Civil Procedure

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SYLLABUS No 1

Welcome!


(There are other Supplements on the market with essentially all the necessary Rule and Statutory materials, such as Kane and Levine, Civil Procedure in California 2010 Edition. Kane & Levine is more expensive than Heiser, but if you have or can obtain a cheap copy and prefer it, you are welcome to use it. In fact, the Rule and Statutory material is also available free online with a bit of searching. E.g. the Federal Rules of Civil Procedure: [http://www.cornell.edu/rules/frcp](http://www.cornell.edu/rules/frcp) with the very useful Advisory Committee Notes linked to each rule at “Notes”.)

The Casebook is available at the USD bookstore. The Supplement will soon be available there. The Casebook may be available more cheaply online, e.g. from amazon.com.

“Text” assignments are to the text (no surprise there).

“FRCP” assignments are to the Federal Rules of Civil Procedure, which are numbered (Rule 1 through Rule 86) and are the first item in Part Two of the Heiser Supplement, beginning on page 235.

Excerpts from the US Constitution begin at page 531 of the Heiser Supplement.


Since the Supplement may not be available till next week, I am posting photocopies of the FRCP, Constitutional, and statutory provisions herewith for the first assignments.

Please read the first assignment before our first meeting; and continue to read each assignment carefully before each class!
Class 1

– Introductory Survey of Civil Procedure

  US Constitution Article III
  FRCP Rules 1 and 3
  28 USC 1331 and 1332(a)

  Text  1 - 25

Class 2

– Personal Jurisdiction

  US Constitution Amendment XIV, Section 1

  Text  71 - 85

Class 3 (+)

– “Personal Jurisdiction” over Corporations and Others

  Text  85 - 91

– Long Arm Statutes

  Calif Code of Civil Procedure - Sections 410.10 and 410.30
  Online:  

  New York Long Arm Statute
  Online:  

  Text  91(“D”, bottom) - 98
        99 - 100
        105 - 119 (top, thru n 1)
Class 4

Long Arm Statutes cont.

Text 138 - 140 (thru n 1)
142 - 148 (thru n 1)

– New Technology

Text 150 -157

Class 5

– “In Rem” Jurisdiction

Text 160 - 175

Class 6

– More on Physical Presence

Text 175 - 186 (top)

– Consent

Text 186 - 191

– Challenging Jurisdiction

FRCP 12 (b), (g) and (h)

Text 195 - 198 (top)
II. How You Start A Lawsuit

Summons and Notice

Class 7

– Summons

FRCP 1; FRCP 3; FRCP 4 (a), (b), (c), (d), and (e)

FRCP Form 3 (Heiser Supplement p 411); Form 5; Form 6

– Notice

Text 199 - 206
213 - 215 (top)

Class 8

– Notice, cont.

Text 217 (bottom) - 229
231 (“Sewer Service”)
231 (bottom) - 232
237 - 239 (include note 1)

III. Pleadings

Classes 9 - 10

– The Complaint

FRCP 7(a) 10 (a) and (b)
8 (a) 8 (e) (1) and 8 (d)
9 (b) 54 (c)

FRCP Forms 10 - 18 (Heiser Supplement pp 460 - 468)

Text 554 - 556 (top) [assignment continues next page]
558 (bottom) - 563 (bottom)
565 (n 3) - 567
568 - 579
Class 11

– Motions and Defendant’s Answer

   FRCP 12 (b), 12 (c), 12 (e), 12 (f), 12 (g), 12 (h)

   Text 602 - 609 (thru note 3)
   609 (note 5)
   611 - 621 (thru “A”)

   FRCP 8 (c)

   Text 617 (bottom) - 622

Class 12

– Amendment

   FRCP 15

   Text 623 - 626
   630 - 633
   634 (note 4)

Class 13

– Deterring Abusive Pleadings

   FRCP 11

   Text 636 - 639
   640 - 648
   649 (note 2) - 651