

**CIVIL PROCEDURE**  
**FALL QUARTER 2010**  
**Professor Lucy A. Williams**

**Assigned texts:**

1. Yeazell, Civil Procedure (Seventh Edition) (assignments noted by “CB\_\_”).
2. Federal Rules of Civil Procedure (2010) containing the Federal Rules of Civil Procedure (noted as “FR\_\_”) and Forms, Statutes (noted as “28 U.S.C.§\_\_”), and the United States Constitution (noted as “U.S. Const.\_\_”). It also contains supplemental notes and cases to the Yeazell Case Book (noted by “Supp. \_\_”).
3. Stern, The Buffalo Creek Disaster (noted as “BC\_\_”).
4. Additional Civil Procedure class packet purchased from the Bookstore (noted in brackets “[ ]”).

<u><b>Date</b></u>	<u><b>Topic</b></u>	<u><b>Assignment</b></u>
<b>9/2</b>	<b>I. Overview of Procedure</b>	BC 1-137,
	A. Where to bring suit	CB 1-12, 257-259, [Simon, The Dark Side of Progressive Lawyering]
	B. Stating the Case	CB 13-25
<b>9/3</b>	C. Parties to Suit	CB 25-28, BC 137-273
	D. Discovery	CB 28-33
	E. Summary Judgment	CB 33-38
	F. Trial	CB 38-42
<b>9/6</b>	<b>No Class – Labor Day</b>	
<b>9/7</b>	G. Effect of Judgment	CB 42-48, BC 274-303
	H. Appeal	CB 48-53, 28 U.S.C. §§ 1291-1292

## II. Pleading

	A. Historical Perspective	CB 333-344
<b>9/8: Reschedule</b>	B. Stating and Challenging a Claim	CB 344-357, FR 1, 2, 7-10 [BC Complaint]
	C. Specificity	CB 357-369, Supp. 417-430, FR 9
<b>9/9:</b>	<b>No Class—Rosh Hashanah</b>	
<b>9/10: Reschedule</b>	D. Burdens of Proof	CB 370-375, Supp. 430
	E. Lawyer Ethics	CB 375-387, 660 n. 4, FR 11
<b>9/13</b>	F. Responding to Complaint	CB 387-402, FR 8, 11-12
<b>9/14 and 9/16: NO CLASS</b>		
<b>9/20</b>	G. Amendments	CB 402-414, FR 15
	H. Joinder of Claims	CB 737-749, FR 13, 18
<b>9/21</b>	I. Joinder of Parties	CB 749-760, 770-780, Supp. 473, FR 14, 17-20
<b>9/23</b>	J. Intervention	CB 780-791, FR 24
<b>9/24: Reschedule</b>	K. Class Actions	CB 798-821, FR 23
<b>9/27</b>	Quiz I Discussion	Quiz I
<b>9/28</b>	<b>III. Remedies</b>	
	A. Post-Judgment	CB 261-291, FR 57, 28 U.S.C. §§ 2201-2202
<b>9/30</b>	B. Attorney's fees	CB 291-316, FR 54(d), 68

<b>10/4</b>	C. Pre-Judgment	CB 316-331, Supp. 415-416, FR 65, U.S. Const. Amend.XIV
<b>10/5</b>	<b>IV. Discovery</b>	
	A. Methods	CB 415-438, FR 26-37
<b>10/7</b>	B. Limitations on Discovery: Privilege and Work Product Expert Information and Privacy	CB 439-449 CB 449-460 [BC Discovery Prob.]
<b>10/11</b>	<b>NO CLASS: COLUMBUS DAY</b>	
<b>10/12</b>	C. Abuse of Discovery	CB 460-472, Supp. 431-441, FR 11, 37,
	<b>V. Avoiding Trial</b>	
	A. Dismissals	CB 473-481, FR 41, 55
<b>10/14</b>	B. Summary Judgment	CB 526-540, , FR 56, [Prince decision]
	C. Pretrial Conference	CB 540-549, FR 16
	<b>VI. Trial</b>	
	A. Fact-finders	CB 551- 560, 28 U.S.C. §§ 144, 455, 1861-67, FR 38, 39, 52
<b>10/15: Friday is a Monday</b>	B. Judicial Control of Jury	CB 598-609, FR 50
<b>10/18</b>	C. Judicial Control (cont.)	CB 609-617, FR 59
<b>10/19</b>	Quiz II Discussion	Quiz II

<b>10/21</b>	<b>VII. Preclusive Effects of Judgments</b>	
	A. Claim Preclusion	CB 667-688, Supp. 463-471
<b>10/25</b>	Claim Preclusion (cont.)	CB 688-693
	B. Issue Preclusion	CB 694-702
<b>10/26</b>	Issue Preclusion (cont.)	CB 702-715, [Preclusion Questions]
<b>10/28</b>	<b>VIII. Jurisdiction</b>	CB 55-60, U.S. Const. Art. IV, § 1
	A. Personal Jurisdiction	
	1. Origins	CB 61-74, U.S. Const. Amend., XIV, § 1
	2. Constitutional Power	
	a. <u>International Shoe</u>	CB 74-82
<b>11/1</b>	b. In Rem	CB 82-96
<b>11/2</b>	c. Specific Jurisdiction	CB 96-122
<b>11/4</b>	d. General Jurisdiction	CB 122-134
<b>11/8</b>	3. Consent	CB 134-139
	4. Notice	CB 140-154, FR 4, Forms 1-2, 3
	5. Restraints	
	a. Long-Arm Statutes	CB 154-158
<b>11/9</b>	b. Venue	CB 158-164, 28 U.S.C. §§ 1391- 1392
	c. Transfer and Forum Non Conveniens	CB 164-173, 28 U.S.C. §§ 1404(a), 1406, 1631
<b>11/11:</b>	<b>No Class – Veterans Day</b>	
<b>11/12:Reschedule</b>	B. Subject Matter Jurisdiction	CB 175-178,

		U.S. Const. Art. III
	1. Federal Question	CB 178-189, 28 U.S.C. § 1331
	2. Diversity	CB 189-204, 28 U.S.C. § 1332
<b>11/15</b>	3. Supplemental	CB 204-213, 761-770, 28 U.S.C. § 1367
<b>11/16</b>	4. Removal	CB 213-220, 28 U.S.C. §§ 1441, 1446-47
<b>11/18</b>	Quiz III Discussion	Quiz III
<b>11/22</b>	<b>IX. Choice of Law</b>	CB 221-222
	A. <u>Erie</u>	CB 222-233, 28 U.S.C. § 1652
<b>11/23</b>	B. Limits of State Power	CB 233-246
<b>11/25</b>	<b>No Class—Thanksgiving</b>	
<b>11/29</b>	Limits of State Power (cont.)	CB 246-255, [BC <u>Erie</u> Problem]
<b>11/30</b>	Catch Up/Review	
<b>12/2</b>	Quiz IV Discussion	Quiz IV