

Professor Ragazzo

Civil Procedure Fall 2013

I. Introduction

- A. Textual Summary (pp. 1-25)
- B. Illustrative Cases (pp. 25-70)

II. Jurisdiction over the Subject Matter

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- B. State Court Jurisdiction (pp. 267-272)
- C. Diversity Jurisdiction (pp. 272-294)
- D. Federal Question Jurisdiction (pp. 295-324)
- E. Supplemental Jurisdiction (pp. 324-343)
- F. Removal Jurisdiction (pp. 350-362)

III. Jurisdiction over Persons and Property

- A. Traditional Bases of Jurisdiction (pp. 71-81)
- B. Specific Long-Arm Jurisdiction (pp. 81-138)
- C. General Long-Arm Jurisdiction (pp. 138-149)
- D. New Bases of Jurisdiction (pp. 150-157)
- E. In Rem Jurisdiction (pp. 158-175)
- F. Jurisdiction Based on Physical Presence (pp. 175-186)
- G. Federal Court Jurisdiction (pp. 191-195; DeJames)
- H. Procedural Due Process (pp. 199-213, 239-265)

IV. Choice of Law

- A. State vs. Federal Law (pp. 404-466)
- B. Choosing the Appropriate State's Law (pp. 466-468)
- C. Ascertaining State Law (pp. 468-475)
- D. Federal Law in State Courts (pp. 494-500)

V. Venue

- A. General Principles (pp. 369-374)
- B. Local Actions (Livingston)
- C. Federal Venue Standards (pp. 378-383)

- D. Transfer (pp. 383-391; Van Dusen)
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VI. Joinder of Claims and Parties

- A. Permissive Joinder (pp. 654-657, 678-688)
- B. Necessary and Indispensable Parties (pp. 693-704)
- C. Impleader (pp. 704-712)
- D. Interpleader (pp. 713, 722-733)
- E. Intervention (pp. 733-740)
- F. Class Actions (pp. 748-759, Supp. 599-615, pp. 766-71)

VII. Right to a Jury Trial

- A. Introduction (pp. 997-1002)
- B. Joinder Problems (pp. 1002-1016)
- C. Statutory Actions (pp. 1016-1020)
- D. Conclusion (pp. 1026-1035)

VIII. Taking the Case from the Jury

- A. Summary Judgment (pp. 958-987)
- B. Judgment as a Matter of Law (Galloway; pp. 1070-1071, 1075-1076, 1092-1094)
- C. New Trial (pp. 1138-1143; Dimick)

IX. Preclusion

- A. Compulsory Counterclaims (pp. 657-668)
- B. Res Judicata (pp. 1249-1272)
- C. Collateral Estoppel (pp. 1272-1292, 1305-1332)
- D. Full Faith and Credit (Fauntleroy; pp. 1341-1354)

Materials: The required materials for the course are Friedenthal, Miller, Sexton & Hershkoff, Civil Procedure Cases and Materials (West 11th ed. 2013), the 2013-2014 Supplement thereto, and the handouts of the cases referred to in the syllabus. You will be permitted to bring these materials, and no others, to the examination. During the examination, you may refer to anything that you have written on any portion of any of these materials, as well as to any tabs that you have placed on any of these materials. However, you may not type, paste, or place anything that is not handwritten on any of these materials.

Preparation: As a general rule, we cover about 20-25 pages per class. During each class, I announce the following day's assignment. It is your responsibility to keep track of the assignments on a daily basis. Remember to consult the Supplement for constitutional, statutory, and rule provisions. Also remember to consider how previous cases are related to the current day's assignment.

Participation: I expect everyone to be prepared to discuss the assigned material in each class. I will call on students at random. I reserve the right to raise or lower your grade one notch (i.e., one-third of a grade) based on class participation. If I call on you and you are unprepared for class, I will mark you absent. The second time you are unprepared, I will automatically deduct one-third of a grade from your exam score. The third time you are unprepared, you will be dropped from the course.

Grading: The grade will be derived from one four-hour exam given at the end of the course, plus or minus any adjustment for class participation.

Attendance: You are permitted to miss six classes. Any student missing seven classes will have one-third of a grade deducted from his exam score. Any student missing eight or more classes will be dropped from the course. It will inevitably occur that you will have to miss class for professional, medical, and other reasons. Use your six permitted absences wisely. I take attendance by passing out a sign-up sheet at the beginning of each class. It is your responsibility to make sure that you sign the roll each day before class is over. Be especially cognizant of this responsibility if you come late. You are permitted to sign the roll sheet as long as you are present for a majority of the class (i.e., 36 minutes). If you do not sign the roll sheet inside the classroom, you are absent. You will not be allowed to argue at a later time that you were actually present on days when you neglected to sign the roll sheet. My secretary, Sandra Jackson, keeps the composite attendance sheet. Feel free to visit or call her (713-743-2144) to ascertain how many absences you had as of the last time she updated the sheet. Be advised that my secretary performs this function only as a courtesy. You are required to know how many times you failed to sign the attendance sheet. I will not entertain arguments that my secretary has in some fashion misled you with respect to how many times you were absent.

Recording: Recording classes on tape, or by any other method, is not permitted.

Computers: No computers are permitted during regularly scheduled classes. You may use a computer to type your final exam.

Makeup Classes: In the event we are required to make up any classes, we will use one of the days assigned by the Associate Dean's office. No attendance is taken at makeup classes, and you may

record any makeup class. You may also use a computer.

Office: My office is BLB 228. My telephone number is 713-743-2146. I am generally available following our class. Feel free to schedule an appointment for, or drop by at, other times. I only answer substantive questions in person. I do not take such questions by phone or e-mail.