

CIVIL PROCEDURE II

Prof. Darrell Miller

Casebook: Marcus, Redish & Sherman, Civil Procedure: A Modern Approach

Rule Book: Federal Civil Rules Supplement (ed. A. Benjamin Spencer)

Other: Handouts (to be distributed in class or on TWEN as necessary)

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FIRST CLASS ASSIGNMENT

This is a TWEN course, so please be sure to sign up for TWEN prior to our first class session.

For the first class, please read pp. 285-296 in your casebook; you can skip note 1 after the Natural Resources case.

Also read Rules 1 and 24 in your Rule Book, skim Rule 19 and 28 U.S.C. § 1367 as well.

For class, consider the following questions as you read:

1. Why doesn't 42 U.S.C. § 4332 cited in this case obviate the need for litigation? Why is there a lawsuit if this provision requires the federal agency to issue an environmental impact statement when it issues licenses?
2. What criteria does a court use to determine whether to allow a party to intervene; how are those criteria applied in this particular case?
3. Who or what is the American Mining Congress? Why would a court want to allow them in as part of the litigation? What would the practical effect of their participation be?
4. What problems can you imagine are created by intervention, especially if frequently permitted?