

CIVIL PROCEDURE § C
COURSE INFORMATION AND REQUIREMENTS

Prof. Wasserman
Office: Room 321
Fax: (412) 648-2648

Spring 2009
Telephone: (412) 648-1338
E-mail: wasserma@pitt.edu

Course Description

Civil Procedure – the “rules” part of the required, first-year Legal Process and Civil Procedure sequence – covers various topics that arise in the pre- and post-trial stages of civil litigation. We will focus on federal procedural statutes and the Federal Rules of Civil Procedure, which have served as models for procedural rules in many other jurisdictions. The course will cover:

Pleading: the documents (pleadings and related motions) by which litigation is initiated, defined, and sometimes disposed of;

Joinder of claims and parties and supplemental jurisdiction: how litigation may be structured when it involves multiple claims and parties and the extent of federal courts’ power to hear particular claims in the litigation as structured;

Pre-trial discovery: the means by which parties obtain information prior to trial;

Summary judgment: disposition of issues or claims through a final judgment on the merits without trial; and

Preclusive Effects of Judgments: limitations on the parties’ ability to re-litigate matters that have been decided in a prior action.

Credit Hours and Meeting Times

This is a three-credit course that will meet twice a week: on Mondays and Wednesdays, 1:00 - 2:15 p.m., in Room 113. If a class is cancelled, a make-up class will be scheduled either before the cancelled class or as soon thereafter as is reasonably possible. (See below.)

Attendance

Attendance at regularly-scheduled classes is required. The School of Law's attendance policy will be enforced and sign-in sheets will be circulated on a daily basis. Students must attend at least 80% of the class meetings. To be counted as present, a student must be prepared and arrive on time. A student who does not satisfy the 80% attendance requirement may be "certified out" of the course and receive a "U" grade.

Class Cancellations

Class will be cancelled on the following dates:

Wednesday, February 4, 2009

Wednesday, April 8, 2009*

*The April 8 cancellation is not definite; I will let you know for sure later in the semester.

Make-up Classes

Make-up class have tentatively been scheduled on the following dates:

Wednesday, February 11, 9:00 - 10:15 a.m., Room 113

Wednesday, March 4, 9:00 - 10:15 a.m., Room 113

**Optional Review/
Discussion Sessions**

In addition to our regularly scheduled, required classes (and the make-up classes), I will hold five optional review/discussion sessions, four of which have tentatively been scheduled on the following dates:

Wednesday, January 28, 9:00 - 10:15 a.m., Room 113

Monday, March 2, 10:30 - 11:45 a.m., Room 111 [changed]

Wednesday, March 25, 9:00 - 10:15 a.m., Room 113

Wednesday, April 15, 9:00 - 10:15 a.m., Room 113

The final review session will be scheduled toward the end of the term. These sessions will be used for several different purposes. First, we will go over material that has been covered in class up until the date of the optional session (that is, I will *not* cover new material). I will select the topics to be covered based on student input that I will solicit during the class before the optional session. Second, we will discuss examination rules and procedures and how to approach the final exam. Third, we will review answers to exam questions administered in prior years, which I will distribute in advance

**Optional Review/
Discussion Sessions
(cont.)**

of the optional session. Everyone in the class is invited and encouraged to attend these optional sessions, but attendance will not be required or monitored.

Office Hours

I have an open door policy. Please feel free to stop by my office (Room 321) with your questions or just to chat whenever convenient. (If you come at a time that is inconvenient for me, I'll let you know and we can pick a mutually convenient time to meet.) If you would prefer, you may e-mail or call me to schedule an appointment.

Syllabus

A tentative syllabus is attached. Specific assignments will be announced at the end of each class for the upcoming class. If I need to make adjustments to the syllabus (as I often do toward the end of the semester), I will announce those changes in class and/or via e-mail.

Required Books

Four books are required for the course:

1. RICHARD L. MARCUS, MARTIN H. REDISH & EDWARD F. SHERMAN, CIVIL PROCEDURE: A MODERN APPROACH (updated 4th ed. 2008) (the "Casebook")
2. JOSEPH W. GLANNON, CIVIL PROCEDURE: EXAMPLES AND EXPLANATIONS (6th ed. 2008) ("GLANNON")
3. Any current (2008-09) edition of the Federal Rules of Civil Procedure
4. RHONDA WASSERMAN, SUPPLEMENTARY MATERIALS FOR CIVIL PROCEDURE (Spring 2009) (the "Wass. Supp.")

Reference Books

Several additional books may be helpful as you explore the covered material, but they are not required:

1. CIVIL PROCEDURE STORIES (Kevin M. Clermont ed., 2d ed. 2008) ("CLERMONT") – on reserve
2. JACK H. FRIEDENTHAL, MARY KAY KANE & ARTHUR R. MILLER, CIVIL PROCEDURE (4th ed. 2005) – on reserve
3. JOSEPH W. GLANNON, THE GLANNON GUIDE TO CIVIL PROCEDURE (2003) ("GLANNON GUIDE") – on reserve

**Reference Books
(cont.)**

4. FLEMING JAMES, JR., GEOFFREY C. HAZARD, JR. & JOHN LEUBSDORF, CIVIL PROCEDURE (5th ed. 2001) – on reserve
5. JAMES W. MOORE, MOORE’S FEDERAL PRACTICE (multi-volume set) – in stacks
6. ROGER C. PARK & DOUGLAS D. MCFARLAND, COMPUTER-AIDED EXERCISES ON CIVIL PROCEDURE (5th ed. 2004) (“PARK & MCFARLAND”) – on reserve
7. CHARLES ALAN WRIGHT & MARY KAY KANE, LAW OF FEDERAL COURTS (6th ed. 2001) – on reserve
8. CHARLES ALAN WRIGHT & ARTHUR R. MILLER, FEDERAL PRACTICE AND PROCEDURE (multi-volume set) – in stacks

Litigation Papers

GLANNON contains a full set of litigation papers (e.g., complaint, answer) with accompanying explanatory text. Portions of this material will be assigned as required reading.

Computer Exercises

During the course of the semester, you will be encouraged to complete several computer exercises distributed by the Center for Computer-Assisted Legal Instruction (“CALI”). The PARK & MCFARLAND book contains background reading necessary to complete these exercises. (Several copies of PARK & MCFARLAND have been placed on reserve.) You may complete the exercises in the law school’s computer laboratory or on a home computer. To access the exercises, either borrow a CALI CD from the library or visit the CALI website at www2.cali.org. To log on for the first time, you’ll need to enter the Pitt authorization code: **[deleted from web]**. None of these computer exercises is required.

Practice Exercises

In addition to the background reading for the computer exercises, PARK & MCFARLAND contains sets of questions and answers on material we will cover this semester. These practice exercises may be completed without the use of a computer. GLANNON and the GLANNON GUIDE also contain sets of practice problems, with answers, on material we will cover. (Several copies of the GLANNON GUIDE have been placed on reserve.) None of these practice exercises is required.

Web Page

I have created a web page for the course, which contains a course description; course information and requirements; the syllabus; links to my e-mail and to my home page; copies of exams administered in prior years; and the PowerPoint slides used in class. The address is:

<http://faculty.law.pitt.edu/wasserman/civpro.htm>

Exam and Final Grade

The grade you receive on the final examination, to be administered on Monday, May 11, 2009, will be your grade for the course. The final exam will be three and one half hours long, with one hour of multiple choice questions and two hours of essay questions (and an extra half hour to read through the exam before you begin writing).

Disabilities Requiring Accommodations

Students with disabilities who require special testing or other accommodations should notify Dean Kevin Deasy in the Office of Student Affairs in the School of Law as early in the semester as possible. Dean Deasy will refer you to the Office of Disability Resources and Services (“DRS”), 216 William Pitt Union, (412) 648-7890, which will verify your disability and determine the accommodations to be provided. Dean Deasy will assist you with notifying professors regarding classroom accommodations, if any. Due to the School’s anonymous grading policy, students should **not** discuss exam accommodations with professors. Dean Deasy and the Registrar, Beth Liberatore, will ensure that testing accommodations are provided through the DRS.