historical Foundation and Modern Standards
2. Protection Against Abuses

### **VIII. Discovery**

1. Automatic Disclosure Under the Rules
2. Formal Discovery Mechanisms
3. Limits On Disclosure

### **IX. Resolution Without Trial**

- A. Summary Judgment
- B. Motions to Dismiss (review)

**X. Adjudication By Trial**

- A. Who Will Try the Case?
- B. Judicial Control of Juries and Jury Verdicts

**XI. After Trial: Options, Motions, and Effects**

- A. Post-trial Judicial Review
- B. Appeal
- C. The Meaning of Judgment

**XII. Giving Teeth To Decisions: A Peek at Preclusion**

- A. Claim Preclusion (Res Judicata)
- B. Issue Preclusion (Collateral Estoppel)

## Reading Assignments --- List I

- Assignment 1:        Introduction; Sullivan Part I  
Class Pack                      Pgs. 1-18
- Assignment 2:        Sullivan Part II  
Class Pack                      Pgs. 18-54
- Assignment 3:        Sullivan Part III  
Class Pack                      Pgs. 54-88
- Assignment 4:        Sullivan Part IV  
Class Pack                      Pgs. 88-end of *Sullivan* materials
- Assignment 5:        Personal Jurisdiction: Historical Tenets and Modern Formulations  
Casebook                      Pgs. 59-74; 77-89  
Supplement                      Rules 1-3, 12; Const. Am. XIV
- Assignment 6:        Personal Jurisdiction: Historical Tenets and Modern Formulations  
Casebook                      Pgs. 89-100 (skim); 170-174
- Assignment 7:        Types of Personal Jurisdiction: General  
Casebook                      Pgs. 132-147
- Assignment 8:        Types of Personal Jurisdiction: Specific  
Casebook                      Pgs. 103-112
- Assignment 9:        Types of Personal Jurisdiction: Specific  
Casebook                      Pgs. 112-131
- Assignment 10:       Types of Personal Jurisdiction: Other  
Casebook                      Pgs. 148-154