**Civil Procedure** §3 **Spring 2019**

Law 5301, 4 credits, Room 285C

Mondays, 1:30 – 2:40; Tuesdays & Wednesdays, 1:00 – 2:10 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.** The only prerequisite to this class is the first semester of law school.
4. **Assigned Texts.**  The assignments are to Stephen C. Yeazell, Civil Procedure (9th ed. 2015); some handouts (all available on TWEN); and the 2018 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 voluteers.
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 will 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 I especially recommend the most recent edition of Joseph W. Glannon, Civil Procedure: Examples & Explanations (Aspen).
8. **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 a number of class periods at the end to complete the syllabus. I will amend the syllabus if it becomes obvious we won’t cover it all.
9. **Final Exam and Grade.**

a. *Timing and Coverage*. The grade will be based on a final exam, which is scheduled for **Monday, April 29 at 8:30 AM**. The exam includes both objective and essay questions, will be three hours, and 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:

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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 (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 may take the exam either by ExamSoft or by writing your answers in blue books.

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.

1. **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.
2. **Classroom Civility.** Silence and put away your phones during class. And do not use your computers for anything other than note taking.
3. **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.
4. **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.
5. **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>

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| ***Class*** | ***Topic*** | ***Assignment*** |
| 1 | 1/7 | **Overview**: Jurisdiction, Venue, and Service of Process | Yeazell Pages 1-14; U.S. Const. Art. III; 28 U.S.C. §§1331 & 1332(a) |
| 2 | 1/8 | Pleading & Joinder | 14-32; skim Fed. R. Civ. P. 7-15 & 18-24 |
| 3 | 1/9 | Discovery | 32-38; *Accolla v. Speedway* (on TWEN; skim FRCP 26-37 |
| 4 | 1/14 | Summary Judgment and Trial | 38-49; skim FRCP 56, 38, 50 |
| 5 | 1/15 | Judgments | 49-52; skim FRCP 54, 55, 58, 60 |
| 6 | 1/16 | Appeals | 52-58; 28 U.S.C. §§ 1291 & 1292(b) |
| 7 | 1/22 | **Personal Jurisdiction & Venue** | *Pennoyer v. Neff* 63-79 |
| 8 | 1/23 | Minimum Contacts & Long-Arm Statutes | *International Shoe* 80-89 & 176-80; Florida Long-Arm Statute (on TWEN) |
| 9 | 1/28 | Purposeful Availment | *McGee, Hanson, Shaffer, World-Wide Volkswagen* 89-114 |
| 10 | 1/29 | Internet Cases | *McIntyre, Abdouch* 114-32 |
| 11 | 1/30 | General Personal Jurisdiction | *Goodyear, Daimler, Burnham, Carnival* 132-60 Also, please read *BNSF* and *Bristol Myers* (both on TWEN) as background. |
| 12 | 2/4 | Notice and Service of Process | 160-75; FRCP 4 |
| 13 | 2/5 | Venue, Transfer, Forum Non  | 180-99; 28 U.S.C. §§ 1391 & 1404 |
| 14 | 2/6 | **Subject Matter Jurisdiction**:Federal Question Jurisdiction | 205-20; 28 U.S.C. § 1331 |
| 15 | 2/11 | Diversity Jurisdiction & Supplemental Jurisdiction | 220-42; 28 U.S.C. § 1332 & §1337 |
| 16 | 2/12 | Removal | 242-51; 28 U.S.C. 1441 |
| 17 | 2/13 | The *Erie* Doctrine | 255-82; Handout |
| 18 | 2/18 | **Remedies**: Damages, Injunctions & Declaratory Judgments | 299-330 FRCP 65 |
| 19 | 2/19 | **Pleading**: Functions | 367-403; *Johnson v. City of Shelby* (on TWEN); FRCP 8 & 12 |
| 20 | 2/20 | Special Claims; Allocating Elements | 403-16 |
| 21 | 2/5 | Ethical Limitations | 416-29; FRCP 11 |
| 22 | 2/26 | Responding to the Complaint: Default, Motions & Answers | 429-45; FRCP 12 |
| 23 | 2/27 | Amendments | 445-58; FRCP 15 |
| **Spring Break** |
| 24 | 3/11 | **Discovery & Disclosure**: Methods | 463-81, FRCP 26, 16, 30-36 |
| 25 | 3/12 | Scope  | 481-93; *Cerrato* (2017) (on TWEN); FRCP 26  |
| 26 | 3/13 | Electronic Discovery | Handout |
| 27 | 3/18 | Privilege, Work Product, Experts | 493-508 |
| 28 | 3/19 | Sanctions | 508-23, FRCP 37 |
| 27 | 3/20 | **Dispositions:** Default & Dismissals | 527-36; FRCP 41-55 |
| 30 | 3/25 | Summary Judgment | 578-98; FRCP 56 |
| 31 | 3/26 | Right to Jury Trial | 615-22; FRCP 38 |
| 32 | 3/27 | Judgment as a Matter of Law & New Trials | 636-59; FRCP 50 & 59 |
| 33 | 4/1 | **Preclusion**: Res Judicata | 715-44 |
| 34 | 4/2 | Collateral Estoppel | 744-65 |
| 35 | 4/3 | **Joinder**: Joinder of Claims | 785-98; 28 U.S.C. § 1367; FRCP 18 & 13 |
| 36 | 4/8 | Permissive Joinder of Parties & 3d Party Claims | 798-812; FRCP 20 & 14 |
| 37 | 4/9 | Compulsory Joinder | 812-23; FRCP 19 |
| 38 | 4/10 | Intervention | 823-36 FRCP 24 |
| 39 | 4/15 | Class Actions | FRCP 23 |
| 40 | 4/16 |  |  |
| 41 | 4/17 |  |  |
| 42 | 4/22 |  |  |