Civil Procedure
Fall Semester, 2005
Professor Miller’s Section

Syllabus

The course book is Silberman & Stein, Civil Procedure: Theory and Practice. In addition, each student should have an up-to-date copy of the Federal Rules of Civil Procedure, Subrin’s 2005 Federal Rules of Civil Procedure. The readings will start slowly but will speed up over the semester as we get familiar with how to read and analyze a legal case.

Part I: Personal Jurisdiction and Venue

Aug. 31: Introduction, housekeeping 71-84
Sept. 1: The power theory same
Sept. 7: Development of the power theory 84-91
Sept. 8: International Shoe 91-99
Sept. 14: International Shoe same
Sept. 21: General jurisdiction 99-115
Sept. 22: Specific jurisdiction 115-131
Sept. 28: Jurisdiction in product liability cases 131-159
Sept. 29: Jurisdiction in contract cases; Quasi-in-rem jurisdiction 159-195
Oct. 5: Transient jurisdiction 198-213
Oct. 6: Legislative jurisdiction and choice of law 217-244
Oct. 12: Legislative jurisdiction concluded; Nationwide service of process 244-266
Oct 19: Requirements of notice 266-286
Oct. 20: Venue and *forum non conveniens* 286-309
Oct. 26: Transfers within the federal system 309-328

**Part II: Subject Matter Jurisdiction**

Oct. 27: Introduction; diversity jurisdiction 329-356
Nov. 2: Diversity jurisdiction, concluded 356-381
Nov. 3: Federal question jurisdiction 381-402
Nov. 9: Supplemental jurisdiction; Removal 410-445
Nov. 10: Non-graded midterm exam and discussion

**Part III: Law Applied in Federal Court**

Nov. 16: From *Swift* to *Erie* 449-469
Nov. 17: Applications of *Erie* 469-487
Nov. 23: Impact of the Federal Rules 487-524
Dec. 1: Determining state law; substantive federal common law 524-574

**Part IV: Pleading and Discovery**

Dec. 2: Introduction to pleading 575-599
Dec. 7: Burdens of pleading and proof; Amendments to pleading 599-628
Dec. 8: Discovery 628-669
Optional: Review and exam prep session