**SYLLABUS**

**Course Objectives:**

First, this class seeks to provide a quick overview of the civil litigation process and to introduce basic vocabulary for understanding the procedural status of the cases you will study in this and other classes. A second objective is to learn the process of statutory interpretation and application. A third objective is to master the basic principles of civil litigation: pleading (complaints, amendments, and answers), motions to dismiss, discovery, summary judgment, default judgments, voluntary and involuntary dismissals, judgment as a matter of law, new trials, claim preclusion, issue preclusion, requirements of notice, personal jurisdiction, subject matter jurisdiction (including supplemental jurisdiction), choice of law in federal courts (Erie), and joinder of claims and parties. A further objective is to consider the policy decisions underlying the rules of procedure and to appreciate the essential role of professional ethics in the litigation process.

You will be assessed by a final examination. The examination will be closed book. You will, however, be provided a clean copy of the Federal Rules of Civil Procedure with the examination for your use. There will be a practice exam during the semester.

**Assigned Reading:**


In addition, I recommend that you consider purchasing Glannon, *Civil Procedure, Examples and Explanations* (7th ed. 2013). Its discussion of civil procedure doctrine is concise and its question and answer format is very useful both in preparing for class and for the final examination. I have indicated the relevant portions of the Glannon book in brackets throughout this syllabus for your assistance.

References to "FR" are to the Federal Rules of Civil Procedure which are contained in the Supplement. Please bring your copy of the Federal Rules with you to class regularly. This version of the Federal Rules came into effect on December 1, 2007. While the 2007 changes altered both the language and appearance of many of the rules, these changes to the Federal Rules were not intended to be substantive; they were intended to make stylistic changes to improve clarity. Cases decided prior to 2008 may refer to sections that have been renumbered or language that has been altered. Please keep this in mind. See, 2016 Supplement at xi-xiii. References to "ORCP" are to the Oregon Rules of Civil Procedure. I will provide you with a photocopy of the Oregon Rules.
Assignments:

The assignments below are printed in bold type. They roughly correspond to each class session.

I. An Overview of Procedure

1. Text xxv-xxvi, Read Text 1-13; skim U.S. Const. Art III; 28 U.S.C. §§ 41, 132, 133, 1331, 1332(a), (b) and (c) \[not (d)\], and 1333 (You can find the Constitution and these statutes in the Supplement). [Glannon 615-618.]


II. The Process of Litigation

A. Incentives to Litigate

1. Compensatory, Liquidated, Statutory & Punitive Damages

6. Text 295-314; U.S. Const. Amend. XIV and V.

2. Specific Remedies & Provisional Remedies


B. Pleading

1. Stating a Claim

8. Text 367-386(top); FR 7-10; ORCP 12, 13, 14, 16, and 18.


10. Text 403-415; FR 8-9; ORCP 20. [Glannon chap. 31]
2. Ethical Limitations

11. FR 11; ORCP 17; Text 416-428.

3. Responding to the Complaint: Motions, Answers, (Denials and Affirmative Defenses)


13. Text 441-452; FR 8; ORCP 19. [Glannon chap. 33]

4. Amendments


C. From Claim to Judgment

1. Discovery

a. Methods of Discovery: Federal and Oregon

15. and 16. FR 26-37; ORCP 36-46; Text 463-481.

b. Relevance and Privilege

17. FR 26; Text 481-495. [Glannon 409-412, Examples 2-7]

c. Work Product and Expert Witnesses

18. Text 495-508; FR 26(b)(3), (4), and (5); ORCP 36 and 47E. [Glannon 412-417]

d. Ensuring Compliance and Controlling Abuse

19. FR 26(c) and (g), 37; Text 508-522.

2. Avoiding Trial

a. Default Judgments; Involuntary & Voluntary Dismissal

20. Text 527-537; FR 55; FR 41.

b. Summary Judgment
21. FR 56; Text 578-598. [Glannon chap. 23]

3. Professional Control of the Jury: Assuring Rationality
   a. Judgment as a Matter of Law and New Trials
      22. FR 50; Text 633-651. [Glannon chap. 24]
      23. FR 59; Text 651-666. [Glannon chap. 25].

D. Doctrines of Prior Adjudication
   1. Claim Preclusion (Res Judicata)
      25. Text 727-744. [Glannon chap. 27]
   2. Issue Preclusion (Collateral Estoppel)
      26. Text 744-752. [Glannon chap. 28]
      27. Text 753-767. [Glannon chap. 29]

III. Systemic Issues

A. Constitutional Limits on Adjudicatory Power:
   1. Personal Jurisdiction [Glannon Chapters 1 & 3]
      31 and 32. Text 103-132.
      33. Text 132-143.
      34. Text 143-159.
2. Notice

35. Text 160-175; FR 4; ORCP 7. [Glannon chap.18]

3. Long-Arm Statutes [Glannon chap. 2]

4. Venue [Glannon chap. 8]


5. Transfer and Forum non conveniens


B. 1. Subject Matter Jurisdiction

a. Federal Question [Glannon chap. 4]


b. Diversity of Citizenship [Glannon chap. 5]


c. Supplemental Jurisdiction [Glannon chap. 16]


d. Removal [Glannon chapters 7 & 32]


2. The Erie Doctrine [Glannon chapters 10, 11 & 12]

42. Text 255-274.

43. Text 274-291.
IV. Complicating Litigation: Joinder

A. Claims and Counterclaims


B. Joinder of Parties, Jurisdiction, and the Role of Supplemental Jurisdiction


C. Compulsory Joinder

46. FR 17 & 19; Text 812-823.

D. Intervention

47. FR 24; Text 823-835. [Glannon chap. 15]

E. Interpleader