

CIVIL PROCEDURE II/SPRING 2010
Georgia State University College of Law
Professor Sobelson

Course website at: <http://www.lexisnexis.com/lawschool/webcourses/>

Required Texts

1. Yeazell, Civil Procedure (7th Ed.)
2. Federal Rules of Civil Procedure Supplement (including statutory materials) (latest supplement, including the most recent changes to the FRCP)

Resource Materials Students Generally Consider Very Helpful

1. Civil Procedure Essentials, Sherry and Tidmarsh (Wolters Kluwers)(highly recommended)
2. Introduction to Civil Procedure, Freer (Aspen)
3. The Glannon Guide to Civil Procedure or Civil Procedure: Examples and Explanations, Glannon (latest edition)

SYLLABUS

This spring we will build on last semester's jurisprudential foundations and explore some of the more practical aspects of the litigation process and rules, such as pleading, discovery, joinder of parties and claims, jury and non-jury trials, appeals, and principles of finality. The text readings are about 400-500 pages in length, and we will probably cover an average of about 35 pages per week. I will occasionally supplement the course readings by posting cases and such materials on my course website, for which you must individually register (see site url above).

In the first class, we will discuss the Twombly and Iqbal decisions from the Supreme Court, both of which may portend a third revolution in our pleading system. Thereafter, we will cover most of the text in order, with the following exceptions. We will first cover the chapter on **Pleading**, then skip to the chapter **Joinder of Claims and Parties**. We will skip the materials therein on **Class Actions**, with the possibility that we will cover them later in the semester. After **Joinder**, we will go back to the chapter on **Discovery** and follow it and the ensuing chapters in order. Depending upon our pace, we may skip parts of the materials on jury trials, controlling juries and/or appeals. Just as in the Fall, I'll keep you current with weekly assignment postings on the website.

In addition to the casebook, we will again be using the supplement, which contains the latest version of the Federal Rules of Civil Procedure, as well as various statutory and constitutional materials. It is critical that you read and study the rules and statutes very carefully in conjunction with your study of the materials in the casebook. I will also occasionally supplement these materials with extra readings on the website. I'll give you plenty of notice to read them.

MISCELLANEOUS INFORMATION

1. **Office Hours:** Walk-ins or by appointment. Room 417. Telephone, 404-413-9044; Fax, 404-413-9255; email, rsobelson@gsu.edu. My secretary Bernitta Harris's office number is 419, and it's next to mine (417) on the fourth floor of the College of Law. Her email is bharris@gsu.edu and her phone is 404-413-9044. If you need me and cannot reach me, feel free to contact Bernitta.

2. **Final Exam:** 3-4 hour examination. The exam will be open book, meaning you may use **your own Yeazell textbook and your own unannotated rules/statute supplement only**. You may not use any other materials, commercially available or otherwise. As was the case last semester, by "unannotated" I refer only to author/editor annotations. You're free to annotate your books by writing anything you wish in them.

Judging by recent experience, you can expect the exam to be a mix of objective (multiple choice and the like) and subjective (essays, short or long) formats. If I decide to vary the format substantially from this description, I will let you know.

3. **Course Grade:** Your grade for this semester will not be affected by your Fall semester grade at all. Each grade stands on its own. The final class average must conform with the College of Law policy on mandated means in first year required classes (2.9-3.1).

4. **Make-Up Exam Policy:** Normally, exam make-ups must be arranged through the Office of the Associate Dean for Student Affairs. This procedure is used to protect your anonymity in the exam process. Since I am that Associate Dean, however, you will have to consult with the Associate Dean for Student Affairs, Kelly Timmons. If you have a legitimate excuse (such as illness) for delaying the exam, contact Dean Timmons immediately, **before the exam if at all possible**. We cannot do anything after you've taken an exam to deal with emergencies or other issues that you think may have affected your exam.

5. **Attendance: Required.** Students who miss more than 4 classes (regardless of the reason(s) for the absences) may be excluded from the course, denied the right to take the final exam, or have their final grade reduced as a consequence of such excessive absences. Please note that the purpose of this requirement is not to punish you or to treat you like a child. The primary purpose is to allow me to say in good faith that you have "taken" the course by coming to class, listening to lectures and discussions, and participating along with your colleagues. All of this is beneficial to you, of course, but it also benefits your classmates and me.

6. **Website discussion list:** I will use the course website (see <http://www.lexis-nexis.com/lawschool/webcourses/>) to post any assignments, announcements, and other important course materials. Any materials posted there are deemed accessible to all persons in this class. You are charged with knowledge of anything on the website.

The Discussion Board part of the website is particularly helpful. There, you can post questions, comments and concerns relating to the class or the materials we study. During exam preparation time, it is a way of asking questions of me. In fact, it is the only vehicle through which I will answer questions in the few days leading up to the exam. This way ,all hear the same questions and get the same answers.