

CIVIL PROCEDURE I/FALL 2008 (M, W, 9:00-10:15 a.m.)
Professor and Associate Dean for Academic Affairs, Roy M. Sobelson
Georgia State University College of Law

Required Texts

1. Civil Procedure, Yeazell (7th edition, Aspen/Wolters Kluwer)
2. Federal Rules of Civil Procedure with Selected Statutes and Other Materials (2008) (Aspen/Wolters Kluwer) or any other current ***unannotated***¹ version of the Federal Rules of Civil Procedure)

Highly Recommended Supplemental Text

1. Civil Procedure Essentials, Sherry and Tidmarsh (Aspen/Wolters Kluwer)

Optional Resource Materials that students generally find helpful

1. Introduction to Civil Procedure, Freer (Aspen)
2. The Glannon Guide to Civil Procedure or Civil Procedure: Examples and Explanations, Glannon (Aspen)

SYLLABUS

For most of the Fall, we will concentrate on the more conceptual aspects of Civil Procedure by studying the statutory and constitutional principles affecting the court selection process, jurisdiction, venue, and the relationship between our federal and state judicial systems. In Civil Procedure II in the Spring, we will build upon these foundations and explore some of the more practical aspects of the litigation process and rules such as pleading, joinder of claims and parties, discovery, motion practice, jury and non-jury trials, preclusion doctrines, appeals, etc.

In the first two classes of the Fall semester, we'll do a bit of an overview of the nature of Civil Procedure I and the study thereof, covering pp. 1-25 in the text. At the same time, I strongly recommend you read Chapter 2 ("The Adversarial System") in Sherry and Tidmarsh's supplement, Civil Procedure Essentials. This book will provide you with some historical, political and sociological background for the materials we'll be studying all year. In fact, while I will not make formal assignments from the book, I recommend that you begin each subject area we study by reading the corresponding area in Civil Procedure Essentials. I think you'll find it enlightening, and I invite you to share your thoughts about this book with me throughout the year.

In the remaining thirteen weeks of the semester, we'll cover the rest of Part A of the text book; i.e., through page 255. That's an average of about 18 pages per week. That doesn't

¹ Welcome to your first official footnote in law school. Get used to it! All versions of the Federal Rules are pretty much the same, with the exception of those versions that are "annotated," meaning they contain explanatory notes and case excerpts after each rule. Our exam will be "open book," meaning you may use your text book and rule book, but you will NOT be allowed to use an annotated version of the rules. That being the case, I suggest you not purchase an annotated version now, as you will likely want to make your own annotations in your personal copy throughout the semester. That's perfectly acceptable.

sound like much, but the short reading assignments often include a lot of very dense and somewhat abstract material. Do not make the mistake of reading the materials as you would read a novel. Read each case and its notes several times, and brief each case yourself. You will learn a lot from that process, and there is simply no substitute for slogging through it yourself for a while. After a couple of days of class, you'll see what I mean.

It is possible we will cover a bit of Part B of the text this semester. That all depends on how quickly we move through Part A, something that is very hard for me to predict. Different classes' absorption rates vary over the years, and major developments in the field can slow us down a bit, too. Whatever we choose to do, I'll give you plenty of advance notice.

To make things a bit easier, I will weekly post on my LexisNexis course website (see below) the assignment for the following week. Each week, I will teach our classes and call on students, beginning with the assumption that everyone has read the entire assignment and made a good faith effort to understand the materials.

In addition to the casebook, we will be using a Rules Supplement that contains the Federal Rules of Civil Procedure (*aka* FRCP's) and some statutory and constitutional materials. I may also occasionally assign a case or other material that I've posted on the website.

MISCELLANEOUS INFORMATION

1. **Class Attendance:** The American Bar Association accreditation rules require "regular and punctual class attendance" of all law students. I take that requirement seriously, as should you. If you miss more than 4 classes (regardless of the reason(s), as I do not distinguish between "excused" and "unexcused" absences) I reserve the right to exclude you from the course, deny you the right to take the final exam, reduce your final grade, or take any other appropriate actions, in my discretion. I may also count you absent if you are in class, but you: (i) arrive late; (ii) leave early; (iii) are unprepared when called upon in class; or (iv) are engaged in activities in class which are inappropriate for a professional school setting.

2. **Laptops and other classroom annoyances:** Laptops and their electronic equivalents may not be used in class. Of course, this policy does not apply to anyone who must use such a device as an accommodation for a documented disability, nor does it apply to review sessions and/or exams. Students must also turn off their cellphones or other electronic devices and remove their hats during class. If you need to leave your phone or device on in case of an emergency, please notify me in advance.

3. **Office Hours:** I'm in Office 417. My phone is 404-413-9044, and my email is rsobelson@gsu.edu. Feel free to contact me, drop by, or make an appointment to see me at a mutually convenient time and location. Probably the best way to contact me is via email.

4. **Exams and grades:** The Fall semester exam will be open book, meaning you may use your own text book, any Powerpoints I use in class, any cases or other materials I've put on the website, your own unannotated supplement and any notes or outlines you have prepared on your own. You may not use any commercially available materials. Your grade will be based entirely on your final examination, except in the event that it is reduced for violating class attendance rules.

In this class, like your other two-semester first year classes, you will actually earn one final grade for the entire year, worth 6 hours of credit. This grade will be determined by considering both your Fall grade (which the university calls an "In Progress" grade or "IP") and your Spring grade. In this class, and in most other two-semester courses, the Fall and Spring grades will be weighted equally, 50/50. Your transcript at the end of the year will only reflect this average grade. Thus, if you make an 80 in the Fall and an 86 in the Spring, your transcript will show two separate three-hour grades of 83 each.

The College of Law has strict mandatory means for all required classes. As of now, the mean for Civil Procedure must be between 77.5 and 79.0. This mandatory mean applies both to individual semester grades and the yearly grade. The College does not have any mandatory medians or distributions.

5. **Makeup Exam Policy:** All substantive 1L class exams are graded anonymously. In order to preserve anonymity, makeup exams must generally be arranged by the Associate Dean or the College of Law Registrar. Since I am the Associate Dean, please speak with Dean Timmons, Associate Dean for Student Affairs, if you have a question about rescheduling an exam in this class.

6. **Course website:** Go to www.lexis-nexis.com/lawschool/webcourses to find my course website. In order to access the site, you must register online, using your personal Lexis password, which will be issued during Orientation or shortly thereafter. The site includes cases, statutes, Powerpoints, newspaper clippings and other materials I'll describe in class. It also has a discussion list, on which you may share thoughts with the class and me. You are responsible for the content of any postings on the site.