

LOYOLA UNIVERSITY SCHOOL OF LAW

SYLLABUS CIVIL PROCEDURE FALL TERM 2008

PROFESSOR KAUFMAN
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REQUIRED TEXTS

Friedenthal, Miller et al., Civil Procedure, Cases and Materials (2008 Revised Ninth Edition) and 2008 Civil Procedure Supplement.

ASSIGNMENTS

<u>WEEK</u>	<u>SUBJECTS</u>	<u>ASSIGNED MATERIALS</u>
1	THE ADVERSARY SYSTEM AND ITS LIMITS: INITIATING AND MAINTAINING A CIVIL ACTION	Text, pages 1-21; Supplement, Federal Rules of Civil Procedure 1, 11, 12.
2-3	PLEADINGS	Text, 513-514; 520-537; 544-547; 558- 564; Federal Rules 8, 9, 12, 15.
3-5	SUBJECT MATTER JURISDICTION <ul style="list-style-type: none">• State Courts• Federal Courts• Arising Under• Diversity• Supplemental, Joinder Rules, Amendment Rules and Statutory Exceptions• Removal	Text, 22-23; 272-278; 283-292; 251-258; 270-272; 299-319; Supplement, U.S. Const.; 28 U.S.C. §§1331; 1332; 1335; 1367; 1441. Federal Rules of Civil Procedure 13, 14, 15, 18, 19, 20, 22, 23, 24.
6-7	THE <u>ERIE</u> CHOICE OF LAW QUESTION MID-TERM PRACTICE EXAM	Text, 376-391; 394-397; 400-405
7-9	PERSONAL JURISDICTION <ul style="list-style-type: none">• Traditional Bases• Constitutionality	Text, 63-69; 76-81; 82-90; 94-102; 108- 115; 117-123; 140-141; 146-152; 159- 168.

10	NOTICE, OPPORTUNITY TO BE HEARD AND VENUE <ul style="list-style-type: none"> • Service of Process • Constitutional Protections 	Text, 183-189; 222-230; 720-723; Supplement, Federal Rule of Civil Procedure 4; 28 U.S.C. §1391; 28 U.S.C. §1404.
11-12	DISCOVERY	Text, 815-820; 831-847; Fed. Rule 16, 26, 30, 33, 34, 35, 36.
13	SUMMARY JUDGMENT	Text, 901-913; Rule 56
14	JURY TRIALS AND RELATED MOTIONS	Text, 944-947; 7 th Amend.; Fed. Rules 38, 50, 59.
14	FINALITY AND APPELLATE REVIEW	Text, 1202-1207. Supplement, 28 U.S.C. §§1291, 1292.

EXAMINATIONS AND GRADING

There will be a mid-term practice exam covering the material through subject matter jurisdiction. The practice exam will be reviewed with students, but its results will have no role in determining the final grade.

The final grade will be based upon one, three-hour final examination. The final examination will be entirely “open book”; students may bring to the exam any textual materials they wish. Students may choose to write the exam by hand or by laptop computer in accordance with the Law School’s exam procedures. Although class participation generally is not considered in determining a final grade, I have in rare circumstances raised grades slightly for exceptionally good class participation.

OFFICE HOURS

I am virtually always available to students in my office in Room 1481 in 25 East Pearson. Please feel free to stop by anytime, or make an appointment.

CLASS SCHEDULE

The class meets on Mondays and Wednesdays from 10:00 - 12:00 in Room 240 in McGuire Hall, One East Pearson, on the corner of State and Pearson.