**Civil Procedure** §1 **Fall 2020**

Law 5301, 4 credits, Room 285B

MTW 8:30 – 9:45 AM

**Professor Page**

Office hours: via Zoom (TBA)

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1. **Course Description.** This course examines the rules, statutes, and constitutional provisions that govern how courts (primarily the United States District 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 statutory and constitutional requirements for personal and subject matter jurisdiction; (b) the 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 knowledge of the world.
4. **Assigned Texts.**  The assignments are to Stephen C. Yeazell & Joanna C. Schwartz, Civil Procedure (10th ed. 2019); some handouts (all available on **Canvas**); 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. **Canvas Site.** There is a Canvas site. The site has some useful links and some important course materials like old exams and handouts. It also has a forum in which you can post questions or comments on material we cover in class.
7. **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 you have a legitimate reason not to be prepared, let me know before class and I won’t call on you that day.
8. **Outside Reading.** There are many study aids for this subject, but a good one is Joseph W. Glannon, Civil Procedure: Examples & Explanations (8th ed. 2018).
9. **Final Exam and Grade.**

a. *Timing and Coverage*. The grade will be based on a **three-hour** final exam, which is scheduled for **Friday, December 11 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 in this class (and best papers for those exams) are available on **Canvas**.

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:

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

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

c. *Materials Allowed.* **If the exam is online**, the exam will be open book.

If the exam in an actual room at the law school, the only materials you will be allowed to bring to the exam will be the 2019 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.

1. **Class Attendance.** I will keep track of attendance, 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 by email.***

1. **Classroom Civility.** Silence and put away your phones during class. And do not use your computers for anything other than note taking.
2. **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.
3. **Honor Code.** In three years, you’ll be entering a profession that highly values integrity and personal responsibility. 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>
4. **Syllabus.** This syllabus has assigned readings for each of our 39 class meetings. 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** one class, **September 28**. That class will be **made up** by an online class or lecture TBA.

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| ***Class*** | | ***Topic*** | ***Assignment*** |
| 1 | 8/24 | **Overview**: Jurisdiction, Venue, and Service of Process | Yeazell & Schwartz Pages 1-13 & in the supplement, U.S. Constitution Art. III; 28 U.S.C. §§1331 & 1332(a) |
| 2 | 8/25 | Pleading & Parties | 13-31; Federal Rules of Civil Procedure P. 8, 12, 18 & 20 |
| 3 | 8/26 | Discovery, Summary Judgment, and Trial | 32-47; FRCP 26, 50 & 56 |
| 4 | 8/31 | Judgments & Appeals | 47-58; FRCP 54; 28 U.S.C. § 1291 |
| 5 | 9/1 | **Personal Jurisdiction & Venue** | *Pennoyer v. Neff* 61-77 |
| 6 | 9/2 | Minimum Contacts & Long-Arm Statutes | *International Shoe* 77-86 & 177-81; Florida Long-Arm Statute (handout) |
|  | 9/7 | Labor Day |  |
| 7 | 9/8 | Purposeful Availment | *McGee, Hanson, Shaffer, World-Wide Volkswagen* 86-111 |
| 8 | 9/9 | Stream of Commerce & Internet | *McIntyre, Abdouch* 111-28 |
| 9 | 9/14 | General Personal Jurisdiction | *Goodyear, Daimler, Bristol-Myers, Burnham, Carnival* 128-62 |
| 10 | 9/15 | Notice and Service of Process | *Mullane* 163-77; FRCP 4 |
| 11 | 9/16 | Venue, Transfer, Forum Non | 181-203; 28 U.S.C. §§ 1391 & 1404 |
| 12 | 9/21 | **Subject Matter Jurisdiction**:  Federal Question Jurisdiction | 205-18; 28 U.S.C. § 1331 |
| 13 | 9/22 | Diversity Jurisdiction & Supplemental Jurisdiction | 218-40; 28 U.S.C. § 1332 & §1337 |
| 14 | 9/23 | Removal | 241-53; 28 U.S.C. 1441 |
| 15 | 9/28 | The *Erie* Doctrine\*  [*to be rescheduled—no class today*] | 255-82; Handout |
| 16 | 9/29 | **Remedies**: Damages, Injunctions & Declaratory Judgments | 299-324; FRCP 65 |
| 17 | 9/30 | **Pleading**: Functions | 361-97; FRCP 8 & 12 |
| 18 | 10/5 | Special Claims; Allocating Elements; Ethical Limits | 397-421; FRCP 11 |
| 19 | 10/6 | Amendments | 437-50; FRCP 15 |
| 20 | 10/7 | Responding to the Complaint: Default, Motions & Answers | 421-37; FRCP 12 |
| 21 | 10/12 | **Discovery & Disclosure**: Preservation; Methods | 455-78, FRCP 26, 16, 30-36, 37(e) |
| 22 | 10/13 | Scope | 481-93; FRCP 26 |
| 23 | 10/14 | Electronic Discovery | Handout |
| 24 | 10/19 | Privilege, Work Product, Experts | 492-507; FRCP 26 |
| 25 | 10/20 | Sanctions | 507-18, FRCP 37 |
| 26 | 10/21 | **Dispositions:** Default & Dismissals | 524-32; FRCP 41-55 |
| 27 | 10/26 | Summary Judgment | 569-88; FRCP 56 |
| 28 | 10/27 | Right to Jury Trial & Pretrial Order | 606-12, 619-22; FRCP 38 & 16(e) |
| 29 | 10/28 | Judgment as a Matter of Law & New Trials | 626-49; FRCP 50 & 59 |
| 30 | 11/2 | **Preclusion**: Res Judicata | 704-12, 718-35 |
| 31 | 11/3 | Collateral Estoppel | 735-55 |
| 32 | 11/4 | **Joinder**: Joinder of Claims | 777-88; 28 U.S.C. § 1367; FRCP 18 & 13 |
| 33 | 11/9 | Permissive Joinder of Parties & 3d Party Claims | 788-801; FRCP 20 & 14 |
| 34 | 11/10 | Compulsory Joinder | 802-12; FRCP 19 |
|  | 11/11 | Veterans Day |  |
| 35 | 11/16 | Intervention | 812-24 FRCP 24 |
| 36 | 11/17 |  |  |
| 37 | 11/18 |  |  |
| 38 | 11/23 |  |  |
| 39 | 11/24 | Class Actions | FRCP 23 |
|  | 11/25 | Thanksgiving |  |
|  | 11/30 | No Class |  |