

**Civil Procedure I, Fall 2011**  
**Syllabus**  
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**Office Hours: Wednesday 2:00-4:00 or by appointment**

**About the course**

Civil Procedure is about the rules and principles that govern civil dispute resolution. By learning these rules and principles, you begin the process of becoming legal insiders. You will acquire knowledge that non-lawyers lack, and for the most part do not want. But this knowledge will be essential to your ability to achieve substantive justice (or at least a chance at it) for your future clients.

In this course, you will learn the mechanics of how to start and maintain a civil lawsuit (e.g., Where should I file the case? Who can I include as a party? What do I have to say to start a lawsuit?), as well as the tactics, doctrine and policy governing the mechanics. You will also learn how the United States Constitution polices the boundaries of procedural issues.

**Class Rules (No Laptops):** Thank you for leaving your laptops, cell phones, I-Pads and other electronic devices in your lockers or at home. I will post all slides and mind maps on our class TWEN site, so there is no need to take stenographic notes. An old-fashioned pen and note-book will enable you to take down what is important and otherwise to pay attention and participate in class.

**Class Participation Policy:** This class will use a "present and prepared" approach. Starting on the second day of class (Thursday, August 25), I will leave the seating chart at the front of the room a few minutes before class. If you DO CIRCLE your name, you have indicated that you HAVE done the reading, thought about the questions, and are prepared to participate. If you DO NOT CIRCLE, then I will not call on you that day. If, by the end of the semester, you have NOT CIRCLED your name for eight or more classes, then you are automatically ineligible for any class participation points. Class participation will count for up to 10% of your grade, and will be based on the quality of your contributions as well as your respect for your fellow students and their comments, as well as your demeanor towards the professor.

**Required texts**

- **"Coursebook":** Glannon, Perlman, Raven-Hansen, **Civil Procedure: A Coursebook**
- **"Rules Supplement":** *2011 Federal Rules of Civil Procedure Supplement* to Glannon, Perlman, Raven-Hansen

- **"A Civil Action"**: Jonathan Harr, *A Civil Action* (1995)
- **Supplemental Materials** (e.g. for the Tribal Court Jurisdiction classes) will be **posted on TWEN**

**Useful Study Aids and Secondary Sources:** From time to time you may want to test your knowledge or supplement the class reading. (You may not want to, which is also fine.) Often, a quick look at another book will help to clarify a topic. Here are some helpful sources. You needn't buy them; they should be available in the library.

- Glannon, *Civil Procedure: Examples & Explanations* (6th Ed. 2008)
- Shreve and Raven-Hansen, *Understanding Civil Procedure* (Lexis/Nexis 2009 4th ed)
- Glannon, *The Glannon Guide to Civil Procedure* (2nd Ed. Aspen 2009)

**Assignments:** **Unless I say otherwise, please assume that we will cover the next assignment in the next class. Almost every assignment will refer to rules and/or statutes in the Rules Supplement. You are responsible for reading those rules, and I will not consider you prepared for class unless you have done so.**

For each assignment, I have included questions for you to consider. **You are also responsible for all questions posed in the Coursebook and supplement.**

**Overview:** **The following two assignments provide an overview of some of the subject matter that we will cover during the year.**

- 1) READ: Coursebook, Chapter 1 (pp. 3-18); Rules Supplement, U.S. Constitution, Art. III, sections 1 and 2.

--You are from New Jersey. You just moved to Colorado, but have not yet established your in-state residence. Sadly, you get in a bike crash on your first day of law school. The person who hit you was a kid on a skateboard. He is from Colorado. What court systems are available to you should you decide that the best way to proceed is to sue the skateboarder?

--What courts does Article III, s. 1 create? What does it provide with regard to creation of other ("inferior" – that is, lower) federal courts?

- 2) READ: Coursebook, Chapter 2 (pp. 19-36); Rules Supplement, 28 U.S.C. §§ 2071-77 (Rules Enabling Act)

--The bike crash continued: First, consider whether most such incidents make it to the first step of the timeline on p. 20. Second, assuming you do decide to pursue a lawsuit in federal court, who will you

sue, and what kinds of things will you say about what those defendants did so that you have a chance to win your lawsuit?

--The Rules Enabling Act allows the Supreme Court to adopt general rules for practicing in the federal courts. How does the process for adopting the rules differ from the process for passing federal legislation in Congress? Why do you think the process is different? Why, in other words, doesn't Congress have to go through its usual bi-cameral process in order to approve the Federal Rules of Civil Procedure?