**University of Baltimore School of Law**

**Spring 2020**

**Course**: Civil Procedure II

Course Number 601

Section 339

**Instructor**: Jill Family

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717-541-3911

Tuesdays 4:30-6:15pm or by appointment

**Days/Time:** Tuesdays and Thursdays 3-4:15pm

**Location:**  Please check the Law School class schedule for the room assignment.

**Course Description**:

This course covers those advanced topics necessary to a complete understanding of the civil litigation process including: personal jurisdiction and venue, federal subject-matter jurisdiction, the substantive law to be applied by the courts (the Erie Doctrine), complex litigation (including joinder of additional claims and parties and class actions) and former adjudication.

**Course Materials:**

**Required Texts:**

Stephen C. Yeazell, Civil Procedure (Tenth Edition)

Federal Rules of Civil Procedure, US Constitution and Selected Federal Statutes

*You need to have access to the current Federal Rules of Civil Procedure. You also will need access to the US Constitution and selected federal statutes that are referenced in the syllabus. If you do not already have a book containing the Federal Rules of Civil Procedure, you may access the rules online:* <https://www.law.cornell.edu/rules/frcp>

**Recommended Study Guide:**

Joseph W. Glannon, Civil Procedure: Examples and Explanations (Aspen Publishers)

**Student Learning Outcomes:**

This semester we will continue study of the rules that govern litigation in the federal courts. We will study personal jurisdiction (judicial power over defendants) and subject matter jurisdiction (the limits of federal judicial power over the subject matter of lawsuits). Joinder will be an additional topic. We will learn when parties may or are obligated to add claims or parties to litigation. We also will explore the Erie Doctrine, which analyzes when state law should apply in federal courts. Finally, we will learn about claim and issue preclusion, which address when litigation is final.

The rules of litigation will come from various sources. We will work with rules from the Federal Rules of Civil Procedure and cases that interpret the Federal Rules of Civil Procedure. We also will analyze parts of the US Constitution and some federal statutes. We will work on synthesizing a rule explanation out of all of these different sources and applying our understanding of the synthesized rule to new factual scenarios. At points during the semester (particularly with personal jurisdiction and the Erie doctrine), we will read a series of cases that will allow us to watch the law evolve. We will learn how to formulate a present-day rule based on the historical progression of the cases.

**Grades:**

There will be a final exam worth 100% of your grade. The final exam will be closed book. No supplement will be provided.

**Course Expectations:**

American Bar Association Standards for Law Schools establish guidelines for the amount of work students should expect to complete for each credit earned. Students should expect approximately one hour of classroom instruction and two hours of out-of-class work per week for each credit earned in a class, or an equivalent amount of work for other academic activities, such as simulations, externships, clinical supervision, co-curricular activities, and other academic work leading to the award of credit hours.

Class participation is expected of all students. To me, class participation is a consistent good faith effort to contribute. Being unprepared for class will harm class discussion and your preparation for the exam. If events out of your control prevent your preparation for a particular class, please inform me before class starts.

**Attendance**:

Class attendance is a primary obligation of each student whose right to continued enrollment in the course and to take the examination is conditioned upon a record of attendance satisfactory to the professor. A student who exceeds the maximum allowed absences (generally 20% of class sessions) as illustrated below may be compelled to withdraw from the course, or may be barred from sitting for the final exam. Students who are forced to withdraw for exceeding the allowed absences may receive a grade of FA (failure due to excessive absence). This policy is consistent with American Bar Association Standards for Law Schools.

|  |  |  |
| --- | --- | --- |
| Regular Semester Hours | | |
| Credit Hours | Meetings Per Week | |
|  | 1 | 2 |
| 2 | 2 absences | 5 absences |
| 3 | 2 absences | 5 absences |
| 4 | -- | 5 absences |

**Course Web Site:**

This course has a TWEN page that links to this syllabus, announcements and other class materials. You are responsible for self-enrolling in the TWEN page and for checking it regularly for course information.

**Computers:**

Students may use laptop computers for class related purposes.

**Class Cancellation:**

If the instructor must cancel a class, notices will be sent to students via email and posted on the classroom door. If there is inclement weather, students should visit the University of Baltimore web site or call the University's Snow Closing Line at (410) 837-4201. If the University is open, students should presume that classes are running on the normal schedule.

**Academic Integrity:**

Students are obligated to refrain from acts that they know or, under the circumstances, have reason to know will impair the academic integrity of the University and/or the School of Law. Violations of academic integrity include, but are not limited to: cheating; plagiarism; misuse of library materials; use of another’s book or study materials without consent; unapproved multiple submissions; material misrepresentation of one’s academic history or standing; misrepresentation of any academic matter; intentionally giving another student false or inaccurate information about class requirements; inappropriate discussion of exams; and misrepresenting or falsifying class attendance reports. The School of Law Honor Code and information about the process is available at <https://law.ubalt.edu/academics/policiesandprocedures/honor_code/index.cfm>.

**Course Evaluations**

It is a requirement of this course that students complete a course evaluation. The evaluation will be available later in the semester and is entirely anonymous. Faculty members will not have access to the feedback provided on course evaluations until after all grades are submitted.

**Title IX Sexual Misconduct and Nondiscrimination Policy:**

The University of Baltimore’s Sexual Misconduct and Nondiscrimination policy is compliant with Federal laws prohibiting discrimination. Title IX requires that faculty, student employees and staff members report to the university any known, learned or rumored incidents of sex discrimination, including sexual harassment, sexual misconduct, stalking on the basis of sex, dating/intimate partner violence or sexual exploitation and/or related experiences or incidents. Policies and procedures related to Title IX and UB’s nondiscrimination policies can be found at: <http://www.ubalt.edu/titleix>.

**Disability Policy:**

If you are a student with a documented disability who requires an accommodation for academic programs, exams, or access to the University’s facilities, please contact the Office of Academic Affairs, at [ublawacadaff@ubalt.edu](mailto:ublawacadaff@ubalt.edu) or (410) 837-4468.

**ASSIGNMENTS**

I will guide you as to how far along in the reading you should be for upcoming classes. The page numbers refer to the casebook. Each assignment from the casebook includes the notes and problems included in the assigned pages unless otherwise indicated. These notes and problems often will form the basis of our class discussions.

1. Introduction and Overview

61-66; U.S. Const. art. III; 28 U.S.C. §§ 1331, 1332

1. Personal Jurisdiction: The Limits of Judicial Power over Defendants  
   1. Origins  
      67-77; U.S. Const. art. IV, § 1; U.S. Const. amend. XIV, § 1  
      Rules 8, 11, 12, 13
   2. Modern Formulation

77-163

* 1. Service of Process

163-177; Rule 4

* 1. Long Arm Statutes, Venue and Forum Non Conveniens: Self-Imposed Restraints on Personal Jurisdiction

177-195; 28 U.S.C. §§ 1391(a)-(d), 1404(a), 1406(a) and 1631

* 1. Assessment Review  
     199-203

1. Subject Matter Jurisdiction: The Limits of Federal Judicial Power over the Subject Matter  
   1. Background

205-208

U.S. Const. art. III, §§ 1, 2

* 1. Federal Question Jurisdiction  
     209-216; 28 U.S.C. § 1331; Rule 12   
     (Skip note 6 and Implications box)
  2. Diversity Jurisdiction

218-225; 229-232; 28 U.S.C. § 1332

* 1. Supplemental Jurisdiction

232-240; 28 U.S.C. § 1367

* 1. Removal

241-249; 28 U.S.C. §§ 1441(a)-(b), 1446 and 1447 (skip problem 2(i) on page 242)

* 1. Assessment Review

249-253

1. The Erie Doctrine: State Law in Federal Courts

255-287; 28 U.S.C. § 1652

1. Joinder: Additional Claims and Parties
2. Joinder of Claims  
   777-88   
   Rules 13, 18(a)
3. Joinder of Parties by Plaintiffs  
   788-94 (skip notes and problems 3(b) and 6)  
   Rule 20
4. Joinder of Parties by Defendants  
   794-801 (skip problem 2 on page 797)   
   Rule 14(a)-(b)
5. Compulsory Joinder of Parties  
   802-06   
   Rule 19
6. Intervention

812-818 (skip problem 3 on page 818)

Rule 24

1. Class Actions  
   829-30, 850-67 (skip notes 1-2 on pages 854)  
   Rule 23(a)-(b)
2. Assessment Review

883-87

1. Former Adjudication: The Meaning of Completed Adjudication
   1. Claim Preclusion

703-712; 720; 729-732

Rule 41(b)

* 1. Issue Preclusion  
     735-755 (skip problems on page 742-743)