Civil Procedure I  
Law 6212 – Section 3A  
Fall 2017  

SYLLABUS

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Office Hours: Mondays: 3:00 - 4:00 p.m.  
Wednesdays: 3:30 - 4:30 p.m.

Class Schedule: Mondays, Tuesdays, and Wednesdays, 1:40 - 2:35 p.m. Classes will begin promptly at the appointed time.

Required Texts: 1. Friedenthal, Miller, Sexton & Hershkoff, CIVIL PROCEDURE (11th ed.)  
2. Friedenthal, etc., 2017-2018 CIVIL PROCEDURE SUPPLEMENT  
3. Supplementary Materials (available from the Records Office)

Assignments: A list of reading assignments is attached. You should read each assignment before the class in which the assigned material is discussed, think carefully about the reading, and be prepared to participate in class discussion. The assignment numbers do not necessarily correspond to class periods; you will know which assignment you should be on from announcements made during class. However, if at the end of any class we have made substantial progress on the last materials assigned and no announcement is made, read the next assignment. For the first class, please read assignment 1 (that’s “1”, not “I”).

Requirements: The requirements for all students are: read the assignments in a timely fashion, attend class, participate in class discussion, and take the midterm and final exams. Grades will be based primarily on the exams, with classroom participation also considered. Students who are persistently and excessively absent will not receive a positive class participation adjustment and may receive a negative class participation adjustment or a grade of No Credit. Occasional, isolated absences do not directly affect a student’s grade, and students need not seek approval for such absences.
Taping of Classes: All requests regarding class taping must be made through the Office of Student Affairs. Students should not ask me about taping of classes. I will not approve taping where the Student Affairs Office has denied a request or where it has referred a student to the professor for permission. I will usually, although not always, approve taping when the Student Affairs Office has determined that the taping request falls within the Law School’s class taping policy. Taping of classes by students is not permitted. I am always happy during my office hours or by other appointment to discuss any topics a student may have missed.

Class Participation: Students will be called on at random during class. Students should be prepared to participate each day.

Electronic Devices: All cell phones and other devices that might make noise must be turned off (or otherwise set so as not to make noise) during class. The “vibrate” setting is allowed. Computers that play music or other sounds on start-up may not be started once class has begun. Students whose devices violate this rule may be asked to leave the classroom.

The use of computers to take notes in class is permitted. The use of computers for other purposes during class, such as playing games, accessing the Internet, or reading or sending messages, is distracting to other students and is therefore prohibited. Students who use computers in class must agree to this condition and are on their honor to comply with it.

The use of electronic means to transmit answers to students being asked questions during class is prohibited. Violation of this rule constitutes academic dishonesty.

The use of computers in taking the final examination is strongly encouraged. Students who choose to handwrite their exam are cautioned that words that are not readily legible may be disregarded.

Communication: I sometimes send important messages relating to the course to students by e-mail. This may occur before the first day of class. Students are responsible for checking their official GW e-mail accounts daily throughout the term.

Examination: The examination will be open book.
READING ASSIGNMENTS -- Part 1

When the assigned reading refers to a statute or a rule from the Federal Rules of Civil Procedure, you should also read that statute or rule. Usually, this is indicated in the assignments below, but you should do it even if it is not so indicated. Most of the referenced statutes, all of the rules, and selected provisions of the United States Constitution appear in the Supplement to your casebook. When reading Federal Rules, it is not necessary to read the “Notes on Amendments” to the Rules or the “Comparative State Provisions” unless they are specifically assigned.

Assignments are given by page number in the casebook and Supplementary Materials and by the matter to be read in the Supplement. When the assignment contains multiple parts, read them in the order indicated.

Make sure you have the Eleventh Edition of the casebook; earlier editions will not do. A used copy is fine. You should also get the 2017-2018 edition of the Supplement. If you need to economize, you could get by with a used 2016-2017 edition, but you should realize that the differing page numbers will cause some inconvenience to you.

Further reading assignments will be distributed as the term progresses.

Abbreviations used below:

- FMSH  Friedenthal, Miller, Sexton & Hershkoff, CIVIL PROCEDURE (11th ed.)
- Supp.  Friedenthal, etc., 2017-2018 CIVIL PROCEDURE SUPPLEMENT
- SM  Supplementary Materials
- F.R.  Federal Rule(s) of Civil Procedure

I. The Civil Action -- An Overview

Jurisdiction

1. [This first assignment is long. Take a break after FMSH 27. Focus on FMSH 28-29.] Read this syllabus, especially the first two pages. It contains important information you will need to know throughout the semester. Retain this syllabus throughout the semester.
   FMSH 1-3, 6-27. Read this introductory material, but don’t sweat the details.
   FMSH 27 (last ¶) - 29. Read the case of Capron v. Van Noorden very carefully.
   Supp.: Article III of the U.S. Constitution, 28 U.S.C. § 1332(a)
   SM 1-6

2. FMSH 29 (last ¶) - 34
   Supp.: F.R. 1-3, 4(a),(b),(c),(e),(k),(l)
   SM 7-9

Pleading

3. Supp.: F.R. 3, 7(a), 8(a),(e), 12(a)(1), (a)(4), (b)
   SM 15-16
   SM 7, 10-14
   SM 17-21
Joinder

4. Supp.: F.R. 13(a),(b),(g), 14(a), 18, 19, 20, 23(a), 24(a),(b).
   SM 22-24

Discovery

5. FMSH 40-44
   Supp.: F.R. 26 (especially sections (a)(1)(A), (b)(1), (b)(2), (c), and (g); skim the rest)
   F.R. 27-36 (skim)
   F.R. 37 (especially sections (a) and (b); skim the rest)

Summary Judgment

6. FMSH 44-47
   Supp.: F.R. 56 (read Rule 56(a) carefully and skim the rest)

Trial

7. FMSH 47-48 (1st ¶), 60-65
   Supp.: F.R. 50, 51(a), (b); U.S. Constitution, Amendment VII

Appeal

8. FMSH 65 (last ¶) - 70 (1st ¶)
   Supp.: F.R. 52, 28 U.S.C. §§ 1291, 1292(a), (b), (e)
   SM 25-27
   Also, reread Tickle and Di Michel sufficiently to answer the question: by what mechanisms did these cases each reach a court of appeals?

Prior Adjudication

9. FMSH 70
   SM 28
   FMSH 71-74
   SM 29-30