

Law 509-41: Civil Procedure
Course Syllabus
WNE School of Law
Fall 2022

Instructor: Professor Jennifer Taub

Class Time: Monday 6:00 – 7:25 p.m., Tuesday 7:10 – 8:10 p.m., and Wednesday 8:20 – 9:25 p.m.

Monday/Wednesday Class Location: BLC C

Tuesday on Zoom: Join Zoom Meeting (as early as 7:00 p.m., but class will begin at 7:10 as per schedule)
<https://wne-edu.zoom.us/j/9178336804?pwd=LzNLVXZ5Y3RrSzVJeVQ2a2Z3ZW5LUT09>

Meeting ID: 917 833 6804
Passcode: 81785446

Office Hours: To be held on Zoom by appointment

Required Texts:

(1) *Civil Procedure: A Coursebook, 4d edition* (2017) by Joseph W. Glannon, Andrew M. Perlman, Peter Raven-Hansen (the “Casebook”);

(2) The Glannon PracticePerfect online module (NOTE: the access code is included in a new Casebook above, but can be purchased separately if you have a used edition) (“PracticePerfect”); and

(3) *Civil Procedure: Rules, Statutes, and Other Materials, 2021 Supplement* by Joseph W. Glannon, Andrew M. Perlman, Peter Raven-Hansen, (the “Supplement”).

Cost-Savings: You can purchase the materials above as a bundle at a discount from our bookstore using at ISBN: 9781543849271

Optional Text:

Civil Procedure: Examples & Explanations, 8th edition, by Joseph Glannon. ISBN: 978-1454894025

Course Objective: Civil Procedure introduces students to the civil litigation process, including essential practical details as well as big picture policy concerns about access to justice. Together we will study how federal state courts are organized; learn when courts can assert jurisdiction over people and subject matters; and explore pleadings and rules of practice. Students will analyze the litigation process with an emphasis on discovery, pretrial procedures, trial, judgment, and appellate review.

Learning Outcomes: Through this course, you will learn to:

- Read judicial opinions, skillfully sketch out the key facts and legal issues, read and interpret rules and statutes, and extract general principles of law to adeptly apply to alternate fact patterns; and
- Speak like a lawyer, write like a lawyer, and think like a client, using the rules to help strategize offensively (on bringing or joining litigation) and defensively (on how to get cases dismissed).

Requirements:

- Read the materials, complete the video assignments, and attend and participate in class, particularly when you are on the panel; and
- Complete assigned exercises during the term. These allow you to synthesize and apply what you're learning from the reading and class.

Evaluations: Midterm exam (worth 20%); panel participation (10%); and final exam (worth 70%).

Attendance: Attendance is expected at every class session. Consistent with law school and ABA policy, students must attend at least 80% of class sessions in order to be eligible for credit. For a course that meets three times a week, the maximum number of permissible absences is 7. A student who misses class should submit a one-page summary of the reading assignment for that day by the date of the next class.

Laptop Use: Please limit the use of your laptop, ipad, cell phone, or other electronic device to participating in class and taking notes. Using laptops or other electronic devices for non-approved purposes during class. If you choose not to use a laptop and believe screens are distracting, please sit toward the front of the classroom.

Study Groups: I recommend that you form informal groups of two or more for studying and discussing the material that meet at least weekly in person or via Zoom. For better or for worse, our legal system is adversarial. Accordingly, taking opposing positions and engaging in rigorous debate will greatly assist the learning process. In addition, the work you will do toward achieving the outcomes above involves deliberation, equivocation and conclusion. Having a partner will help you. Most importantly, the best way to learn is to ask seemingly “stupid questions.” When something is unclear to you, it is most likely unclear to many others. Having a safe space with a teammate to share this confusion, will give you the encouragement to bring forward these questions to the larger class, so we can examine them together.

Respect: An important line exists between challenging an idea and challenging the person who expresses that idea. We should treat each other with dignity and respect. Conflicting views will create dynamic discussions and help each of us refine our thinking. However, personal attacks whether express or subtle will stifle communication. Let us work together to think and speak critically of ideas and not of each other.

University Policies: Please familiarize yourself with school and university policies. Non-compliance with law school, and university policies, including without limitation Covid19 policies, may result in referral to the Dean of Students, referral to the honor code committee, administrative withdrawal from the class suspension/dismissal from the university, and/or other possible consequences.

Inclusivity: I am committed to creating a course that is inclusive in its design. If you encounter barriers, please let me know immediately so we can determine if there is a design adjustment that can be made. If you have a disability or think you may have a disability, you are encouraged to meet with Student Accessibility Services (SAS). Once I have a copy of your approved accommodation(s) from SAS, we can plan a time to connect to discuss your accommodation needs. More information can be found by contacting the SAS office directly at accessibility@wne.edu or visiting the website: <https://www1.wne.edu/student-disability-services/index.cfm>

Flexibility: This syllabus is a guide. I will make reasonable efforts to communicate to you any material changes to this guide. However, please keep in mind that changes, additions and deletions may be made without notice.

Class	Date	Topic	Assignment
1	Monday, Aug. 29	Introduction An Introduction to American Courts	Casebook, Chapter 1, pp. 1 - 20
2	Tuesday, August 30	Overview	Casebook, Chapter 2, pp. 21 - 40

		A Description of the Litigation Process and Sources of Procedural Law	
3	Wednesday, Aug. 31	Subject Matter Jurisdiction Diversity Jurisdiction in the Federal Courts State citizenship of individuals	Casebook, Chapter 3, pp. 43 - 60 PracticePerfect “Subject Matter Jurisdiction” “Diversity Jurisdiction: <i>Individuals</i> ”
	Labor Day	No Class Today	
4	Tuesday, Sept. 6 (Monday schedule in person at 6:00 pm)	Subject Matter Jurisdiction Diversity Jurisdiction in the Federal Courts Corporate citizenship	Casebook, Chapter 3, pp. 61 - 73 Supplement, 28 USC 1332(c)(1)
5	Wednesday, Sept. 7 We will not be meeting in person. Please work on practice perfects by watching videos and completing self-quizzes	Subject Matter Jurisdiction	PracticePerfect “Diversity Jurisdiction: <i>Corporations</i> ” PracticePerfect “Amount in Controversy”
6	Monday, Sept. 12	Subject Matter Jurisdiction Diversity Jurisdiction in the Federal Courts Amount in controversy	Casebook, Chapter 3, pp. 74 - 90 Supplement, 28 USC 1332(a)
7	Tuesday, Sept. 13	Subject Matter Jurisdiction Federal Question Jurisdiction Well-pleaded complaint	Casebook, Chapter 4, pp. 91 - 108 PracticePerfect “Federal Question Jurisdiction: Well-Pleaded Complaint”
8	Wednesday, Sept. 14	Subject Matter Jurisdiction	Casebook, Chapter 4, pp. 108 - 126

		Federal Question Jurisdiction	Supplement, U.S. Constitution, Art. I, s. 8, Art. III, ss. 1, 2 (par. 1) Supplement, 28 USC 1331
9	Monday, Sept. 19	Subject Matter Jurisdiction Removal of Cases from State to Federal Court Standard for Removal	Casebook, Chapter 5, pp. 127 - 136 Supplement, 28 USC 1441, 1446, and 1447 Practice Perfect: “The Right to Remove”
10	Tuesday, Sept. 20	Subject Matter Jurisdiction Removal of Cases from State to Federal Court Process of Removal	Casebook, Chapter 5, pp. 136 - 144 Supplement, 28 USC 1446(a), (b)(1), (b)(2), (b)(3); 1447 PracticePerfect “The Process of Removal”
11	Wednesday, Sept. 21	Personal Jurisdiction The Evolution of Personal Jurisdiction Emphasis on <i>Pennoyer v. Neff</i>	Casebook, Chapter 6, pp. 147 - 160 Supplement, Fourteenth Amendment to US Constitution PracticePerfect “Personal Jurisdiction Doctrine”
12	Monday, Sept. 26	Personal Jurisdiction The Evolution of Personal Jurisdiction <i>International Shoe</i>	Casebook, Chapter 6, pp. 161 - 178 Supplement, U.S. Constitution, Art. IV, s. 1 (the Full Faith and Credit Clause)
13	Tuesday, Sept. 27 (We are not meeting. Work independently or with your study group)	Personal Jurisdiction	Review and work on outlines
14	Wednesday, Sept. 28	Personal Jurisdiction	Casebook, Chapter 7, pp. 179 - 201 PracticePerfect “Minimum Contacts: Purposeful Availment”

		Specific In Personam Jurisdiction Refining the test for specific jurisdiction	
15	Monday, October 3 Civ Pro at 6:30 – 7:30 p.m.	Personal Jurisdiction	Midterm Exam
16	Tuesday, October 4 8:00 – 9:00 p.m.	Personal Jurisdiction <i>Burger King</i> Contracts as contacts	Casebook, Chapter 7, pp. 201 - 217 PracticePerfect “Minimum Contacts: Additional Factors”
	Wednesday, October 5 Yom Kippur		
	Monday, October 10	Fall Recess	
17	Tuesday, October 11	Personal Jurisdiction Specific In Personam Jurisdiction “Stream of Commerce” “Arises Out of” element	Casebook, Chapter 7, pp. 217 - 239 PracticePerfect “Stream of Commerce” PracticePerfect “Minimum Contacts: Nexus Requirement”
18	Wednesday, October 12	Personal Jurisdiction General In Personam Jurisdiction	Casebook, Chapter 8, pp. 251 - 270, 288 - 302, 306-307 PracticePerfect “General Jurisdiction”
19	Monday, October 17	Personal Jurisdiction Long Arm Statutes General Jurisdiction	Casebook, Chapter 9, pp. 309 - 326
20	Tuesday, October 18	Finish Above	Finish Transient Jurisdiction Long-Arm Statutes
21	Wednesday, October 19	Venue Basic Venue	Casebook, Chapter 11, pp. 369 - 379

22	Monday, October 24	Venue Basic Venue	Casebook, Chapter 11, pp. 379 - 385
23	Tuesday, October 25	Venue Transfer of Venue <i>Gulf Oil</i>	Casebook, Chapter 11, pp. 386 - 397 Supplement, 28 USC 1404(a), 1406 PracticePerfect “Forum Non Conveniens and Transfer”
24	Wednesday, October 26	Venue Transfer of Venue	Casebook, Chapter 11: (skip McMunn), 397-416 Supplement, 28 USC 1404(a), 1406
25	Monday, October 31	Choice of Law State Law in Federal Court	Casebook, Chapter 24, pp. 871 - 889 PracticePerfect “The Basics of the Erie Doctrine”
26	Tuesday, November 1	Pleading	Casebook, Chapter 13, pp. 421 - 443 Supplement, Fed. R. Civ. P. 3, 8(a) (d), 10
27	Wednesday, Nov. 2	Pleading	Casebook, Chapter 13, pp. 452 - 471 Supplement, Fed. R. Civ. P. 3, 8(a) (d), 10 PracticePerfect “Complaints: Legal and Factual Sufficiency”
28	Monday, Nov. 7	Pleading Motion Practice	Casebook, Chapter 14, pp. 484 - 517 Supplement, Fed. R. Civ. P. 12(b), (g), (h) and Fed. R. Civ. P. 8(b), (c), 12(a) PracticePerfect “Pre-Answer Motions”
29	Tuesday, November 8	Pleading Amendments	Casebook, Chapter 16, pp. 553 - 583 Supplement, Fed. R. Civ. P. 15(a), (b), (c)(1) PracticePerfect

			“Amendments”
30	Wednesday, November 9	Pleading Relation back	Casebook, Chapter 16, pp. 583 - 598 PracticePerfect “Relation Back of Amendments”
31	Monday, Nov. 14	Service of Process	Supplement, Fed. R. Civ. P. 4(a), (b), (c), (d), (e), (h) PracticePerfect “Service of Process”
32	Tuesday, Nov. 15	Joinder Joinder of claims and parties	Casebook, Chapter 17, pp. 601 - 625 Supplement, Fed. R. Civ. P. 18 and 20 PracticePerfect “Plaintiff Joinder: Internal Structure of a Lawsuit”
33	Wednesday, Nov. 16	Joinder Counterclaims and crossclaims	Casebook, Chapter 17, pp. 625 - 640 Supplement, Fed. R. Civ. P. 13 and Rule 14(a) & (b) PracticePerfect “Defensive Joinder” “Supplemental Jurisdiction”
34	Monday, Nov. 21	Discovery What is discoverable?	Casebook, Chapter 21, pp. Casebook, Chapter 22, pp. 749 - 751 (skip the Gaylard decision); 760 - 797. Supplement, Fed. R. Civ. P. 26(b)(1) PracticePerfect “The Scope of Discovery” “Discovery: Work Product and Privilege”
35	Tuesday, Nov. 22	Discovery Discovery Tools	Casebook, Chapter 22, pp. 799 – 826

			Supplement, Fed. R. Civ. P. 30(a) - 30(d), 33, 34, 36, 37 and 26(a)
	Thanksgiving Break		
36	Monday, Nov. 28	Discovery Discovery Tools	Casebook, Chapter 22, pp. 833 - 836, 844 - 847
37	Tuesday, November 29	Dispositions Without Trial Summary Judgment	Casebook, Chapter 27, pp. 980 - 1000 Supplement, Fed. R. Civ. P. 56 and Fed. R. Civ. P. 50(a) PracticePerfect “Summary Judgment”
38	Wednesday, Nov. 30	Dispositions Without Trial	Casebook, Chapter 27, pp. 1000 - 1017 “Judgment as a Matter of Law” PracticePerfect “New Trial” Supplement, Fed. R. Civ. P. 59
39	Review Sessions TBD		