SYLLABUS FOR ADVANCED CIVIL LITIGATION

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Purpose of the Course: To enhance the student’s knowledge of civil procedure, and its application to issues arising in actual complex civil litigation, including strategic considerations. Students will have an opportunity to improve their advocacy and analytical skills by arguing in class motions based on the material under study. Class discussion is strongly encouraged.

Course Materials: The book we will be using is Marcus, Sherman & Erichson, Complex Litigation: Cases and Materials on Advanced Civil Procedure (5th ed. 2010) (“Marcus”). Additional materials will be handed out in class or distributed by email.

Classes: The class is scheduled to meet for two hours a week, on Thursdays from 4:10 to 6:00 p.m.

Attendance and Preparation: Students are expected to attend and prepare for class. If you will be missing class for a compelling reason, you are required to advise me by email so that I will know not to expect you.

Final Grade for the Course: The final grade will be determined by the examination, with a possible adjustment upward for outstanding class performance.

Final Exam: The final exam of two and a half hours will be based on a series of problems similar in format to the motions argued in class. There will be no multiple choice or similar type of question. The exam will be limited open book. You will be permitted to have with you all statutes and ruled handed out in class or emailed to you,
but without any notes added by you. Underlining and highlighting are not considered notes, and are permitted.

*Communications:* The best way to contact me is by email. I will reply promptly.

While I do not maintain regular office hours, if you need to meet with me we can arrange an appointment before or after class. I will also be available before and after every class to answer questions.

*Assignments:* The assignment for each of the fourteen classes is set forth below:

1. [January 16, 2014] Basic principles of federal jurisdiction; 28 U.S.C. §§ 1331-32, 1441, 1446 (handout during this class); problems re federal jurisdiction (handout during this class); Marcus 24-39 [permissive joinder]; Fed. R. Civ. P. 20, 42, 19; CPLR §§ 1001–04, 601–02 (handout during this class).


8. [March 6, 2014] Problem 7: Maintenance of Class Actions; Marcus 331-369 [types of class actions maintainable (cont.); defendant class actions].


