

**WESTERN STATE COLLEGE OF LAW
AT WESTCLIFF UNIVERSITY**

**CIVIL PROCEDURE I
Fall 2022**

SYLLABUS AND COURSE POLICIES

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1. Objectives:

Civil Procedure I is a semester-long, three (3) credit course that has several objectives.

First, and foremost, this course will assist you to continue to develop the legal skills which are essential for your success in law school and in the practice of law:

- how to *read* and *understand court decisions* from which we derive many of the legal principles that courts apply to resolve legal controversies.
- how to make sense out of a series of court decisions that relate to a particular legal issue by comparing and contrasting the facts of those decisions with each other; this process is known as *case synthesis* and is the *common law* method by which lawyers and courts develop new legal principles out of a body of case law and apply those principles to new controversies (in this course, procedural issues) that courts have to resolve.
- how to interpret procedural statutes and rules which will help you to apply those statutes and rules to resolve procedural issues in the context of new factual situations that continually arise during the course of litigation as well as in class hypotheticals and law school examinations.

The procedural issues covered in this course will frequently not be “black and white;” federal courts in different circuits often adopt different interpretations of the same rule and federal courts in the same circuit often interpret the same rule differently depending on the facts. Therefore, your mid-term and final exams will test how well you have mastered these critical thinking skills, not just the “black letter” of the rules themselves.

Second, because civil procedure doctrine is continually changing you will learn how law evolves over time to adapt to social change. Law that developed in a horse-and-buggy era may not meet the needs of the age of the Internet.

Third, we will explore the basic issues of civil procedure, practical issues that lawyers encounter as they proceed through the phases of civil lawsuit. You will learn how to move a case through these phases to judgment. You will come to view procedural rules

as comprising a civil litigation *system* designed to provide civil justice to the parties who bring their controversies to court. You will learn the policies and goals that lie behind the procedural rules and will be challenged to ask yourselves how well these rules achieve those policies and goals, whether these policies and goals are still valid today, whether they provide civil justice to all people, rich and poor and in-between, whether they should be changed.

2. Required Texts:

- *Civil Procedure: Cases, Materials & Questions*, 8th ed. by Freer, Perdue & Effron; Carolina Academic Press, 2020 (“Freer”)
- Freer, Perdue & Effron, *2022 Update Memorandum*: you can view the supplement by clicking on the hyperlinked book page above or by clicking [here](#).
- *Federal Rules of Civil Procedure*, West Academic Publishing, 2022-2023 Educational Edition (the “Rules”)
- *Click & Learn: Civil Procedure* by Angela Upchurch, Susan Gilles, Cynthia M. Ho (Carolina Academic Press). Available at <https://clickandlearnguide.com>. To purchase, click on "Create Student Account". Once purchased, then please link your account with our Civil Procedure class using the course code listed. **Make sure you have linked your C & L online account to the course code for this class: 220-48-4274**

When you initially log in to *Click&Learn* [C&L: CP], you will be provided some initial quick start instructions about how to use C&L:CP. You will be informed about the different types of questions, as well as how the Table of Contents reveals your progress. It also informs you of available resources online.

In particular, at any time, you can obtain help online in the SUPPORT tab from three sources:

- How to use C&L:CP
- Technical Support
- Downloadable Table of Contents

3. Helpful Supplemental Reading: You may purchase these books, they may be available in the Library or they may be available on short term loan from me. The Glannon suggested reading texts are particularly helpful. They are relatively easy to read, are sometimes entertaining, and contain questions and answers. The Glannon Guide to Civil Procedure contains multiple choice questions followed by the answers and the Glannon Examples and Explanations contains questions followed by narrative answers. The feedback is immediate and these resources are very good practice for your exams.

- Glannon, *Civil Procedure, Examples and Explanations*, 7th ed. Walters Kluwer, 2013 (“Glannon Examples”)

- Glannon, The Glannon Guide to Civil Procedure, 3d Ed. Aspen, 2013 (“Glannon Guide”)
- Shreve & Raven-Hansen, Understanding Civil Procedure, 5th ed. LexisNexis, 2013
- Friedenthal, Kane & Miller, Hornbook on Civil Procedure, 5th ed. West, 2015 (Note: A copy is available on Reserve in the Library).

4. **“In-Class” Methodology:**

The centerpiece of this course will be Federal Rules of Civil Procedure [hereinafter, “F.R.C.P.”] which is the code of procedural rules applicable in civil litigation in federal court. However, Civil Procedure law is derived from a wide variety of primary legal authority besides the F.R.C.P. For example, the law of personal jurisdiction is largely constitutional case law while the subject matter jurisdiction of federal courts is defined by Article III of the U.S. Constitution and federal statutes. But even where an F.R.C.P. or statute or constitutional provision governs a particular procedural issue, courts provide their interpretation (sometimes conflicting) through case law.

Therefore, although this course deals with “procedural rules,” we will, nevertheless, heavily employ the same “case method” with which you have – or will - become somewhat familiar in your “substantive” courses (*e.g.*, contracts and torts).

5. **Class Participation and Preparation:**

Legal education is a cooperative venture and oral communication skills will be important throughout your life. Each of you must be prepared to participate in class on a regular basis. If you have not (a) read each week’s assigned materials, (b) briefed all assigned cases and (c) *completed the assigned C&L:CP questions* for each week’s classes, you will be unprepared. I will call on students to answer questions concerning that week’s assigned cases and Notes and Questions in the casebook.

Class preparation requires that you complete each week’s assignments as follows:

1. **Complete each week’s assignments in the column labeled Required Reading and C&L:CP Reading & Understanding Questions before the first class of that week. Complete the assignments in the order in which they are listed in that column:**
 - a. **First, read the assigned casebook pages and, if assigned for that week, any rules, statutes, and constitutional provisions. Most of the federal rules in the rules supplement are followed by Advisory Committee Notes, which are the F.R.C.P. equivalent of the “legislative history” behind the rules. These Notes are a valuable resource to help you to understand and interpret the rules. You are, therefore, required, as part of your preparation for class, to read these carefully as well.**

- Carefully read and re-read the cases and Notes and Questions in the casebook (*see* C&L Unit 0, Part 3. How to Read Cases for Civil Procedure).
 - Then brief each black letter case to help you prepare to answer my questions about that case in class.
 - Where the casebook materials refer to a rule and/or statute, you are expected to turn to the rules supplement and look up, and carefully read and re-read, that rule or statute (including Advisory Committee Notes relating to that rule).
- b. Then, complete the C&L Reading & Understanding Questions assigned for that week. The purpose of these questions is to test your understanding of the assigned casebook reading, and other material you have read, to better prepare you to discuss that material in class. PLEASE NOTE: Each C&L assignment has a Due Date by which that assignment must be completed. The professor will monitor each student's completion of the C&L assignments.
2. The C&L assignments in the column labeled Required C&L Review – Synthesis Questions are intended to review material *after it has been discussed in class*. The purpose of these more advanced *synthesis* questions is to test your understanding of the material *once the issues in that material have been discussed in class*. Each of these assigned synthesis questions also has a Due Date. The professor will monitor each student's completion of the C&L assignments.
3. UWorld Multiple Choice Questions: You are also required to answer the assigned UWorld Assignments by the end of the week.

It is estimated that, on average, the assigned reading and other classroom preparation should require six or more hours outside of class for each class session. Please be aware that coverage of some topics might continue over the subsequent class sessions.

6. Exams and Grading:

Throughout the semester, I will be happy to review with students, during consultations in my office, student answers to practice exams. Please bring your practice exam answer with you to your consultation. I have posted practice exams, and corresponding Answer Keys containing rubrics, on Lexis Classroom. For the most efficient use of your consultation time, *please use a past examination that I have drafted. Do not wait until the end of the semester to begin taking practice exams*. A good time to start would be after we have completed the first unit: personal jurisdiction. Try your hand at those portions of past final exams dealing with that topic;

There will be a graded mid-term in essay format and a final examination in essay, multiple choice formats and true-false formats. The Final Course Grade will consist of the mid-term (15%) and the final examination (85%).

7. Attendance & Decorum:

I will take attendance at the beginning of each class. **IN ACCORDANCE WITH SCHOOL RULES, IF YOU MISS MORE THAN FOUR (4) ONE AND ONE HALF-HOUR CLASSES , OR MORE THAN TWO (2) THREE HOUR CLASSES, YOU WILL BE ACADEMICALLY DISMISSED FROM THE COURSE.**

You should be in your seat at the commencement of class to be counted as present for the class. Please do not sign the roll sheet if you arrive late. Similarly, please do not leave until the end of class. If you do so you will be marked absent for that class session. If you have an emergency that causes you to have to leave during the class, please do so unobtrusively. If you have a disability which prevents you from remaining in your seat during the class, please contact the Dean of Students.

It should go without saying but I don't expect that cell phones, i-pods, head phones, blackberries or pagers and the like will be seen, heard or used in the classroom. You may use your computer but it should be open to course related materials and not to your email, eBay etc.

All students must wear face masks while in the classroom.

8. Virtual Office Hours:

I will hold Virtual Office Hours online on Zoom and will meet with students for 15 minute slots on Mondays, Wednesdays and Fridays from 3:30 p.m. to 5:30 p.m. To make an appointment, click on to <https://calendly.com/gkoppel/prof-koppel-office-hours-fall-2022>. Just follow the instructions to schedule an appointment and to log into Zoom at the appointed time.

If you are unable to show up for a scheduled appointment, please notify me as soon as possible that you are canceling your appointment in order to make room for another student for that time slot.

10. Online Contact - LexisClassroom:

Lexis Classroom for this class should be set up before the first day of class. You need to enroll in this web course once the set up has been announced. During the semester I will use this web course to send you emails, make class announcements and post course documents such as this syllabus and charts, questions and outlines that pertain to the topics we will study. I may also use the web course to post practice exams and sample answers or to administer quizzes. Finally, the web course can be used to hold out-of-class discussions.

To register for the online portion of the course you will need to use Lexis Classroom. You can access this by going to <http://www.LexisNexis.com/LawSchool>. Click on "Training" on the top bar and select "add course" to open the course selection

page. Select “K” for Koppel and then click on Glenn Koppel. Please enroll in your class from this screen. When accessing the class after you have registered you can once again go from the <http://www.LexisNexis.com/LawSchool> under “Lexis Classroom” which take you to the Lexis Classroom dashboard, where you will find all Lexis Classroom courses you are enrolled in.

11. DISABILITY SERVICES STATEMENT:

Western State College of Law provides accommodations to qualified students with disabilities. The **Disabilities** Services Office assists qualified students with disabilities in acquiring reasonable and appropriate accommodations and in supporting equal access to services, programs, and activities at Western State College of Law.

To seek reasonable accommodations, a student must contact Senior Assistant Dean Donna Espinoza, Student Services Director and Disabilities Services Coordinator, whose office is in the Students Services Suite. Dean Espinoza’s phone number and email address are: (714) 459-1117; despinoza@wsulaw.edu. When seeking accommodations, a student should notify Dean Espinoza of her or his specific limitations and, if known, her or his specific requested accommodations. Students who seek accommodations will be asked to supply medical documentation of the need for accommodation. Classroom accommodations are not retroactive, but are effective only upon the student sharing approved accommodations with the instructor or professor. Therefore, students are encouraged to request accommodations as early as feasible with Dean Espinoza to allow for time to gather necessary documentation. If you have a concern or complaint in this regard, please notify Dean Espinoza; or please notify Dean Allen Easley at aeasley@wsulaw.edu or (714) 459-1168. Complaints will be handled in accordance with the College of Law’s “Policy against Discrimination and Harassment.”

12. Western State College of Law – Programmatic Learning Outcomes

Western State College of Law’s curriculum is designed so that every student achieves a level of competency prior to graduation in each of the eight Programmatic Learning Outcomes listed below:

(1) Doctrinal Knowledge

Students will demonstrate knowledge of substantive and procedural law in the core curriculum subjects, including Contracts, Criminal Law, Criminal Procedure, Torts, Real Property, Business Association, Evidence, Civil Procedures, Constitutional Law, Estates, Community Property, Remedies, and Professional Responsibility.

(2) Practice Skills

Students will demonstrate the development of other law practice skills. Each student’s chosen outcomes within this category will be varied based on the

student's particular interests, coursework and work experiences. They may include, but are not limited to, the following topics: oral presentation and advocacy; interviewing; counseling; client service and business development; negotiations, mediation, arbitration, or other alternate dispute resolution methods; advanced legal research and writing (excluding purely academic papers and the first four units earned in introductory first-year legal research and writing class); applied legal writing such as drafting contracts, pleadings, other legal instruments; law practice management or the use of technology in law practice; cultural competency; collaboration or project management; financial analysis, such as accounting, budgeting project management, and valuation; cost benefit analysis in administrative agencies; use of technology, data analyses, or predictive coding; business strategy and behavior; pre-trial preparation, fact investigation, such as discovery, e-discovery, motion practice, assessing evidence, or utilizing experts; trial practice; professional civility and applied ethics; a law clinic that includes a classroom component; or a legal externship that includes a classroom component.

(3) Legal Analysis

Students will demonstrate the ability to identify the factual and legal issues implicated by a fact pattern and to appropriately use cases (including identifying the salient features of an appropriate precedent case, identifying legally significant similarities or differences between the precedent case and a fact pattern and explaining why those are legally significant) and rules (including the ability to connect legally significant facts in a fact pattern to the rule) to predict how a court would decide the issue. Students will also demonstrate the ability to identify and evaluate the public policies of a precedent case or rule, and be able to evaluate how public policy can impact the application of a rule to the legal issue.

(4) Legal Research

Students will demonstrate the ability to locate relevant legal authority using a variety of book and electronic resources, and to properly cite to such legal authority.

(5) Communication

Students will demonstrate the ability to communicate both orally and in writing in a manner appropriate to a particular task to effectively convey the author or speaker's ideas. This includes audience sensitivity in written and oral communication (the ability to adopt a tone, style and level of detail appropriate to the needs, knowledge and expertise of the audience); and written communication basic proficiency (the ability to use the conventions of grammar, spelling, punctuation, diction and usage appropriate to the task and sufficient to convey effectively the author's ideas).

(6) Advocacy of Legal Argument

Students will demonstrate the ability, in both oral and written formats, to evaluate the legal, economic and social strengths and weaknesses of a case and use case and statutory authority as well as public policy to persuade others. Making

policy-based arguments includes the ability to identify and evaluate the public policies of a precedent case or rule and their implications, and be able to assert such appropriate arguments to support a particular application or distinction of a precedent case to a legal controversy or a particular resolution of the application of a rule to the legal controversy.

(7) Client Sensitivity and Cultural Competency

Students will demonstrate an awareness of clients’ needs and goals, including a sensitivity to clients’ background and circumstances (including, but not limited to, socio-economic, gender, race, ethnicity, educational, disability and/or religious background(s)), the ability to make decisions that reflect an appropriate focus on those needs and goals, and awareness that cultural issues may affect the relevance of facts and application of the law.

(8) Legal Ethics

Students will demonstrate the ability to identify ethical issues in law practice contexts and make appropriate decisions to resolve such issues.

13. Reading and C&L Assignments: Make sure you have linked your C & L online account to the course code for this course: 220-48-4274

Week	Subject	<u>Required Reading; C&L:CP Reading & Understanding Questions: C&L assignments in this column to be completed you read the assigned casebook material, rules, statutes, etc. to prepare you for class discussion (i.e, before class); UWorld Multiple Choice Questions Assignments</u>	<u>Required C&L Review – Synthesis Questions: C&L questions in this column are to help you review topics already discussed in class</u>
1 8/24-8/29	Introduction to Civil Procedure (Please complete this reading and corresponding C&L assignments before the first day of class.)	In the Rules Supplement, read materials on pp. v- xix at the beginning of the supplement (entitled “Historical Introduction” and “An Outline of the Procedure in a Civil Action.” Freer, 3-22 C&L Unit 0, Part 1: Introduction to Civil Lawsuits & the Federal Court System <u>Ch I. Introduction to Civil Lawsuits</u> <u>Ch II. Stage of Civil Lawsuits</u> A. Where to Sue (Jurisdiction) Stage B. Starting the Case (Pleadings) Stage C. Learning about the Case (Discovery) Stage D. Deciding the Case Stage E. Summary of Stages and Associated Terms <u>Ch III. Which Court? (Federal and State Court Systems)</u>	

	<p><i>In Personam</i> Jurisdiction:</p> <ul style="list-style-type: none"> • Traditional Basis: The Territorial Rule: <i>Pennoyer v. Neff</i> • Interim Developments • The Modern Era: Minimum Contacts 	<p>C&L Unit 0, Part 3. How to Read Cases for Civil Procedure <u>Ch I. Introduction to Case Reading</u> A. Why are Civil Procedure Cases Challenging for Law Students? B. What is the Goal of Civil Procedure Cases? <u>Ch II. Reading Tips</u> A. Three-Step Approach to Effective Case Reading B. Detailed Explanation of our Reading Tips C. Visual Summary of our Three-Step Process</p> <p>Freer, 23-34 <i>Pennoyer v. Neff</i> Handout¹ Pacific Christian Advocate Notice² US Constitution, Art IV, § 1 US Constitution, 5th and 14th Amendments</p> <p>C&L Unit 1, Part 2: Historical Origins of PJ & Traditional Categories of PJ <u>Ch I. Some Suggestions as You Work Through This Part</u> <u>Ch II. The 3 Types of Personal Jurisdiction: Understanding the Latin Terms</u> <u>Ch III. PJ's Historical Origins: A Short and Simple Look at <i>Pennoyer v. Neff</i></u> A. How to Use this Chapter C. In-Depth Treatment of <i>Pennoyer</i> 23 Qs R&U D. The <i>Pennoyer</i> Rule 5 Qs PMP E. Post-<i>Pennoyer</i>: A Quick Look at the Evolving PJ Standard</p> <p>Freer, 34 – 38</p> <p>C&L Unit 1, Part 2: Historical Origins of PJ & Traditional Categories of PJ <u>Ch IV. The Quick Routes to PJ: The Traditional Categories</u> E. Consent 6 Qs R&U • Implied Consent (and Waiver of Challenge to PJ)</p> <p>Freer, 38 – 49</p> <p>C&L Unit 1 Part 3: Reading and Decoding <i>International Shoe</i></p>	
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¹ This pdf is located in my Civil Procedure I LexisNexis “Classroom” in the Modules folder under “Other Materials.”

² This pdf is located in my Civil Procedure I LexisNexis “Classroom” in the Modules folder under “Other Materials.”

	<p>- <i>International Shoe</i></p>	<p><u>Ch I. Some Suggestions as You Work Through this Part</u> <u>Ch II. Edited <i>International Shoe</i> Case</u> <u>Ch III. Working Through the Facts of <i>International Shoe</i> 5 Qs R&U</u> <u>Ch IV. What is the "<i>International Shoe</i>" Test? 4 Qs R&U</u> <u>Ch V. What does "Minimum Contacts" Mean? 7 Qs R&U</u> <u>Ch VI. What Happened to <i>Pennoyer</i> after <i>International Shoe</i> 4 Qs R&U</u> <u>Ch VII. Review of <i>International Shoe</i> Test 4 Qs PMP</u></p>	
<p>2 8/31-9/7</p>	<p><i>In Personam</i> Jurisdiction (cont'd):</p> <ul style="list-style-type: none"> • Minimum Contacts (cont'd): "Stream of Commerce" <ul style="list-style-type: none"> ○ <i>World-Wide Volkswagen</i> ○ <i>Asahi</i> ○ <i>J. McIntyre Machinery v. Nicastro</i> 	<p>Freer, 49-62</p> <p>C&L Unit 1, Part 6: Digging Deeper: Working Through the <i>International Shoe</i> Test in Path 2 of the Framework</p> <p><u>Ch III. Basic <i>International Shoe</i> Constitutionality Test in Application</u></p> <p>A. Introduction to the Fundamentals of the <i>International Shoe</i> Two- Part Test</p> <p>B. Minimum Contacts:</p> <ol style="list-style-type: none"> 1. What are Minimum Contacts? 2. What Contacts? Focusing on the Defendant's Contacts Only. 11 Qs R&U + 6 PMP 4. What is Purposeful Availment <p>C. Fair Play and Substantial Justice 8 Qs R&U + 9 Qs PMP</p> <p>Freer, 73-91</p> <p>C&L Unit 1, Part 7: Applying the Minimum Contacts Test</p> <p><u>Ch IV. Minimum Contacts Analysis when the In-State Contacts Are Part of the Stream of Commerce: <i>Asahi</i></u></p> <p>A. Introduction: Spotting a Stream of Commerce Fact Pattern 2 Qs R&U</p> <p>B. The <i>Asahi</i> Decision</p> <p>C. Identify the Basics 9 Qs R&U</p> <p>D. Identify the Holding 2 Qs R&U</p> <p>E. Working through the Plurality Split 5 Qs R&U</p> <p>F. Check Your Understanding of the Court's Rationale 3 Qs R&U</p> <p><u>Ch V. Minimum Contacts Analysis when the In-State Contacts Are Part of the Stream of Commerce: <i>McIntyre</i></u></p> <p>A. The <i>McIntyre</i> Decision</p> <p>B. Identify the Basics 6 Qs R&U</p> <p>C. Identify the Holding 2 Qs R&U</p> <p>D. Tease out the Basic Rules 11 Qs R&U</p>	

		E. Check Your Understanding of the Court's Analysis 4 Qs R&U	
3 9/12 - 9/14	<p><i>In Personam Jurisdiction (cont'd):</i></p> <ul style="list-style-type: none"> • In Federal Court: <ul style="list-style-type: none"> ○ Intentional Torts—The Effects Test <i>Keeton, Calder, Walden</i> ○ Contract as a “Contact”: <i>Burger King</i> • Personal Jurisdiction and the Internet: <i>Telemedicine Solutions v. Superior Court of California</i> 	<p>Freer, 62-73 Rule 4(k)</p> <p>C&L Unit 1, Part 7: Applying the Minimum Contacts Test <u>Ch I. Some Suggestions as You Study Minimum Contacts and Work Through This Part</u> <u>Ch III. Minimum Contacts Analysis when the In-State Contacts Are Intentional: <i>Walden v. Fiore</i> (also <i>Keeton and Calder</i>)</u></p> <ul style="list-style-type: none"> A. The Decision B. Basic Facts 4 Qs R&U C. Identify the Holding 4 Qs R&U D. Tease out the Basic Rules 4 Qs R&U E. Tease out the “MC” Rules for an Intentional Tort Cases 3 Qs R&U F. Check Your Understanding of the Court's Analysis 8 Qs R&U G. Compare to <i>Calder v. Jones</i> 11 Qs R&U <p>C&L Unit 1, Part 7: Applying the Minimum Contacts Test <u>Ch II. Minimum Contacts Analysis when the In-State Contacts Are Business Relationships: <i>Burger King v. Rudzewicz</i></u></p> <ul style="list-style-type: none"> A. The Decision B. Basic Facts 4 Qs R&U C. Identify the Holding 5 Qs R&U D. Tease out the Basic Rules 9 Qs R&U E. Tease out the “Minimum Contact” Rules for a Contract Dispute 3 Qs R&U F. Check Your Understanding of the Court's Analysis 26 Qs R&U G. What Does Burger King Teach Us About Prong 2: FPSJ? 7 Qs R&U <p>Freer, 115-123</p> <p><i>A case involving internet sales is in:</i></p> <p>C&L Unit 1, Part 5: A Suggested Framework for Analyzing Personal Jurisdiction <u>Ch IV. Seeing the Framework in Action in a Lower Court Case</u></p>	

<p>4 9/19 - 9/21</p>	<p><i>In Personam</i> Jurisdiction (cont'd):</p> <ul style="list-style-type: none"> • General Jurisdiction: <i>Daimler AG</i> • Specific Jurisdiction in the Era of General Jurisdiction: <ul style="list-style-type: none"> ○ <i>Bristol-Meyers Squibb</i> ○ <i>Ford Motor Company v. Montana Eighth Judicial District</i> • Explicit Consent and Forum Selection Provisions <p><i>In Rem</i> Jurisdiction: <i>Shaffer v. Heitner</i></p> 	<p>Freer, 91-103</p> <p>C&L Unit 1, Part 4: Revisiting General Jurisdiction ("At Home" or All-Purpose PJ) <u>Ch 1. General ("At Home" or All-Purpose) Jurisdiction</u> A. Reading and Understanding Questions 5 Qs R&U B. Practice Makes Perfect Questions 3 Qs PMP</p> <p>Freer, 104-115</p> <p>C&L Unit 1, Part 6: Digging Deeper: Working Through the International Shoe Test in Path 2 of the Framework <u>Ch III. Basic International Shoe Constitutionality Test in Application</u> B. Minimum Contacts 3. What Contacts? The Relatedness Requirement <i>c. Applying the Relatedness Test and the Basics of Minimum Contacts Discussed in WWW, Bristol-Myers and Ford</i> 18 Qs R&U and 4 Qs PMP</p> <p>2022 Update Memorandum to the Freer, Perdue, Efron casebook, pp. 4 – 20.</p> <p>Freer, 123-125</p> <p>C&L Unit 1, Part 2: Historical Origins of PJ & Traditional Categories of PJ <u>Ch IV. The Quick Routes to PJ: The Traditional Categories</u> E. Consent 6 Qs R&U</p> <p>These questions were already assigned in Week 1. Please go back and review them.</p> <p>Freer, 125-131</p> <p>C&L Unit 1, Part 2: Historical Origins of PJ & Traditional Categories of PJ <u>Ch IV. The Quick Routes to PJ: The Traditional Categories</u> F. Property in Forum</p>	
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	<p>Transient Presence (“Tag Jurisdiction”): In-state service of process - <i>Burnham</i></p>	<p>Freer, 131-138</p> <p>2022 Update Memorandum to the Freer, Perdue, Effron casebook, pp. 20-21</p> <p>C&L Unit 1, Part 2: Historical Origins of PJ & Traditional Categories of PJ <u>Ch IV. The Quick Routes to PJ: The Traditional Categories</u> D. Tag (Transient, or Presence + Process) Jurisdiction 4 Qs R&U</p>	
<p>5 9/26 - 9/28</p>	<p><i>In Personam</i> Jurisdiction (cont’d):</p> <ul style="list-style-type: none"> Statutory Limits Challenging Personal Jurisdiction Notice & Opportunity to Be Heard: <ul style="list-style-type: none"> Notice 	<p>Freer, 138-141 Rule 4(e), (f), (h) and (m)</p> <p>C&L Unit 1, Part 6: Digging Deeper: Working Through the <i>International Shoe</i> Test in Path 2 of the Framework <u>Ch II. Long Arm Statutes</u> A. What Is a "Long Arm" Statute and Why Is It Important? B. How Do I Apply Non-Enumerated (Catch-All) Statutes C. How Do I Apply Enumerated (List) Statutes? 2 Qs R&U D. Advanced Tips on Reading Long Arm Statutes? 10 Qs R&U</p> <p>Freer, 141-146 Rules 12(b), (g) and (h)</p> <p>C&L Unit 1, Part 1: Introduction <u>Ch II. Introduction to Personal Jurisdiction (PJ)—</u> <i>Review the FAQs</i> How is lack of PJ challenged? How does defendant raise lack of PJ?</p> <p>UWorld – “Judicial Jurisdiction MCQs” Assignment</p> <p>Freer, 151-173; 277-292 Rule 4</p> <p>2022 Update Memorandum, p. 21-22</p>	<p>Review of PJ is in Unit 1, Part 8: Personal Jurisdiction Exam Tips <u>Ch I. Introduction: How to Use This Part</u> <u>Ch II. Before you Answer</u> A. Issue Spotting 2 Qs R&U B. Fact Spotting 4 Qs R&U C. An Exercise on Issue and Fact Spotting 5 Qs PMP <u>Ch III. Outlining and Writing Using the Framework</u> A. Reviewing the Framework in the Context of an Exam Question B. Focusing on Long Arm Statutes 3 Qs R&U C. Focusing on the International Shoe Test — Prong I: Minimum Contacts 5 Qs R&U D. Focusing on the International Shoe Test — Prong II: FPSJ 2 Qs R&U <u>Ch IV. Avoiding Common Exam Writing Mistakes</u> A. Mistake #1: Not Having a Clear Understanding of the Facts 1 Qs R&U B. Mistake #2: Choosing the Wrong Path (or Choosing the Wrong Part of a Path) 1 Qs R&U C. Mistake #3: Rewriting a Long Description of the Personal Jurisdiction Cases 1 Qs R&U D. Mistake #4: Generic or Cursory Analysis 1 Qs R&U <u>Ch V. Tips on Figuring Out the Right Approach for Your Class</u></p>

	<ul style="list-style-type: none"> ○ Constitutional Requirement ○ Statutory Requirements ● Opportunity to be Heard 	<p>C&L Unit 2, Notice and Service <u>Ch III. Constitutional Notice Requirement (Mullane)</u> A. The Key Case of <i>Mullane</i> 11 Qs R&U B. Constitutional Notice 4 Qs PMP</p> <p>C&L Unit 2, Notice and Service <u>Ch II. Service in Federal Courts — FRCP Rule 4</u> A. Overview 3 Qs R&U B. Service Basics 9 Qs R&U C. Service on Individuals 10 Qs R&U D. Service on Corporations and Other Business Entities 8 Qs R&U E. “Waiver” of (Actual) Service 9 Qs R&U</p> <p>UWorld – “Notice MCQs” Assignment</p>	
<p>6 10/3 – 10/5</p>	<p>Subject Matter Jurisdiction:</p> <ul style="list-style-type: none"> ● Diversity Jurisdiction 	<p>Freer, 175-213; 2022 Update Memorandum, p. 23 US Const. Art. III 28 U.S.C. §1332</p> <p>C&L Unit 3, Part 1: Introduction <u>Ch I. Background</u> A. Suggestions on How to Use the SMJ Unit— Navigating as a Student B. FAQ’s about SMJ: The “Not So Easy” Questions You Need Answers to, But Might Be Hesitant to Ask in Class <u>Ch II. Key SMJ Concepts You Have to Know</u> A. Key Concepts Defined 5 Qs R&U B. Review of Key Concepts 6 Qs PMP</p> <p>C&L Unit 3, Part 4: Diversity (& Alienage) SMJ <u>Ch. I. Big Picture Introduction; Diversity (& Alienage) SMJ</u> A. Diversity SMJ Basics B. Key Constitutional & Statutory Rules 12 Qs R&U + 5 Qs PMP C. What is an Exception to Diversity SMJ? 2 Qs R&U D. What is Alienage SMJ? 2 Qs R&U <u>Ch II. Diversity Jurisdiction: “Citizenship” for SMJ</u> A. When do we Decide Citizenship? 1 Qs R&U B. Citizenship of Individuals 10 Qs R&U C. Corporations, Unincorporated Entities & Legal Representatives 19 Qs R&U D. Diversity Jurisdiction: Review of “Citizenship” for SMJ 7 Qs Recap + 10 Qs Synthesis <u>Ch III. Alienage Jurisdiction & US Citizens Domiciled Abroad</u> A. Basic Alienage Jurisdiction—1332(a)(2) 7 Qs R&U + 6 Qs PMP</p>	<p>Review of Diversity (& Alienage) SMJ is in C&L Unit 3, Part 4. <u>Ch V. 1332 SMJ Synthesis</u> A. Recap Questions 7 Qs Recap B. Application Questions 15 Qs Synthesis</p>

		<p>B. Alienage Jurisdiction under 1332(a)(3) 4 Qs R&U</p> <p><u>Ch IV. Amount in Controversy (AIC)</u></p> <p>A. Understanding the Basic Rule 5 Qs R&U</p> <p>B. Does 1332 Only Exist if Plaintiff Seeks Monetary Compensation? 1 Qs R&U</p> <p>C. What if Plaintiff Recovers Less Than the AIC? 3 Qs R&U</p> <p>D. When Can Separate Claims Be Aggregated (Added Together) to Meet the AIC? 6 Qs R&U</p> <p>E. "Tricky" AIC Rules 4 Qs R&U</p> <p>F. Review of Amount in Controversy (AIC) 2 Qs Recap + 4 Qs PMP</p> <p>UWorld – “Diversity Jurisdiction MCQs” Assignment</p>	
<p>7</p> <p>10/10 - 10/12</p>	<p>Subject Matter Jurisdiction (cont’d):</p> <ul style="list-style-type: none"> Federal Question Jurisdiction Supplemental Jurisdiction Removal 	<p>Freer, 213-232; U.S. Const. Art III; 28 U.S.C. §1331</p> <p>C&L Unit 3, Part 3: 1331 Federal Question SMJ</p> <p><u>Ch I. Big Picture</u></p> <p>A. Introduction to 1331 Federal Question SMJ</p> <p>B. FAQ on 1331 Federal Question SMJ 9 Qs R&U</p> <p><u>Ch II. 1331 Federal Question SMJ: The Well-Pleaded Complaint ("WPC") Rule</u></p> <p>A. What is the WPC Rule and Why Is the Name Misleading? 9 Qs R&U + 5 Qs PMP</p> <p>B. Harder Application of the WPC Rule: Counterclaim 2 Qs R&U</p> <p>C. Harder Applications of the WPC Rule: Declaratory Judgment Cases 10 Qs R&U</p> <p>D. Review of the WPC Rule 4 Qs PMP</p> <p><u>Ch III. 1331 Federal Question SMJ: The “Centrality” of Federal Law Rule?</u></p> <p>A. What Is the “Centrality” of Federal Law Rule?</p> <p>B. The Creation Test—Easy 1331 Fed Q SMJ 5 Qs R&U</p> <p>C. The Grable Test—Tricky 1331 Fed Q SMJ 12 Qs R&U</p> <p>D. Applying the Grable Test 4 Qs PMP</p> <p>Freer, 233 28 U.S.C. § 1367</p> <p>C&L Unit 3, Part 6: Supplemental SMJ</p> <p><u>Ch I. Big Picture Introduction to Supplemental SMJ</u> 10 Qs</p> <p><u>Ch. II. The 1367 statute</u> 6 Qs</p> <p><u>Ch. IV. The 1367 (b) bar</u></p> <p><u>Ch. V. Discretion to Decline</u></p> <p>A. Reading and Decoding 1367(c)</p>	<p>Review of 1331 Federal Question SMJ is in C&L Unit 3, Part 3.</p> <p><u>Ch IV. 1331 Federal Question Synthesis</u></p> <p>A. Recap Questions 8 Qs Recap</p> <p>B. Application Questions 12 Qs Synthesis</p>

	<ul style="list-style-type: none"> Challenging Federal Subject Matter Jurisdiction 	<p>Freer, 233-240; 2022 Update Memorandum, p. 23 28 U.S.C. § 1441; §§1446 – 1447</p> <p>C&L Unit 3, Part 5: Removal & Remand</p> <p><u>Ch I. Introduction—How to Use this Part and Big Picture</u></p> <p>A. Big Picture B. FAQs about Removal (and Remand) 2 Qs R&U</p> <p><u>Ch II. The Fundamental Removal Test (28 USC 1441)</u></p> <p>A. What Do the Different Parts of 1441 Address? 1 Qs R&U B. 1441(a) The Basic Removal Provision 16 Qs R&U C. 1441(b) Limits on Removal in Solely 1332 Cases (In-State Defendant Bar) 11 Qs R&U D. What Can Plaintiffs Do to Prevent Removal 12 Qs R&U E. 1441(c) Removal in 1331 Fed Q Cases 6 Qs R&U F. Can the Plaintiff Remove If the State Court Has No SMJ—1441(f) 4 Qs R&U G. Removal Review 10 Qs Recap + 12 Qs PMP</p> <p><u>Ch III. Removal Procedure (28 USC 1446)</u></p> <p>A. The Process for Removal: 1446(a) and (d) 4 Qs B. The Timing of Removal: 1446(b) 5 Qs R&U C. Can a Defendant Ever Remove a Case Where the Initial Complaint Was Not Removable? 7 Qs R&U D. Removal Procedure Review 6 Qs Recap + 6 Qs PMP</p> <p><u>Ch IV. Remand (28 USC 1447)</u></p> <p>A. The Grounds and Process for Remand 9 Qs R&U B. Remand Review 7 Qs Recap + 4 Qs PMP</p> <p>Freer, 240-242 Rule 12(h)(3)</p> <p>UWorld – “Federal Question - Removal - Supp. Jdx. MCQs” Assignment</p>	<p>Review of Removal & Remand SMJ is in C&L Unit 3, Part 5. <u>Ch V. Removal and Remand Synthesis</u></p> <p>A. Recap Questions 5 Qs Recap B. Application Questions 10 Qs Synthesis</p> <p>Review of all of SMJ is in C&L Unit 3, Part 7: Exam Tips and Final Synthesis <u>Ch I. How to Use This Part</u> <u>Ch II. A Guide to Tackling SMJ Essay Questions</u></p> <p>A. When Is SMJ an Issue? 1 Qs R&U B. Preparing to Address SMJ—Focusing on Fundamental Facts 3 Qs R&U C. How to Organize a Strong Essay Answer 3 Qs R&U D. Spotting Hidden SMJ Issues: Removal and Remand 3 Qs R&U</p> <p><u>Ch III. Practice Makes Perfect—SMJ Essay Questions</u></p> <p>A. Going Mobile Fact Pattern 8 Qs PMP B. Chris v. Frozen Treats Fact Pattern 7 Qs PMP</p> <p><u>Ch IV. SMJ Final Review 21 Qs Synthesis</u></p>
<p>8</p> <p>10/17</p> <p>10/19</p>	<p>Mid-term Exam</p> <p>Venue:</p> <ul style="list-style-type: none"> Venue in Federal Court 	<p>Freer, 243-254</p> <p>28 U.S.C. §§ 1390 and 1391.</p>	<p>Review of Venue is in C&L Unit 4, Part 2.</p>

	<ul style="list-style-type: none"> • Change of Venue 	<p>C&L Unit 4, Part 1: Big Picture Introduction to Venue <u>Ch I. What is Venue?</u> 1 Qs R&U <u>Ch II. Testing Your Understanding of Venue Basics</u> 4 Qs R&U</p> <p>C&L Unit 4, Part 2: Venue in the Federal Courts <u>Ch I. The Federal Venue Statute: 28 USC 1391</u> A. Overview of the Entire Venue Statute 3 Qs R&U B. What are the Key Venue Options in 1391(b)? 3 Qs R&U <u>Ch II. Where is there Venue under 1391(b)(2)(Location of Event)?</u> 6 Qs R&U <u>Ch III. Where is There Venue under 1391(b)(1)(Focusing on Residency)?</u> A. The Basic Residency Provision 5 Qs R&U + 2 Qs PMP B. What Does "Reside" Mean for 1391(b)(1): Individuals? 4 Qs R&U C. What Does "Reside" Mean for 1391(b)(1): Entities? 10 Qs R&U D. What If a Defendant Does Not Reside in the United States? 8 Qs R&U E. Residency Compared 2 Qs R&U <u>Ch IV. When does 1391(b)(3) (the "Fall Back" Provision) Apply?</u> 5 Qs R&U</p> <p>Freer, 254-261 28 U.S.C. §§ 1404 and 1406</p> <p>C&L Unit 4, Part 3: Transfer of Venue <u>Ch I. Big Picture</u> A. What is Transfer of Venue? 2 Qs R&U B. FAQs on Transfer of Venue 5 Qs R&U <u>Ch II. Transfer from a Proper Forum (28 USC 1404)</u> A. Basics of 1404 Transfer 6 Qs R&U B. 1404 Transfer: What Will the Court Consider in Deciding Transfer? 2 Qs R&U <u>Ch III. Transfer From an Improper Forum (28 USC 1406)</u> 8 Qs R&U</p>	<p><u>Ch V. Venue Synthesis</u> A. Recap Questions 14 Qs Recap B. Application Questions 17 Qs Synthesis</p> <p>Review of Transfer of Venue is in C&L Unit 4, Part 3 <u>Ch IV. Transfer Synthesis</u> A. Recap Questions 9 Qs Recap B. Application Questions 7 Qs Synthesis</p> <p>Review of PJ in combination with SMJ and Venue is in C&L Unit 11, Part 1: Picking a Court <u>Ch I. When and How to Use this Unit</u> <u>Ch II. Review of Jurisdiction Fundamentals</u> A. Recap Questions 12 Qs Recap B. Compare and Contrast 9 Qs Recap <u>Ch III. Exam Tips</u> A. Issue Spotting 3 Qs PMP B. FAQs on How to Address what Court to Choose <u>Ch IV. Synthesis Questions</u> A. General Questions 12 Qs Synthesis B. "Circus of the Stars Fact Pattern" Questions 7 Qs Synthesis</p>

<p>9</p> <p>10/24 –</p> <p>10/26</p>	<p>Venue (cont'd)</p> <ul style="list-style-type: none"> • Forum non Conveniens: <i>Piper Aircraft</i> <p>Pleadings:</p> <ul style="list-style-type: none"> • The Complaint 	<p>Freer, 261-275; 2022 Update Memorandum, p. 24</p> <p>UWorld – “Venue” Assignment</p> <p>Freer, 305-348 Rules 7, 8, 9, 10, 12.</p> <p>C&L Unit 5, Part 1: Overview of Litigation, Pleadings and FAQs (Rules 3,7 and 10) <u>Ch I. What are the Stages of a Lawsuit?</u> <u>Ch II. FAQs on Pleadings and How to Commence a Lawsuit 2 Qs R&U</u> <u>Ch III. Review of Pleading Basics—Rule 3, 7 and 10</u> A. Rule 3 Commencing a Lawsuit 3 Qs R&U B. Rule 7(a): Pleadings 3 Qs R&U C. Rule 7(b): Motions 2 Qs R&U</p> <p>C&L Unit 5, Part 2: Pleadings—Plaintiff's Claims (The Complaint) <u>Ch I. Plaintiff's Complaint (and other Pleadings that Have Claims)- FAQs 2 Qs R&U</u> <u>Ch II. Rule 8: What's the Required Content of a Complaint</u> A. What Are the Three Things that Must be in a Complaint — Rule 8(a)? 16 Qs R&U <u>B. Reviewing Rule 8 Basics 5 Qs PMP</u> <u>Ch III. Rule 9: What's the Required Content of a Complaint? How to Plead Some Special Matters under Rule 9</u> A. Rule 9 Basics 11 Qs R&U <u>Ch IV. Rule 8(a)(2) and the Plausibility Test: What is the Required Content of a Complaint?</u> A. Failure to “State a Claim” under Rule 8(a)(2) — The Easy Cases 5 Qs R&U B. Failure to “State a Claim” under Rule 8(a)(2) — The Plausibility Test (aka, What If There Are Not Enough Facts about an Element?) 1. Let’s Start with a Few FAQs about Rule 8(a)(2)’s Plausibility Test</p> <p>Help with Reading <i>Twombly</i> is in C&L Unit 5, Part 2. <u>Ch VI. Supplement Reading the Two Key Cases — <i>Twombly</i> and <i>Iqbal</i></u></p>	<p>Review of Pleadings and the Complaint is in C&L Unit 5, Part 2. <u>Ch V. Synthesis of Pleadings and the Complaint</u></p>
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		<p>A. Reading and Briefing <i>Twombly</i> 12 Qs R&U</p> <p>C&L Unit 5, Part 2: Pleadings—Plaintiff's Claims (The Complaint) (continued) <u>Ch IV. Rule 8(a)(2) and the Plausibility Test: What is the Required Content of a Complaint?</u> (continued) B. Failure to “State a Claim” under Rule 8(a)(2) — The Plausibility Test (aka, What If There Are Not Enough Facts about an Element?) 2. Breaking Down the Steps of Rule 8(a)(2)’s Plausibility Test 8 QsR&U 3. Learning to Apply Rule 8(a)’s Plausibility Test (With a Little Help From Us) 7 QsR&U C. Reviewing Rule 8(a)(2) and Plausibility Test 11 Qs PMP</p>	<p>C. Application Questions—Rule 8(a)(2) and the Plausibility Test 9 Qs Synthesis</p>
<p>10</p> <p>10/31-11/2</p>	<p>Pleadings (cont’d):</p> <ul style="list-style-type: none"> • Voluntary and Involuntary Dismissal • Defendant’s Options in Response: <ul style="list-style-type: none"> ○ Motions 	<p>Freer, 348-351 Rules 41(a) and (b)</p> <p>C&L Unit 8, Part 1: Motions During the Early Stages of Litigation <u>Ch II. Voluntary and Involuntary Dismissals: Rule 41</u> A. Comparing the Rule 41 Dismissals—FAQ 2 Qs R&U B. Voluntary Dismissals under Rule 41(a): The Basics 18 Qs R&U C. Voluntary Dismissals—The Two-Dismissal Rule 13 Qs R&U E. A Quick Look at Involuntary Dismissal—Rule 41(b) 7 Qs R&U + 2 Qs PMP</p> <p>UWorld – “Voluntary and Involuntary Dismissal MCQs” Assignment</p> <p>Freer, 351-354 Rules 12(a), (b), (c), (e), (f), (g) and (h)</p> <p>C&L Unit 5, Part 3: Pleadings—Responding to the Complaint: Answers and Motions <u>Ch I. Responding to Claims- FAQs on Answers and Motions</u> <u>Ch III. Rule 12 Motions</u> A. Understanding Rule 12 Motions — FAQs B. Rule 12(b) Motions to Dismiss 15 Qs R&U C. Review of Rule 12(b) Motions to Dismiss 9 Qs PMP <u>Ch IV. Waiver under Rule 12</u> A. Understanding Waiver under Rule 12 — FAQs</p>	<p>Review of these motions is in C&L Unit 8, Part 1, Ch II. Voluntary and Involuntary Dismissals: Rule 41, D. Review of Voluntary Dismissals 7 Qs PMP</p>

	<ul style="list-style-type: none"> • Veracity in Pleading <p>What Law Applies in Federal Court?: “Erie”</p>	<p>C. Rule 15(c)(1)(B): Relation Back When an Amendment Adds a Claim 5QsR&U +3QsPMP D. Rule 15(c)(1)(C): Relation Back When an Amendment Changes the “Named Party” 7 Qs R&U + 5 Qs PMP</p> <p>Freer, 372-385</p> <p>C&L Unit 5, Part 5: Rule 11 Certifications and Sanctions <u>Ch I. Rule 11: Understanding the Big Picture 1 Qs R&U</u> <u>Ch II. Focusing on the Details of Rule 11(a) and (b)</u> A. Signature: Focusing on Rule 11(a) 3 Qs R&U B. Triggering Rule 11: Rule 11(b) 11 Qs R&U C. The Certification: What Are You Promising the Court When You Present a Document? 20 Qs R&U D. Reviewing Rule 11 4 Qs PMP <u>Ch III. Rule 11 Sanctions: Process and Types of Sanctions</u> A. Focusing on Rule 11(c) 2 Qs R&U B. The Process for Imposing Sanctions 8 Qs R&U C. Types of Sanction 6 Qs R&U D. Review of Rule 11 Process and Sanctions 3 Qs PMP</p> <p>Uworld – “Pleadings MCQs” Assignment</p> <p>Freer, 561-596</p> <p>2022 Update Memorandum to the Freer, Perdue, Effron casebook, p. 26</p> <p>US Constitution, Art VI</p> <p>US Constitution, 10th Amendment 28 U.S.C. §§ 1652 and 2072</p> <p>C&L Unit 9. The Erie Doctrine <u>Ch I. How to Use this Unit</u> <u>Ch II. Big Picture</u> A. What’s Easy about the Erie Doctrine? B. FAQs about the Erie Doctrine</p> <p>Help reading the key cases is in C&L Unit 9: The Erie Doctrine: <u>Ch V. Supplement: Reading the Two Key Cases: <i>Eire R.R. v. Tompkins</i> and <i>Hanna v. Plumer</i></u> A. <i>Eire R.R. v. Tompkins</i> 1 Qs R&U B. <i>Hanna v. Plumer</i></p>	
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<p>12 11/14 - 11/16</p>	<p><i>What Law Applies in Federal Court?: “Erie”</i> (cont'd)</p>	<p>Freer, 596-632</p>	
<p>13 11/21- 11/28</p>	<p><i>What Law Applies in Federal Court?: “Erie”</i> (cont'd)</p> <ul style="list-style-type: none"> • <i>Gasperini</i> • <i>Shady Grove</i> 		
<p>14 11/30 – 12/5</p>	<p><i>What Law Applies in Federal Court?: “Erie”</i> (cont'd)</p>	<p>UWorld – “Erie MCQs” Assignment</p>	<p>Review of the Erie Doctrine is in C&L Unit 9. <u>Ch IV. Synthesis of the Erie Doctrine</u> A. Recap Questions 4 Qs Recap B. Application Questions 16 Qs Synthesis</p>
<p>15</p>	<p>Reading Week</p>		