

# CIVIL PROCEDURE I

Section 141B Syllabus - Fall 2013

Professor Williams

Room 216

Tuesday/Thursday 10:45 a.m. - 12:15 p.m.

Office Hours, Tuesdays & Thursdays 9:00 a.m. – 10:30 a.m.; 12:45 p.m. – 2:00 p.m.;  
Room 307

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Civil Procedure is a unique and important course, in that its not subject specific. Every litigation that's not criminal, regardless of whether it's torts, property, contracts, evidence or con law, must adhere to the rules of civil procedure.

## **Grading**

I. Students will receive a numeric grade for the course. Course grades will be based on several elements, including class participation, a mid-term essay exam (worth approximately **20%** of the final course grade) and a final examination, given during the final examination period (**80%** of final course grade). The final exam will likely be multiple choice and essay. All exams are closed book.

II. Class participation is another element of your grade. In addition to speaking, class participation includes (1) attendance, (2) punctuality, (3) preparation and (4) professionalism. Failure in any one of these areas will result in a deduction of your grade. The more times you come to class late, unprepared, or are unprofessional, the further your grade will be reduced. **You grade can be affected up to +/- .3 points based on class participation.** In addition, eating is not permitted in class, and there will be no video or tape recording of class of any kind.

If you come late to class, or leave for an extended period of time during class, that will count as an absence for that day. Students will be administratively dismissed from class once they have accumulated more than 4 absences.

## **TWEN**

There will be a TWEN cite for this course. The password is "whysoserious". Please sign up to receive updates and other information. You are responsible for the information posted on TWEN.

## **Course Materials**

Freer & Perdue, Civil Procedure: Cases, Materials & Questions (6th ed. 2012).  
Federal Rules of Civil Procedure (West, 2011-12 Educational ed.) (FRCP).

### **Readings**

The following is a roadmap of the planned readings, though the exact dates are not set in stone. First year law courses do not always follow the same pattern and vary depending on the class. Thus, this is the syllabus and the plan for reading assignments as of August 2013. Though not anticipated, any changes to the syllabus will be clear and announced in advance, both in class and on TWEN.

Along with the textbook, we will occasionally be utilizing materials from my practice as a civil litigator here in Southern California. Such materials will be available via handout and/or TWEN.

**Class 1** – Introduction (1-12); Diversity of Citizenship (177-90): *Strawbridge v. Curtiss*; *Mas v. Perry*.

**Class 2** – *Randazzo v. Eagle-Picher*; *Hertz v. Friend* (191 – 203).

**Classes 3/4** – Diversity of Citizenship (204-214) *Belleville Catering Co. v. Champaign Market Place LLC*; Federal Question Jurisdiction; *Louisville & Nashville R.R. v. Mottley*; *Grable & Sons v. Darue*; Removal *Noble v. Bradford Marine, Inc.* (215-239).

**Class 5/6** – Personal Jurisdiction (21–46), *Pennoyer V. Neff*; *Hess v. Pawloski*; *International Shoe*.

**Class 7** - Personal Jurisdiction (46-77), *World-wide Volkswagon v. Woodson*; *Burger King v. Rudzewicz*.

**Classes 8/9** - Personal Jurisdiction cont., *Asahi Metal v. Superior Ct* (TWEN); *Goodyear* (95-104); *Revell v. Lidov*, (128 – 135).

**Classes 10/11** – Motion to Quash Handouts/TWEN; In rem Jurisdiction: *Shaffer v. Heitner*; *Burnham v. Superior Court*; (106 -127).

**Classes 12/13** – Statutory Limits on Personal Jurisdiction (139 – 141); Notice and Opportunity to be Heard: *Mullane v. Central Hanover Bank*; *Nat’l Dev. Co. v. Triad Holding*; *Connecticut v. Doehr*; (143-76).

**Class 14** – Mid-term Review Session

**Class 15** – Mid-term Exam

**Classes 16/17** – Venue, Section 1391, (241 – 257) *Bates v. C&S Adjusters*; FNC *Piper Aircraft Co. v. Reyno* (258-271); Jurisdictional Challenges (273-276).

**Classes 18/19** – Collateral and Direct attacks on PJ; *Baldwin v. Iowa State Traveling Men's Ass'n*; Pleadings (277-292); Discussion of Christina Lopez Complaint TWEN; Pleadings FRCP 7-10, 12, 41(a),(b).

**Class 20** – Simulation - Christina Lopez Complaint

**Classes 21 -22** Swanson, 311-317; Pleadings cont. (324-343); *Marsh v. Coleman Co.*; Rule 11 (343-359) *Rector v. Approved Fed'l Sav. Ban* FRCP 11 and 15.

**Classes 23/24** – The Erie Doctrine (535-583).

**Classes 25/26** – The Erie Doctrine, Cont. (535-583).

**Classes 27/28** – Erie, practice problems and review session.

**TBD** – Final Exam