

CIVIL PROCEDURE §1 Fall 2019

Law 5301, 4 credits, Room 345

MTW 1:30 – 2:45 PM

Professor Page

Office hours: Room 312D, after class, all day Thursday (usually), or by appointment.

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1. Course Description. This course examines the rules, statutes, and constitutional provisions that govern how courts resolve civil claims. We begin with the decision whether to sue in state or federal court, then (with a couple of exceptions) work through the stages of litigation until we reach the final judgment.

2. Purpose and Objectives of the Course. At the end of the class you should be able to state and apply (a) the relevant statutory and constitutional requirements for personal and subject matter jurisdiction; (b) the relevant Federal Rules of Civil Procedure governing pleading, joinder, discovery, motion practice, trial, and judgments; and (c) the law governing finality of judgments.

3. Required knowledge. Your undergraduate degree and general knowledge.

4. Assigned Texts. The assignments are to STEPHEN C. YEAZELL, CIVIL PROCEDURE (10th ed. 2019); some handouts (all available on TWEN); and the 2019 supplement. The supplement contains the Federal Rules of Civil Procedure, federal jurisdictional and procedural statutes, and the U.S. Constitution.

5. Instructional Methods. I use a modified version of the Socratic method, with some lecture and review. Everyone is always on call, although I encourage volunteers.

6. Class Preparation. You must be prepared for class. You should expect to spend an average of about 2 hours preparing for each hour of class—both reading the assigned pages in the casebook and studying the relevant rules and statutes. If I call on you and you are not prepared, I may reduce your numerical score on the final exam by one point. If you have a legitimate reason not to be prepared, let me know before class and I won't call on you that day.

7. Outside Reading. There are many study aids for this subject, but one is JOSEPH W. GLANNON, CIVIL PROCEDURE: EXAMPLES & EXPLANATIONS (8th ed. 2018).

8. Final Exam and Grade.

a. *Timing and Coverage.* The grade will be based on a three-hour final exam, which is scheduled for **Frida, December 13 at 8:30 AM**. The exam includes both objective and essay questions that will test only topics on the syllabus, as amended. If you need an accommodation (e.g., a delay or extra time), you must fill out the appropriate paperwork in the Student Affairs office ahead of time. Some of my previous exams (and best papers) in this class are available on TWEN.

The exam is graded subject to a mandatory class mean and distribution established by the faculty. Grades will follow the University grade scale, which includes plus and minus grades. I may increase exam grades based upon *active and informed* class participation.

The law school grading policy and mandatory mean and distributions are available a <http://www.law.ufl.edu/student-affairs/current-students/academic-policies#9> This class adheres to those standards and the following grades and grade point equivalents:

Letter Grade	Point Equivalent
A (Excellent)	4.0
A-	3.67
B+	3.33
B	3.0
B-	2.67
C+	2.33
C (Satisfactory)	2.0
C-	1.67
D+	1.33
D (Poor)	1.0
D-	0.67
E (Failure)	0.0

b. *Writing the Exam.* You must type the exam on ExamSoft.

c. *Materials Allowed.* The only materials you will be allowed to bring to the exam will be the 2018 supplement and any **marginal** annotations or tabs you have added to it. I encourage you to make annotations, cross-references, tabs, etc., in the supplement, but **they must be handwritten and relevant to material on the page on which they appear.** You may not insert new pages, white out any printed text, or write on blank pages.

9. Class Attendance. I will take roll, as required by law school policy. You can miss up to 3 classes without an excuse. If you're going to be absent, let me know ahead of time by email. If you have more than 4 unexcused absences, your grade may suffer.

10. Classroom Civility. Silence and put away your phones during class. And do not use your computers for anything other than note taking.

11. TWEN Site. There is a course web page at <http://lawschool.westlaw.com/twen/>, which you can access with your Westlaw password. *Please sign onto the site soon, because it allows me to communicate with the entire class about schedule and assignment changes, etc.* The site also has some useful links and some important course materials like old exams. It also has a forum in which you can post questions or comments on material we cover in class.

12. Accommodation. Students requesting classroom accommodation must first register with the Office of Disability Resources. The UF Office of Disability Resources will provide documentation to the student who must then provide this documentation to the Law School Office of Student Affairs when requesting accommodation.

13. Honor Code. Please review the College honor code: <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/additional-information/honor-code-and-committee/honor-code>

14. Syllabus. This syllabus has assigned readings for each subject we cover. I know from experience that we will, at some point, fall behind the assigned readings in class. When this occurs, *please read at least 2 assignments ahead of wherever we stop and be prepared to discuss*

that material. I've left three unassigned class periods at the end to complete the syllabus. I will amend the syllabus if it becomes obvious we won't cover it all.

Also notice that I've already **canceled** 3 classes, **September 30, and October 1 & 9**, in addition to the public holidays in the Academic Calendar. Those classes will be **made up** on three Thursday classes, **September 5 and October 3 & 10**, all at 1:00 PM. The makeup classes are indicated by ******* below.

Class		Topic	Assignment
1	8/26	Overview: Jurisdiction, Venue, and Service of Process	YEAZELL Pages 1-13 & in the supplement, U.S. Const. Art. III; 28 U.S.C. §§1331 & 1332(a)
2	8/27	Pleading & Parties	13-31; FED. R. CIV. P. 8, 12, 18 & 20
3	8/28	Discovery, Summary Judgment, and Trial	32-47; FRCP 26, 50 & 56
	9/2	No class	
4	9/3	Judgments & Appeals	47-58; FRCP 54; 28 U.S.C. § 1291
5	9/4	Personal Jurisdiction & Venue	<i>Pennoyer v. Neff</i> 61-77
6	9/5 (1:00) ***	Minimum Contacts & Long-Arm Statutes	<i>International Shoe</i> 77-86 & 177-81; Florida Long-Arm Statute (on TWEN)
7	9/9	Purposeful Availment	<i>McGee, Hanson, Shaffer, World-Wide Volkswagen</i> 86-111
8	9/10	Stream of Commerce & Internet	<i>McIntyre, Abdouch</i> 111-28
9	9/11	<i>General Personal Jurisdiction</i>	<i>Goodyear, Daimler, Bristol-Myers, Burnham, Carnival</i> 128-62
10	9/16	Notice and Service of Process	<i>Mullane</i> 163-77; FRCP 4
11	9/17	Venue, Transfer, Forum Non	181-203; 28 U.S.C. §§ 1391 & 1404
12	9/18	Subject Matter Jurisdiction: Federal Question Jurisdiction	205-18; 28 U.S.C. § 1331
13	9/23	Diversity Jurisdiction & Supplemental Jurisdiction	218-40; 28 U.S.C. § 1332 & §1337
14	9/24	Removal	241-53; 28 U.S.C. 1441
15	9/25	The <i>Erie</i> Doctrine	255-82; Handout
	9/30	No class	
	10/1	No class	
16	10/2	Remedies: Damages, Injunctions & Declaratory Judgments	299-324; FRCP 65
17	10/7	Pleading: Functions	361-97; FRCP 8 & 12
18	10/8	Special Claims; Allocating Elements; Ethical Limits	397-421; FRCP 11
	10/9	No class	
19	10/10 ***	Amendments	437-50; FRCP 15
20	10/14	Responding to the Complaint: Default, Motions & Answers	421-37; FRCP 12

21	10/15	Discovery & Disclosure: Preservation; Methods	455-78, FRCP 26, 16, 30-36, 37(e)
22	10/16	Scope	481-93; FRCP 26
23	10/17 ***	Electronic Discovery	Handout
Spring Break			
24	10/21	Privilege, Work Product, Experts	492-507; FRCP 26
25	10/22	Sanctions	507-18, FRCP 37
26	10/23	Dispositions: Default & Dismissals	524-32; FRCP 41-55
27	10/28	Summary Judgment	569-88; FRCP 56
28	10/29	Right to Jury Trial & Pretrial Order	606-12, 619-22; FRCP 38 & 16(e)
29	10/30	Judgment as a Matter of Law & New Trials	626-49; FRCP 50 & 59
30	11/4	Preclusion: Res Judicata	704-12, 718-35
31	11/5	Collateral Estoppel	735-55
32	11/6	Joinder: Joinder of Claims	777-88; 28 U.S.C. § 1367; FRCP 18 & 13
	11/11	No Class	
33	11/12	Permissive Joinder of Parties & 3d Party Claims	788-801; FRCP 20 & 14
34	11/13	Compulsory Joinder	802-12; FRCP 19
35	11/18	Intervention	812-24 FRCP 24
36	11/19		
37	11/20		
38	11/25		
	11/26	No Class	
	11/27	No Class	
39	12/2	Class Actions	FRCP 23