

CIVIL PROCEDURE II

Sections 142B and 142C -- Spring 2012

Professor Williams

Office Hours: Mondays 10:30 a.m. – 12:00 noon; Thursdays 10:30 a.m. – 12:00 noon;
1:00 p.m. – 2:30 p.m. Room 302k

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Civil Procedure is a unique and important course, in that is not subject specific. Every litigation that's not criminal, regardless of whether it's torts, property 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 (approx. **20%** of the final course grade) and a final examination, given during the final examination period (approx. **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. Your grade can improve +/- .3 on the g.p.a. based on class participation, and in egregious (or outstanding) cases, sometimes more. The more times you come to class late, unprepared, or are unprofessional, the further your grade will be reduced. 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 for Section B is "adinawatson". The password for Section C is "christinalopez" (who else?). 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 (5th ed. 2008).
Federal Rules of Civil Procedure (West, 2010-11 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 January 2012. 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 – Supplemental Jurisdiction and Joinder, Rules 18 and 20; (Freer & Perdue, 641 – 666)

Class 2/3 – Supplemental Jurisdiction and Joinder, Rules 13, 18, and 20; (Freer & Perdue, 666 - 704)

Class 4 – Joinder, Rules 22, 24 and 28; (Freer & Perdue, 704 – 709; 711 - 727)

Class 5/6 – The Class Action, (Freer & Perdue, 727 – 766), Rule 23.

Class 7 – Discovery – Deposition or Interrogation? (Freer & Perdue, 357 – 359).

Classes 8/9 – Discovery cont. (Freer & Perdue, 360 – 387). Rule 26.

Class 10 – Discovery cont. (Freer & Perdue, 387 - 410).

Class 11 – Declarations – no reading required.

Class 12 – Discovery cont. (Freer & Perdue, 412 - 413); Sanctions - Rules 26(g) and 37; Review;

Class 13 – Midterm

Classes 14/15 – Right to a Jury; 7th Amendment; (Freer & Perdue, 435 - 455);

Classes 16/17 – Summary Judgment (Freer & Perdue, 482 – 507)

Classes 18/19 – Summary Judgment cont. (Freer & Perdue, 298 - 310) How does Bell Atlantic compare to Matsushita?

Classes 20/21 – Disposition at Trial, (Freer & Perdue, 508 - 532)

Classes 22/23 – Preclusion, (Freer & Perdue, 589 - 608)

Classes 24/25 – Preclusion, (Freer & Perdue, 609 - 640)

Classes 26/27 – Appeal, (Freer & Perdue, 767 - 793)

Class 28 - Review Session.

TBD – Final Exam