REQUIRED BOOKS

(2) David Crump et al., *2013 Supplement* to the above casebook

GENERAL INFORMATION

Office: Room 358  
Telephone: (205) 348-2866  
E-mail: dbassett@law.ua.edu  
Office Hours: Thursdays, 10:45 a.m.-noon

Course Overview and Objectives

Civil Procedure is a required first-year course providing an overview of the concepts and procedures involved in traditional civil litigation. The material learned in this course is part of the underlying knowledge shared by—and expected of—every attorney in the United States, and will help you regardless of your eventual practice area. The course objectives include: (1) learning to read cases effectively; (2) acquiring substantial knowledge of rules and procedures applicable to civil litigation in the federal courts; (3) learning to think analytically; (4) understanding some of the policy issues and theories underlying procedural law; (5) acquiring a lawyering perspective for procedural issues; and (6) learning beginning concepts of professionalism. Of particular importance is acquiring the ability to go beyond memorization of legal rules and concepts to apply those rules and concepts to new situations—and acquiring the ability to explain the process of application and analysis thoroughly—because this skill is necessary in the practice of law.

Class Attendance and Participation

Class attendance and participation are mandatory. A student may miss class only for good cause as defined in the law school’s policies. I reserve the right to circulate an attendance sheet, regularly or occasionally, to monitor attendance. If you do not initial the attendance sheet, you are considered absent, regardless of the reason for your absence. (Please note: It is a violation of the school’s Honor Code to sign in for
someone else.) The law school’s policies provide that a student who is absent for any reason from more than three class hours per semester credit hour in a course may be dropped from the roll or not allowed to sit for the exam and receive an “F” for the course. If a student’s absences exceed three class hours per semester credit, the Dean, after consulting with the professor, will determine whether the student will be withdrawn without a penalty or not be allowed to sit for the exam and receive an “F” for the course. Students who are tardy or unprepared also will be treated as absent. If the combination of your absences, tardiness, and unpreparedness is approaching the maximum number of permitted absences, you must contact me. The Honor Code provides that “Knowing failure to report having missed more than a certain number of classes to an Instructor who specifically requires all Students to do so constitutes an Honor Code violation.” If you believe that you will need to miss an unusual number of classes, please contact the Dean of Students/Academic Services to discuss your options.

NOTE: You may have an occasion when you have been unable to prepare for class. I would rather have you attend class unprepared than to skip class. Accordingly, each student has three non-transferable passes this semester. If you are unprepared, simply let me know before class and I will not call on you. You need not provide any reason. The pass may not, however, be invoked during class—you must notify me before class begins. If you attempt to invoke your pass during class without notifying me before class begins, you will be treated as unprepared for class and the lack of preparation will count as an absence.

Expectations

(1) Attend all classes (see above).
(2) Arrive shortly before class begins.
(3) Be prepared—carefully read, brief, and think about the assigned readings before class.
(4) Pay close attention during class. The class discussions are, by far, the easiest way to learn the material.
(5) Exhibit respect for everyone in the classroom.

Grading

Subject to the provisions under “Class Attendance and Participation” above, your grade will be determined by your performance on three examinations—two in-class practice exams and a final examination. The two in-class practice exams are pass/fail, are closed book, and are each worth 10%; the final exam is letter-graded, is open book, and is worth 80% of your grade. All three examinations will be part multiple-choice and part essay. The final examination is currently scheduled for Thursday, December 12, at 1:30 p.m.
Disability Policy

If you have a disability that requires accommodation (for classes, exams, or both), please contact the Dean of Students/Academic Services.

Nondiscrimination Policy

The University of Alabama does not discriminate on the basis of genetic information, race, color, religion, national origin, sex, sexual orientation, age, disability or veteran status in admission or access to, or treatment of employment in, its programs and services. As an academic community, our educational mission is enhanced by the robust exchange of ideas that occurs within a diverse and inclusive learning environment, with a diverse student body, faculty, and senior level administrative staff. We are dedicated to the pursuit of personal and academic excellence, to advancing the ideals of individual worth and human dignity, and to maintaining a nurturing and respectful learning environment. Individuals who live, work, teach, and study within this community are expected to contribute positively to the environment and to refrain from behaviors that threaten the freedom or respect that every member of our community deserves.

Electronic and Photographic Devices

Recording, photographing, or any other form of electronically preserving or posting any portion of any class meeting is permitted only with the professor’s advance written permission; doing so without permission is prohibited.

Cellphones, PDAs, and similar devices must be turned off during class. You may not send or receive calls, text messages, instant messages, or the like during class. Anyone whose use of such an electronic device interferes with the classroom learning experience may be asked to leave class and will be considered absent for that day.

Laptops are permitted in class solely for taking class notes. You may not use your laptop for any other purpose during class. Anyone whose laptop use interferes with the classroom learning experience may be asked to leave class and will be considered absent for that day. Laptops must be set up before class begins.

Honor Code

The Honor Code governs your conduct in this class. “The goal of the Honor Code is to ensure that no student gains an unfair advantage in law school over another student and to promote those ideals of honor and integrity that are germane to the practice of law. Pursuant to this goal, all students while enrolled at the University of Alabama School of Law shall refrain from intentionally lying, cheating, stealing, or tolerating such action by another and shall refrain from other reprehensible acts.”
Helpful Hints

(1) When the casebook contains information in a rectangular box, directing you to read a constitutional or statutory provision, you will find the referenced provision(s) in the 2013 Supplement. (See page 14 of the casebook for an example.)

(2) “FRCP” refers to the Federal Rules of Civil Procedure.

(3) The casebook contains a “Summary Problem” near the outset of each chapter. You are not expected to be able to answer the Summary Problem when you first read it. You should return to the Summary Problem after we complete the chapter to test your understanding of the material.

(4) Beware: It will be tempting to read ahead. However, if you are called on, and your response is, “I read that case a long time ago” (and therefore you cannot answer the question because you do not remember), you are unprepared for class.

(5) The reading assignments are short so that you will be able to read each assignment at least twice in preparation for class.

CLASS SESSIONS AND ASSIGNMENTS

The reading assignments for this class are set forth below. Assignments are subject to change or supplementation.

NOTE: ALL READING ASSIGNMENTS ALSO INCLUDE THE RELEVANT PAGES AND PROVISIONS IN THE 2013 CASEBOOK SUPPLEMENT.

August 15: Introduction/Overview
Casebook pages: Skim 1-8

August 20: Subject-Matter Jurisdiction
Casebook pages: 149, bottom of 153-161

August 21: Subject-Matter Jurisdiction (continued)
Arising-Under Jurisdiction
Casebook pages: Middle of 161-164
August 22: Subject-Matter Jurisdiction (continued)
Diversity Jurisdiction

Casebook pages: 14-16, bottom of 166-172

August 27: Subject-Matter Jurisdiction (continued)
Diversity Jurisdiction

Casebook pages: Bottom of 173-176

August 28: Subject-Matter Jurisdiction (continued)
Removal

Statutes: Read §§ 1441, 1446, 1447

August 29: In-Class Subject-Matter Jurisdiction Problems

September 3: Personal Jurisdiction
The “Minimum Contacts” Doctrine, “General” and “Specific” Jurisdiction

Casebook pages: 57 to the middle of 66

September 4: Personal Jurisdiction (continued)
State “Long-Arm” Statutes
Casebook pages: Bottom of 66-73

September 5: Personal Jurisdiction (continued)
Commercial Defendants

Casebook pages: 74 to middle of 84
September 10: Personal Jurisdiction (continued)
Commercial and Non-Commercial Defendants

Casebook pages: 85 to the middle of 94

September 11: Personal Jurisdiction (continued)
Internet Contacts; “Tag” Jurisdiction

Casebook pages: 95 to the middle of 97, middle of 106 to top of 111

September 12: Personal Jurisdiction (continued)
Special Bases for Jurisdiction; Challenging Personal Jurisdiction

Casebook pages: 17-18, 112 (beginning at Note 4), middle of 113, 115 to the middle of 116, middle of 117 to top of 118

September 17: Notice and Service of Process

Casebook pages: 118 to middle of 122, 126 to middle of 129

September 18: Venue
Casebook pages: 131 to middle of 138

September 19: Forum Non Conveniens

Casebook pages: Middle of 138 to 142

September 24: First In-Class Practice Exam
September 25:  Pleadings
The Complaint in Federal Court

Casebook pages:  269-278

September 26:  Pleadings (continued)
Rule 12 Motions, Particularized Pleading, Answers

Casebook pages:  Bottom of 280-286

October 1:  Rule 11, Amendments

Casebook pages:  309 to middle of 312, 313-321

October 2:  Joinder
Counterclaims, Cross-Claims

Casebook pages:  Bottom of 333-337

October 3:  Joinder (continued)
Permissive Joinder, Consolidation, and Intervention

Casebook pages:  343-346, bottom of 355-359

October 8:  Joinder (continued)
Interpleader

Casebook pages:  Bottom of 360-366
October 9: Class Actions
Casebook pages: Bottom of 367 to middle of 371

October 10: In-Class Joinder Problems

October 15: Discovery
Casebook pages: 389-394, 413-416, 424 to top of 426, 438 to middle of 440

October 16: Discovery (continued)
Depositions
Casebook pages: 446 to middle of 453, 466 to middle of 467

October 17: Deposition Practice

October 22: Discovery (continued)
Interrogatories, Admissions, Document Production, Physical and Mental Examinations
Casebook pages: Bottom of 467-470, 472-477, middle of 478-485, bottom of 489-492

October 23: Discovery (continued)
Duty to Supplement, Discovery Abuse and Sanctions
Casebook pages: Middle of 495 to top of 506
October 24: Adjudication Without Trial
Summary Judgment, Judgment on the Pleadings

Casebook pages: 34-36, 545-556

October 29: Second In-Class Practice Exam

October 31: No Class—Fall Break

November 5: Adjudication Without Trial (continued)
Voluntary Dismissal, Involuntary Dismissal, Default

Casebook pages: 571-576

November 6: The Jury

Casebook pages: 606-625

November 7: Judgment as a Matter of Law

Casebook pages: Bottom of 695-699, 702 to middle of 708

November 12: Post-Trial Motions
New Trials
Casebook pages: Bottom of 708 to middle of 720

November 13: Post-Trial Motions (continued)
Rule 50/59 Interplay, Rule 60
Casebook pages: Bottom of 720-730
November 14: Appeals

Casebook pages: 740 to top of 744

Week of November 18: Review Sessions