I. **INTRODUCTION**

Review: Andrews text, Part I (HB, 1-7)

II. **CHOICE OF THE FORUM** -- *Introduction* to jurisdiction, venue and choice of law

A. **Introduction to Forum Choice**

Review: Andrews text, Part II(A) (HB, 9-12)

CP, Chap. 6, pages 109-14 (text only, not the problems)

B. **Personal Jurisdiction**

1. **Introduction**

Review: Andrews text, PJ Intro, Part II(B)(1) (HB, 13-18)

CP Chap. 1, Intro (pp 3-4)

U.S. Const, Amend 5 & 14, §1 (Due Process) (RB, 261 & 263)

2. **The “Minimum Contacts” Test**


Andrews text, Part II(B)(2) (HB, 18-19)

Review: CP Chap. 1 (pp 4-5) (text only, not problems)

3. **Personal Jurisdiction –Specific PJ**

a. **The Purposeful Availment Element of Minimum Contacts Analysis**

Study: Andrews text, Part II(B)(3)(a) (HB, 26-27)

b. **The *WWVW* Two-Prong Test**

Study: *Worldwide VW* (HB, 29)

Andrews text, Part II(B)(3)(b) (HB, 27-28)
c. Application of Purposeful Availment and Two-Prong Test
   Study: Asahi (HB, 41) (Group 3)
   CP chap. 1 text (pp 7-11) and Problems 1-16
   Andrews text, Part II(B)(3)(c) (HB, 37-39)
   Review: McIntyre (HB, 49)

d. Long-arm Statutes
   Review: CP, Chap. 2, text (pp 27-33)
   Andrews text, Note (HB, 40)

4. Personal Jurisdiction - General PJ

   a. Extent of Contacts
      Study: Goodyear (HB, 63) (Group 4)
      Potts (HB, 70)
      Andrews text, Intro & Part II(B)(4)(a) (HB, 61-62)
      Review: CP Chap 1, text (pp. 5-7)

   b. Relatedness
      Study: O’Connor (HB, 77) (Group 5)
      Andrews text, Part II(B)(4)(b) (HB, 74-76)

   Study: Burnham (HB, 90) (Group 6)
   Andrews text, Part II(B)(5) (HB, 88-89)

6. Challenging Personal Jurisdiction
   Review: Andrews text, Note (HB, 89)
   FRCP 12(b)(2)
   CP Chap. 3 (pp. 47-53) (text only)

7. Summary and Review
   CP Chap 1, Problems 17-18, 20
   PJ Practice essay exam (in-class handout)

C. Subject-Matter Jurisdiction

1. Introduction
   Review: U.S. Const, Article I, § 8, Clauses 9 & 18 (RB, 256)
   US. Const, Art III, §§ 1 & 2, Clause 1 (RB, 259)
   28 USC §§ 1331 & 1332(a) (RB, 222)
   CP Chap. 4, text (pp 63-65)
   Andrews text, Part II(C)(1) (HB, 100-02)
2. Federal Question Jurisdiction  

   Study:  28 USC §§ 1257 (HB, 106) and 1331 (RB, 222)  
   CP Chap. 4, text (pp. 63-71) and Problems 1-13  
   Andrews text, Part II(C)(2) (HB, 102-03)  
   Mottley (HB, 104)  

   Review:  Civil Rights Statute, 42 USC §1983 (HB, 141)  
   "RICO" statute excerpts, 18 USC §1961 (HB, 107)  
   Patent, etc., jurisdiction statute, 28 USC §1338 (RB, 227)  

3. Diversity Jurisdiction  

   Study:  Andrews text, Part II(C)(3)  (HB, 111-12)  

   a. Diversity - Natural persons:  
      Study:  28 USC §1332 (a)(1)  
             McDonald, Rayfield and Mas (HB, 113+)  
             CP Chap 5, text, 89-92, Problems 1-7 [skip Problems 1(e),(f)]  

   b. Diversity - Corporations:  
      Study:  28 USC 1332(c)(1)  
             Hertz (HB, 124)  
             CP Chap 5, text (pp 92-94) and Problems 8 - 11  

   c. Diversity – Amount-in-controversy  
      Study:  Mas case (HB, 120)  
             CP Ch 5, text, (pp 95-99) [skip Case 5], Problems 12-13  
             [Skip Problems 12d and 12e]  

D. Introduction to Venue  

   Review:  28 USC § 1391(a), (b), (c) and (d)  
             CP Chap. 8 (pp.141-46)  
             Andrews text, Part II(D) (HB, 132)  

E. Introduction to Choice of Law  

   Review:  CP Chap. 10 (pp. 177-78) and Chap. 12 (pp. 229-35)  
             Meador, Chap. 4 (pp 34-42 )  
             Andrews text, Part II(E) (HB, 132)  

F. Summary and Review  

   CP Chap. 6 (text and problems)  
   Practice multiple-choice exam re “Which Court” (in-class handout)
III. **STARTING A CIVIL LAWSUIT** – Preparing, filing and serving the complaint

A. **Introduction to the Federal Rules of Civil Procedure**
   (Andrews)
   Review: FRCP 1, 2 and 83
   [scan – “flip through” – entire red Rulebook]
   Andrews text, Part III(A) (HB, 135-38)

B. **Introduction to “Pleadings” and “Motions”**
   (Andrews)
   Study: FRCP 7
   Andrews text, Part III (B) (HB, 139)
   Review: FRCP Forms 30 and 40 (RB, 119-21)

C. **Introduction to “Cause of Action” and Complaints**
   (Andrews)
   Study: FRCP 3, 5(d) & 7
   Andrews text, Part III(C) (HB, 139-40)
   Review: CP sample complaint CP Chap. 31 (p. 632)
   42 USC §1983; Pattern Jury Instruction for §1983 (HB, 141)

D. **Form of the Complaint**
   (Group 10)
   Study: FRCP 8(a), (d)(1) & (e), 10, and 84
   FRCP Forms 1, 7 and 11
   Andrews text, Part III(D)(HB, 144)
   Review: FRCP Forms 13-15 and 17-19

E. **“Particularity” of Pleading**
   Study: Andrews text, Part III(E) Intro (HB,144-45)

   1. **Special Particularized Fraud Pleading Requirement**
      (Group 11)
      Study: FRCP 9(b)
      FRCP Form 21
      *General Cigar* (HB, 146); *Scott* (HB, 150)
      Part III(E)(1) (HB, 145)

   2. **Notice pleading**
      (Group 1)
      Study: FRCP 8(a), 9(b)
      FRCP Form 11
      *Leatherman* (HB, 156) *Swierkiewicz* (HB, 160)
      NC Rules and Form (HB, 155)
      Andrews text, Part III(E)(2) (HB, 154)

   3. **Notice pleading: A New Plausibility Standard?**
      (Group 2)
      Study: FRCP 8(a), 9(b)
      FRCP Form 11
      *Twombly* (HB, 169)
      *Iqbal* (HB, 175)
      Andrews text, Part III(E)(3) (HB, 165-68)
F. “Ethics” in Pleading – Rule 11

1. **History and elements of Rule 11** (Group 3)
   Study:  FRCP 11 – historical “tracking” exercise (HB, 188-89)
   FRCP 11, AC notes: 1983-2007 amendments (HB, 190-98)

2. **Application of Rule 11** (Group 4)
   Study:  FRCP 11(b)
   Mars (HB, 200)
   Walker (HB, 203)
   Garr (HB, 208)
   Andrews text, Part III(F)(2) (HB, 199)

3. **Rule 11 – Inconsistent Pleading** (All)
   Study:  FRCP 11(b); FRCP 8(d)(2) & (3)
   FRCP Forms 2 and 12
   “Tavern” Hypo (HB, 199)

4. **Rule 11 – Motions and Sanctions** (Andrews)
   Study:  FRCP 11(c), 11(d)
   Garr (HB, 208)

G. **Joinder**

1. **Introduction to Joinder and Severance of Claims** (Andrews)
   Study:  FRCP 18(a), 42 and 82
   FRCP Form 13
   CP Chap.13 (pp. 253-55, 257-58)
   Andrews text, Part III(G) (HB, 216-17)

2. **Simple Joinder of Parties** (Group 5)
   Study:  FRCP 20 & 21
   CP Chap. 13, text (pp 253-55), Problems 1, 3 (skip 3f), 4-6, 16
   Problem Set (HB, 217)
   Novartis (HB, 218); SAP America (HB, 224)

H. **Jury Demand** (Andrews)
   Study:  FRCP 38(a), (b) and (d)
   Review:  FRCP 39, 47 & 48
   US Constitution, Amendment 7
   Andrews text, Part III(H) (HB, 227)
I. Service of the Complaint and Notice to the Defendant

Study: Andrews text, Part III (I) (HB, 227-28)

1. Due process standards (Group 6)
Study: Mullane (HB, 231)
CP Chap 18, text (pp. 347-48, 351-52)
US Constitution, Amendments 5 and 14

2. Rule requirements for service (and waiver of service) (Group 7)
Study: FRCP 4(a) through 4(e), 4(h), 4(l) and 4(m)
FRCP Forms 3, 5 and 6
Finish remainder of CP Chap 18 [skip Mass rule, page 354]
“Karl” Hypo (HB, 229-30)

J. Amendment of the Complaint (Group 8)
Study: FRCP 7(a), 15(a)
Fulton (HB, 239)
Barringer (HB, 242)
CP Chap. 20, text (pp 385-91) and Problems 1-8
Andrews text, Part III(J) (HB, 238)
Review: FRCP 15(b), (c) & (d)
CP Chap. 20 (p. 391-97)

K. Voluntary Dismissal (Group 9)
Study: FRCP 41(a)
San Juan (HB, 246)
Hailstock (HB, 249)
Andrews text, Part III(K) (HB, 245)

M. Summary and Review (All students)
Review: CP Chap 31
IV. DEFENDANT'S RESPONSE – Responding to and challenging the complaint

A. The “Answer” – Response to Complaint Allegations (Group 10)
   Study:
   FRCP 8(b), 10 and 11(b)(4)
   FRCP Forms 30 & 40
   *Beckman* (HB, 257)
   Andrews text and “Denial” Problems (HB, 253-56)
   Review:
   CP sample answer, CP Chap. 33 [consider ¶ 7, page 663]
   AC notes re 1993 amendment to Rule 11 re denials (HB, 194)

B. The “Answer” – Affirmative Defenses (Group 11)
   Study:
   FRCP 7, 8(c) and 8(d)
   *LaFont* (HB, 261); *Harris* (HB, 264)
   Andrews text, Part IV(B) (HB, 259-60)

C. The “Answer” – Cross-claims and Counterclaims (Group 1)
   Study:
   FRCP 7; FRCP 13(a), (b), (g), (h) and (i); FRCP 18
   CP Chap. 13 (pp. 255-57 and problems 7-15)
   *Keisler Insurance* (HB, 272)
   Andrews text, Part IV(C) (HB, 269-71)

D. Amendment of the Answer (Group 2)
   Study:
   FRCP 15(a)
   *Harriss* (HB, 264); *Beeck* (HB, 277)
   Andrews text, Part IV(D) (HB, 269-71)

E. Rule 12(b) Motions to Dismiss (Andrews)
   Study:
   FRCP 7(b), 12(a) & 12(b) and FRCP Form 40
   CP Chap. 19, text (pp. 369-71)
   CP Chap. 23, text (pp 473-77) and Problems 1-6
   *Smith-Haynie* [Part I] (HB, 286)
   *Austin* (HB, 293)
   Andrews text, Part IV(E) (HB, 282-85)
   Review:
   Consider motions in previous cases (e.g., *Potts, Leatherman, Swierkiewicz, Scott, General Cigar, Iqbal, Walker*)

F. Other Rule 12 Motions (Group 3)
   Study:
   FRCP 12(c) through 12(f) and 12(i)
   *Austin* (HB, 293)
   *Harbor Commission* (HB, 297)
   *Erikson* (HB, 300)
   Andrews text, Part IV(F) (HB, 290-92)
G. Consolidation of Motions and Waiver of Defenses  
Study: FRCP 8(c), 12(g) & 12(h)  
Remainder of CP Chap 19  
Harriss (HB, 264)  
Andrews text, Part IV(G) (HB, 304-06)  

H. Timing and Service of Response  
Study: FRCP 4(d)(3), 5, 6, 12(a) and 15(a)  
Andrews text and problem, Part IV(H) (HB, 307-08)  

I. Default  
Study: FRCP 5(a)(2), 54(c), 55(a) thru 55(c), 60(b) and 77(d)(1)  
C&G Boats (HB, 311)  
Rice (HB, 314)  
Andrews text, Part IV(I) (HB, 309-10)  

J. Involuntary Dismissals  
Study: FRCP 41(b)  
McDaniel (HB, 322)  
Andrews text, Part IV(J) (HB, 320)  

K. Introduction to Effect of Dismissals and Preclusion Law  
Study: FRCP 4(m); FRCP 41  
White v. New York (HB, 324)  
Rinehart (HB, 327)  
Andrews text, Part IV(K) (HB, 320-21)  
Review: CP, Chap 27, text (pp 561-63); CP Chap 28, text (pp 575-79)  
Consider dismissals in previous cases (e.g., Mottley, Austin, Scott)  

L. Summary and Review -- CP Chap. 33  
(All students)  

V. DISCOVERY – Gathering facts and preparing the case  
A. Introduction  
Study: FRCP 26 (except Rule 26(a) & 26(b)(4) - skip)  
CP Chap 21, text (pp. 409-10); CP Chap 22, text (pp. 435-36)  
Andrews text, Part V(A) (HB, 331-33)
B. The Basic Scope of Discovery – Relevance (Group 9)

Study: FRCP 26(b)(1)

Kozlowski (HB, 301) [Parts I and II]

United Oil (HB, 305)

Fed. Rule of Evidence 401 and notes (HB, 337)

CP Chap. 21, text (pp. 409-12) and Problems 2-5

AC Notes, 2000 amendment to Rule 26(b)(1) (HB, 388)

Andrews text, Part V(B) (HB, 334-36)

Review: FRE 407 (RB, 148); FRE 802 (RB, 158)

C. Limitations on Discovery

1. Introduction to “Privilege” (Andrews)

Review: FRCP 26(b)(1), FRCP 26(b)(5)

CP Chap. 21, text (pp. 410-12)

Andrews text, Part V(C) (1) (HB, 350)

2. Other Limits – Confidentiality and Proportionality (Andrews)

Study: FRCP 26(b)(2), 26(c)

Kozlowski (HB, 340) [Parts I, III & IV]

CP Chap. 21 text, (pp 411-12) and Problems 5-7

Andrews text, Part V(C) (2) (HB, 350-52)

Review: FRCP 5.2

3. Work Product Protection (Group 10)

Study: FRCP 26(b)(3) & 26(b)(5)

CP Chap. 21, text (pp. 413-15) and Problems 1, 12-15

Hickman (HB, 353)

D. General Duties in Discovery (Andrews)

Review: Andrews text, Part V(D) (HB, 363-64)

1. Timing and Sequence of Discovery

Study: FRCP 26(d), 26(f), 29

Review: FRCP 16; FRCP Form 52

2. Cooperation

Review: FRCP 26(f)

3. Duty of Good Faith and Reasonable Inquiry

Study: FRCP 26(g)

4. Duty of Supplementation

Study: FRCP 26(e)(1)
E. Discovery Devices – Introduction (Andrews)

1. Interrogatories
   Study: FRCP 33
   
   United Oil (HB, 344)
   
   CP Chap. 22, text (p. 435-366), Problem 1 & interrog (p. 463-72)

2. Document Requests
   Review: FRCP 34
   
   Kozlowski (HB, 340) [Part IV]; United Oil (HB, 344)
   
   CP Chap 22, text (pp. 437-39) and Problems 8-10
   
   FRCP Form 50

3. Depositions
   Review: FRCP 30
   
   CP Chap. 22, text (pp. 441-43), Samples (pp. 457-59)

4. Physical/Mental Exams
   Review: FRCP 35(a)

5. Requests to Admit
   Review: FRP36
   
   FRCP Form 51

6. Automatic Disclosures
   Review: FRCP 26(a)(1), FRCP 26(a)(3) & FRCP 26(d)
   
   CP Chap. 22 (pp. 445-46)

F. Discovery Motions, Protective Orders and Sanctions (Group 11)
   Study: FRCP 26(c), 26(g), 37
   
   Kozlowski (HB, 340); United Oil (HB, 344)
   
   CP Chap 22 (p. 446)
   
   Andrews text, Part V(F), and Problem (HB, 365-66)

G. Discovery Review – Review Questions and Discovery practice essay (HB, 367-71)
VI. JUDGMENTS AND CHALLENGES TO JUDGMENTS

A. Introduction
   Review: Andrews text, Part VI(A) (HB, 373)

B. Summary Judgment – Mechanics and Standards
   Study: FRCP 12(b) and FRCP 56
      CP Chap. 23 (pp. 477-80); Chap 24, text (pp 495-97)
      Andrews text, Part VI(B) (HB, 373-75)
   Review: Ala. Code §12-21-12 (HB, 376)
      Pattern jury instruction re burden of proof (HB, 376)

C. Summary Judgment – Practical Application
   Study: FRCP 56
      CP Chap. 23, Problems 6-15
      Celotex (HB, 384)
      Albert (HB, 394)
      Martin (HB, 398)
      Smith-Haynie [Part II] (HB, 286)
      Andrews text, Part VI(C) (HB, 377-78)
      Rule 12(b)(6) Problems (HB, 402)
   Review: Former FRCP 56 (HB, 383)
      Excerpt, Andrews CLE on Summary Judgment (HB, 379)

D. Introduction to Trial
   Review: Andrews text, Part VI(D) (HB, 403)

E. Trial Motions for Judgment as a Matter of Law or New Trial
   Study: FRCP 50(a) & (b); FRCP 59(1)(a), 59(b) and 59(d)
      Alabama Code 12-13-11 (HB, 406)
   Review: CP Chap 24 & Chap 25
      FRCP 52, 54(a) & 54(b), 58, and 79(a)
      Andrews text, Part VI(E) (HB, 404-06)

F. Finality of Judgments
   Review: Andrews text, Part VI(F) (HB, 410-11)

VII. FINAL EXAM REVIEW
   Mock Exam and Thomas case (HB, 413-19)