

# NY LEO

# INTRODUCTION TO

# CIVIL PROCEDURE

Summer 2008

Professor Fabio Arcila, Jr.  
Touro Law Center

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## Course Description

Civil Procedure deals primarily with the legal rules and procedures that govern civil (as opposed to criminal) proceedings in federal district court. The primary purpose of the course is to give you a basic understanding of the civil litigation process, such as its stages and procedural requirements, as well as introduce you to the broad array of strategic choices that must be considered as a civil case proceeds. The major emphasis is on federal law derived from the United States Constitution, federal statutes, and particularly the Federal Rules of Civil Procedure. State procedural issues will play very little role in the course. However, state procedures often mirror those in the federal system.

## Course Materials

Required course materials will be provided to you.

## Course Objectives

In a normal law school course, the objective is for you to gain doctrinal mastery of the subject matter, and it is presumed that you will gain the skills necessary to doing so largely on your own.

The focus of this introduction will *not* be doctrinal mastery. Rather, our focus will be for you to gain familiarity, and hopefully some comfort, with those skills that are necessary to gain doctrinal mastery. Briefly stated, those skills are (1) case briefing, (2) study organization (often through outlining), and (3) exam writing. Doctrinal mastery, though not the focus, will be an issue to the extent it is necessary for you to gain exam writing skills.

## Contact Information

I can be consulted most easily after class. Outside of that, schedule a meeting with me or send me an email at [farcila@tourolaw.edu](mailto:farcila@tourolaw.edu).

# Syllabus

Class	Topic(s)	Reading Assignments
1	<p>I. INTRODUCTION TO THE ADVERSARY SYSTEM, THE JUDICIAL ROLE, &amp; PROCEDURE: LET THE GAMES BEGIN!</p> <p>A. WHERE CAN THE SUIT BE BROUGHT?</p> <ol style="list-style-type: none"> <li>1. SUBJECT MATTER JURISDICTION</li> <li>2. PERSONAL JURISDICTION</li> <li>3. SERVICE OF PROCESS</li> </ol> <p>B. STATING THE CASE</p> <ol style="list-style-type: none"> <li>1. THE COMPLAINT</li> <li>2. THE RESPONSE: ANSWER OR PRE-ANSWER MOTIONS</li> <li>3. AMENDING THE PLEADINGS</li> <li>4. THE LAWYER'S OBLIGATION: RULE 11 SANCTIONS</li> </ol> <p>C. PARTIES TO THE LAWSUIT: PERMISSIVE &amp; COMPULSORY JOINDER</p> <p>D. DISCOVERY</p> <p>E. SUMMARY JUDGMENT</p> <p>F. TRIAL</p> <p>G. POST-TRIAL MOTIONS</p> <p>H. CLAIM &amp; ISSUE PRECLUSION: ONLY ONE BITE AT THE APPLE</p> <p>I. APPEALS</p>	<p>U.S. CONST. Art. III, §§ 1-2</p> <p>Skim FED. R. CIV. P. 1-3, 12(b), 56(c)</p>
2	<p>II. PERSONAL JURISDICTION</p> <p>A. MINIMUM CONTACTS THEORY</p>	<p><i>International Shoe Co. v. Washington</i>, 326 U.S. 310 (1945) (handout)</p>
3	<p>B. STREAM OF COMMERCE THEORY</p>	<p><i>World-Wide Volkswagen Corp. v. Woodson</i>, 444 U.S. 286 (1980) (handout)</p>
4	<p>C. GLOBAL MARKETPLACE</p>	<p><i>Asahi Metal Industry Co. v. Superior Court</i>, 480 U.S. 102 (1987) (handout)</p>

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5	D. PERSONAL SERVICE WITHIN THE JURISDICTION (“TAG” JURISDICTION)	<i>Burnham v. Superior Court</i> , 495 U.S. 604 (1990) (handout)
6	<b><u>Review &amp; Exam Taking Overview</u></b>	
7	<b><u>Final Exam</u></b>	
8	<b><u>Final Exam Review &amp; Evaluation</u></b>	