Overview of the Course

Civil Procedure is about the system that society uses to resolve disputes. This system consists of rather intricate rules and principles, and at one level we will devote considerable time and energy to mastering them. At a second, more fundamental level, these rules and principles reflect basic policy choices in matters of due process, federalism, and other constitutional themes. And, at a third level, we will discuss tactics, which often are the key to understanding the rules and policies.

We will spend two semesters studying Civil Procedure. The first semester will begin with an overview of the procedural system, which should give you some sense of what is to come, and, I hope, will allow us to approach each topic with a basic awareness of the context within which it is located. We will spend the remainder of the first semester exploring the statutory and constitutional constraints on where lawsuits may be filed. During the second semester, we will turn to the operation of the Federal Rules of Civil Procedure, examining how a lawsuit is commenced, and how it proceeds from that initial step to resolution. Among other things, we will consider how litigants, and sometimes judges, determine which parties and claims are properly part of a particular lawsuit; how facts are gathered and how they are presented to the judge and/or jury; how the judge and jury consider and decide the issues presented; and what the consequences are of a legal "decision."

Required Texts

Yeazell, Civil Procedure (7th ed. 2008)
2008 Federal Rules supplement to Yeazell

Potentially Helpful Outside Reading

If you are looking for an explanation or clarification of a particular topic (beyond what came up in class or in the assigned reading), I recommend taking a look at Joseph Glannon, Civil Procedure: Examples and Explanations (Aspen 6th ed.). Glannon provides a useful and relatively clear explanation of most of the topics we will cover, along with examples, hints and practice problems.

How to Reach Me

I am in office 425, on the north side of the building. My office phone number is 735-6344, and my email address is melissa.hart@colorado.edu. Rather than holding regularly-scheduled office hours this semester, I will meet by appointment with any student who wishes to see me.
Participation Policy

I hope that each of you will volunteer occasionally, and willingness to volunteer will be taken into account in assessing the participation portion of the grade. I will also call on people during class. If you are not prepared to be called on during a particular class, you may leave me a note or otherwise let me know before or at the beginning of class. You may elect not to be called on up to five times during the semester with no negative effect on your grade. If you are unprepared when called on, or if you opt-out of being called on more than five times, your grade will be negatively affected. As a general matter, I reserve the right to adjust grades by up to three points in either direction for exceptional class participation. Class participation will be evaluated on quality, rather than quantity.

Midterm Writing Exercise, Final Exam and Grading

Your grade in this class will be determined based on your class participation and your performance on a midterm writing exercise and a final exam. The midterm writing exercise will be a take-home project that you will have several days to complete. Your grade on the midterm will be 25 percent of your grade for the semester. My current plan is to distribute the midterm on October 15 and to require it handed in on October 20 before class. That may change if it appears to present a scheduling conflict with other classes. At the end of the fall semester, there will be a two-and-a-half hour "open book" final exam. You will be permitted to consult any written materials other than commercial outlines during the course of the exam. Although these two projects will constitute the primary grade indicators, class participation may also affect your grade. I will raise exam grades up to three points for participation in class during the semester. I also reserve the right to adjust exam grades downwards by up to two points for exceptionally poor or disruptive class participation or, as described above, for failure to attend class on a day you are on call.

Scheduling Issues

Our class is scheduled to meet on Mondays and Wednesdays from 10:45-11:40. We will not have class on September 8 or September 10. We will have a make-up class session on September 12 at 1 pm.

Reading Assignments

I am including here the reading assignments for the first four classes. I will post additional reading assignments in 2 or 3 week sections throughout the year.

Overview
[Please keep in mind that the first chapter is only an overview. While you should pay some attention to the details, your primary concern at this point should be to gain a sense of the overall picture rather than a mastery of detail. Similarly, when I say "skim" the Federal Rules of Civil Procedure (FRCP), my hope is that you will review them sufficiently to have a sense of the topics they include. You should not, at this point, worry about "learning" the rules.]

Class 1 -- August 25
Pp 1-17, look at the TOC (pp 3-12) of the FRCP

Class 2 -- August 27
Pp 17-28

Class 3 -- September 3
Pp 28-42

Make-up class September 12 at 1 pm
Pp 42-53