

Syllabus
Civil Procedure – Fall 2022 (live)
3 Credit Hours

CONTACT INFORMATION:

Charles C. Lemley
clemley@gmu.edu

Goals and Learning Objectives

- Combine and integrate case study with rules and class lessons in order to evaluate how procedural rules and law apply in real-world civil litigation scenarios.
- Evaluate and contrast federal and state courts in the U.S., including the constitutional and legal structure of federal courts, how the jurisdiction of federal courts differs from and interrelates with state court jurisdiction, and how the differences between federal and state courts might impact litigation strategy.
- Assess process and procedure in U.S. courts sufficient to apply existing legal knowledge and analytical skills to formulate problem-solving strategies for clients with needs related to litigation in U.S. courts.
- Analyze, contrast, and compare the purpose, benefits, and downsides of various pre-trial and post-trial motions in federal court and evaluate circumstances in which motions may provide a strategic advantage for clients.
- Analyze the interplay and assess distinctions between procedure and substantive law in U.S. courts, including the ways in which procedure affects substance.

Blackboard Login Instructions

Access to [MyMason](#) and GMU email are required to participate successfully in this course. Please make sure to update your computer and prepare yourself to begin using the online format BEFORE the first day of class. Check [the IT Support Center](#) website. Navigate to [the Student Support page](#) for help and information about Blackboard. In the menu bar to the left you will find all the tools you need to become familiar with for this course. Take time to learn each. Make sure you run a system check a few days before class. Become familiar with the attributes of Blackboard and online learning.

Software: Many courses use Blackboard as the learning management system. You will need a browser and operating system that are listed compatible or certified with the Blackboard version available on the [myMason Portal](#). See [supported browsers and operating systems](#). Log in to [myMason](#) to access your registered courses. Some courses may use other learning management systems. Check the syllabus or contact the instructor for details. Online courses typically use [Acrobat Reader](#), [Flash](#), [Java](#), and [Windows Media Player](#), [QuickTime](#) and/or [Real Media Player](#). Your computer should be capable of running current versions of those applications. Also, make sure your computer is protected from viruses by downloading the latest version of Symantec Endpoint Protection/Anti-Virus software for free [here](#).

Students owning Macs or Linux should be aware that some courses may use software that only runs on Windows. You can set up a Mac computer with Boot Camp or virtualization software so Windows will also run on it. Watch [this video](#) about using Windows on a Mac. Computers running Linux can also be configured with virtualization software or configured to dual boot with Windows.

Note: If you are using an employer-provided computer or corporate office for class attendance, please verify with your systems administrators that you will be able to install the necessary applications and that system or corporate firewalls do not block access to any sites or media types.

Required Materials

Glannon/ Perlman/ Raven-Hansen, *Civil Procedure: A Coursebook* (4th ed. 2021)
 Glannon, *Civil Procedure: Examples & Explanations* (8th ed. 2018)
 Supplemental materials posted on Blackboard (as noted in the Syllabus or by announcement)

Assigned Reading

The assigned textbook is excellent, as is the *Examples & Explanations* book that is also assigned. The column labeled “READINGS” provides page numbers in the textbook, while the “EXAMPLES” column refers to *Examples & Explanations*. Pay attention to the assignments – I have cut out sections of the textbook that provide historical background information that is not particularly helpful for our purposes, and while it won’t hurt to read those sections, your time might be better spent on other activities. As for the examples, in some instances I have noted only the applicable chapter, while in others, I have identified specific examples that might be particularly on point. In either case, I encourage you to read as much of the noted chapters and to work as many of the examples as you have time to do – they are quite helpful.

Exams and grading

Course grades will be based on a final exam consisting of 30 multiple choice questions. All questions will be similar in format to the Multistate Bar Exam – the Glannon Examples and Explanations will be quite helpful both in learning the material and in preparing for the exam, and we will go over several examples and sample questions from various sources over the course of the semester. There are no other graded assignments – the final grade will be made up of the grade on the final exam.

Classes	TOPICS	READINGS	EXAMPLES
August 22 – August 29	1. Introduction to civil procedure in U.S. courts		

Introduction to Civil Procedure and Diversity Jurisdiction	<ul style="list-style-type: none"> A. Introduction to American Courts B. A Description of the Process of a Civil Case <ul style="list-style-type: none"> 2. Federal court jurisdiction – diversity of citizenship <ul style="list-style-type: none"> A. Diversity in cases between individuals B. The complete diversity rule C. Citizenship of corporations D. Amount in controversy E. Comparing statutory and constitutional scope of diversity jurisdiction 	Chapter 1 (skim) Chapter 2 (skim) 43-54 54-61 61-74 74-84 84-90	 Ch. 5, 1-7 Ch. 5, 8-11 Ch. 5, 12-13
August 29 & Sept. 12 Federal Question Jurisdiction, Removal, and Supplemental Jurisdiction NOTE MONDAY, SEPT. 5 IS A HOLIDAY – NO CLASS	<ul style="list-style-type: none"> 1. Federal court jurisdiction – federal question jurisdiction <ul style="list-style-type: none"> A. The well-pleaded complaint rule B. Supreme Court jurisdiction over cases arising under federal law 2. Removal 3. Supplemental Jurisdiction in Federal Courts 	91-108 123-25 127-46 711-48	Ch. 4, 2-3, 5-6 Ch. 7, 1-21 Ch. 16, pp. 319-21
Sept. 19 & Sept. 26 Personal Jurisdiction	<ul style="list-style-type: none"> 1. Personal Jurisdiction <ul style="list-style-type: none"> A. The current principle of personal jurisdiction – <i>International Shoe</i> 2. Specific in personam jurisdiction <ul style="list-style-type: none"> A. Application of Minimum Contacts Theory to Product Sales: <i>World-Wide Volkswagen</i> B. Contract and Stream-of-Commerce cases C. <i>Ford Motor Co. v. Montana Eighth Judicial Circuit Court</i> (Blackboard) D. Specific Jurisdiction: Summary of Basic Principles 3. General In Personal Jurisdiction 4. Long-Arm Statutes 	164-77 184-200 200-16 249-50 251-70 309-17; 324-27	Ch. 1, 1-3 Ch. 1, 4-6 Ch. 1, 10-16 Ch. 2, 1-3, 5-6, 12

<p>Oct. 3 & Oct. 11 Service of Process and Venue NOTE HOLIDAY ON MONDAY, OCT. 10 – CLASS WILL BE HELD ON TUESDAY, OCT. 11</p>	<ol style="list-style-type: none"> 1. Notice and Service of Process 2. Basic Venue <ol style="list-style-type: none"> A. Introduction to Venue B. The General Federal Venue Statute: Terms and Provisions 3. Challenges to Venue: Transfers and Dismissals <ol style="list-style-type: none"> A. Introduction and Statutory Transfers and Dismissals B. Other Dismissals and Transfers 	<p>343-68</p> <p>369-72 372-86</p> <p>387-98</p> <p>398-420</p>	<p>Ch. 18</p> <p>Ch. 8</p>
<p>Oct. 17 & 24 Pleadings and Responses</p>	<ol style="list-style-type: none"> 1. Basic Pleading – <i>Twombly</i> and <i>Iqbal</i> 2. Responding to the Complaint –Rule 12 Motion Practice 3. Answers and Further Pleading 4. Care and Candor in Pleading 5. Amending Pleadings 	<p>456-76 488-505</p> <p>505-519 529-52 553-67; 583-97</p>	<p>Ch. 19; Ch. 23, 1-8</p> <p>Ch. 33</p> <p>Ch. 20</p>
<p>Oct. 31 & Nov. 7 Parties and Law</p>	<ol style="list-style-type: none"> 1. Joinder of Claims and Parties 2. Class Actions 3. State Law in Federal Courts: The Erie Doctrine 4. Claim Preclusion 5. Issue Preclusion 	<p>601-74 675-700 871-910</p> <p>1189-1205; 1215-22</p> <p>1223-30</p>	<p>Ch. 13-15</p> <p>Ch. 10, 1-5 (post-<i>Erie</i> only), 6-10</p> <p>Ch. 26</p> <p>Ch. 28</p>
<p>Nov. 14 & Nov. 21 Discovery through Appeal NOTE CLASS ON TUESDAY DUE TO HOLIDAY ON MONDAY</p>	<ol style="list-style-type: none"> 1. The Scope of Discovery 2. Discovery Tools 3. Discovery Control and Abuse 4. Dispositions Without Trial – Including Summary Judgment 5. Judgment as a Matter of Law and New Trial 6. Appeals 	<p>760-93 799-848 (do NOT need to read cases) 849-70</p> <p>980-1005</p> <p>1053-58; 1109-27 1155-88</p>	<p>Ch. 21</p> <p>Ch. 23</p> <p>FINAL EXAM: Dec 1 6:00P or TBD</p>

Course Policies

Instructor-Student Communication: I am happy to respond to emails or to questions posted on Blackboard – don't hesitate to reach out with any questions. If you have questions about the subject matter of the course that might be helpful to others, feel free to raise them in class or on Blackboard where others can see the question and response.

University Policies and Resources

- a. Academic Honesty: You are expected to be familiar with and abide by the University's Honor Code. The Code can be found [here](#). It is your responsibility to see me if you have questions about these policies. George Mason University has an honor code that states the following:

To promote a stronger sense of mutual responsibility, respect, trust, and fairness among all members of the George Mason University community and with the desire for greater academic and personal achievement, we, the student members of the University Community have set forth this:

- b. Students must follow the university policy for [Responsible Use of Computing](#)
- c. Student services: The University provides range of services to help you succeed academically and you should make use of these if you think they could benefit you. I also invite you to speak to me (the earlier the better).
- d. Students are responsible for the content of university communications sent to their George Mason University email account and are required to activate their account and check it regularly. All communication from the university, college, school, and program will be sent to students solely through their Mason email account.
- e. [The George Mason University Counseling and Psychological Services \(CAPS\)](#) staff consists of professional counseling and clinical psychologists, social workers, and counselors who offer a wide range of services (e.g., individual and group counseling, workshops and outreach programs) to enhance students' personal experience and academic performance. Counseling Center: Student Union I, Room 364, 703-993-2380.
- f. Students with disabilities who seek accommodations in a course must be registered with the [George Mason University Office of Disability Services \(ODS\)](#) and inform their instructor, in writing, at the beginning of the semester. All academic accommodations must be arranged through that office. Please note that accommodations MUST BE MADE BEFORE assignments or exams are due. I cannot adjust your grade after the fact.
- g. Students must follow the university policy stating that all sound emitting devices shall be turned off during class unless otherwise authorized by the instructor.
- h. [The George Mason University Writing Center](#) staff provides a variety of resources and services (e.g., tutoring, workshops, writing guides, handbooks) intended to support students as they work to construct and share knowledge through writing. University Writing Center: Robinson Hall Room A114, 703-993-1200. The writing center includes assistance for students for whom English is a second language.
- i. Diversity: George Mason University promotes a living and learning environment for outstanding growth and productivity among its students, faculty and staff. Through its curriculum, programs, policies, procedures, services and resources, Mason strives to maintain a quality environment for work, study and personal growth.