Civil Procedure II – Spring 2009
Syllabus Part I
Melissa Hart
University of Colorado School of Law

About the Course

For the first half of this semester we will focus on how a dispute is framed in federal court. We will start by examining the basics of pleadings and then consider whether and when parties and claims can, should, or must be included in a lawsuit. In the second half of the semester we will consider how facts are gathered in a legal dispute, how those facts are presented to a decision-maker, how the decision-maker decides the issues, and what the “decision” means.

Required Texts

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

Participation Policy

As it was last semester, participation will be an element of your grade in this class. 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 students during class and will expect you to be prepared to answer questions on the material assigned for that day and any earlier classes. If you are not prepared, you may leave a note or tell me before the class begins.

Scheduling

We are scheduled to meet on Tuesday, Thursday and Friday from 10:45-11:35.

Exams and Grading

As we did last semester, we will have a midterm assignment this spring. Your midterm assignment will constitute 25 percent of your grade for the semester. A final exam at the end of the semester will account for 75 percent of the final grade. I will adjust grades up to three points for participation in class during the semester. I also reserve the right to adjust 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.
Office Hours

I will hold office hours this semester on Thursdays from 2:30-3:30 and am also happy to arrange an appointment if that time is not convenient.

Reading Assignments

Unless I say otherwise, please assume that we will cover one reading assignment for each class period. (I have included dates for the assignments through pleadings; we will cover the material approximately on the dates assigned. If there are changes, I will let you know during class.) As we are focusing on the Federal Rules of Civil Procedure this semester, please be sure, with each reading assignment, to study the pertinent provisions of the Rules, the United States Code, etc. in the supplement.

Pleading – The Complaint

January 13 – pages 333-348
January 15 – pages 348-64
January 17 – pages 364-375

Ethical Limitations

January 20 – pages 375-387

Responding to the Complaint

January 22 – pages 387-398
January 23 – pages 398-402

Amendments

January 27 – 402-414