

LEGAL PROCESS § B
COURSE INFORMATION AND REQUIREMENTS

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Fall 2009
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Course Description

Legal Process is a required first-year course that addresses both the value of procedural protections and the limits on judicial power. These protections and limits derive from the federal Constitution, federal and state statutes, and the Federal Rules of Civil Procedure. Specific topics covered in the course include personal jurisdiction, notice and the opportunity to be heard, subject matter jurisdiction, venue, and federalism-based limits on the choice of law in federal court (the “*Erie* doctrine”). For example, the federal Constitution limits a court’s power to enter orders affecting persons who have little or no contact with a particular geographic area. In addition, the Constitution and federal statutes define the types of cases or controversies that federal courts can hear. Although these topics require attention to highly complex and detailed legal doctrine, at a meta-level, they involve larger theoretical issues of the power and the very legitimacy of courts and the law that they apply. Just as important as the legal doctrine and theory that you will study are the skills that you will develop, including legal analysis and argumentation and the ability to think deeply and critically about how the law develops and changes.

Credit Hours and Meeting Times

This is a three-credit course that meets twice a week: on Mondays and Tuesdays, 10:30 - 11:45 a.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 regularly-scheduled 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 Cancellation & Make-up Class

Class will be cancelled on Monday, September 28, 2009 (Yom Kippur).

A make-up class has tentatively been scheduled on Thursday, October 1, from 9:00 - 10:15 a.m. in Room 111.

**Optional Review/
Discussion Sessions**

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

Thursday, September 10, 9:00 - 10:15 a.m., in Room 111

Thursday, October 8, 9:00 - 10:15 a.m., in Room 111

Thursday, October 29, 9:00 - 10:15 a.m., in Room 111

Thursday, November 19, 9:00 - 10:15 a.m., in Room 111

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 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 email 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

1. RICHARD L. MARCUS, MARTIN H. REDISH & EDWARD F. SHERMAN, CIVIL PROCEDURE: A MODERN APPROACH (5th ed. 2009) (the "Casebook")
2. DANIEL J. MEADOR, AMERICAN COURTS (2d ed. 2000) ("MEADOR")
3. FEDERAL RULES OF CIVIL PROCEDURE (2009-10 Educational edition)
4. RHONDA WASSERMAN, SUPPLEMENTARY MATERIALS FOR LEGAL PROCESS (Fall 2009) (the "Wass. Supp.")

Reference Books

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, CIVIL PROCEDURE: EXAMPLES AND EXPLANATIONS (6th ed. 2008) (“GLANNON”) — on reserve
4. JOSEPH W. GLANNON, THE GLANNON GUIDE TO CIVIL PROCEDURE (2d ed. 2009) (“GLANNON GUIDE”) — on reserve
5. FLEMING JAMES, JR., GEOFFREY C. HAZARD, JR. & JOHN LEUBSDORF, CIVIL PROCEDURE (5th ed. 2001) — on reserve
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. 2002) — on reserve
8. CHARLES ALAN WRIGHT & ARTHUR R. MILLER, FEDERAL PRACTICE AND PROCEDURE (multi-volume set) — in stacks

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 these 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 Internet; see Susanna Leers in the library for the code]**. 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 can 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 GLANNON and 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 the 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/legalpro.htm>

Exam and Final Grade

The final exam will be administered on Monday, December 14, 2009. It 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). The grade you receive on the final exam will be your grade for the course.

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 Law School’s Registrar, Beth Liberatore, will ensure that testing accommodations are provided through the DRS.