

ADVANCED CIVIL PROCEDURE
DePaul University College of Law
Spring 2009 . Room 904 (Lewis)

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This course covers selected topics in complex multi-party litigation, including joinder, multi-district practice, class actions, and related topics in federal jurisdiction and preclusion.

The required casebook is Richard L. Marcus and Edward F. Sherman, *Complex Litigation: Cases and Materials on Advanced Civil Procedure* (4th ed. 2004) ("M&S"). You are also required to purchase a copy of the Federal Rules of Civil Procedure that includes the accompanying Advisory Notes. I recommend purchasing *Federal Rules of Civil Procedure: Educational Edition* (West 2008-2009). In addition, I will also occasionally distribute supplemental materials via Blackboard (these reading assignments are denoted "BB" in the syllabus).

You are expected to come to class prepared to discuss each week's subject. Reading assignments, which may be substantial, are to be completed before the class for which they are assigned. Be sure to read any relevant Federal Rules of Civil Procedure referenced in your assigned casebook reading.

On-time attendance is mandatory, and participation in class discussions is encouraged and expected. Unexplained absences, lack of preparation, or failure to participate meaningfully will adversely affect your final grade.

I will administer an open-book, in-class examination at the conclusion of the course.

Office hours will be announced the first day of class. I am, however, freely available outside of office hours by appointment.

The schedule of class assignments will be distributed via Blackboard. Assignments may be modified as the course progresses. Your assignments for the first eight weeks are as follows:

<u>Week (Class Date)</u>	<u>Topics</u>	<u>Reading Assignment</u>
1 (January 12)	Introduction Themes Overview	M&S 1-23
2 (January 14)	Permissive Joinder	M&S 24-45
3 (January 19)	Compulsory Joinder	M&S 45-62
4 (January 21)	Intervention	M&S 62-85
5 (January 26)	Collateral Attack	M&S 86-102
6 (January 28)	Consolidation and Transfer Mechanisms	M&S 103-28
7 (February 2)	Consolidation and Transfer Mechanisms Cont.	M&S 128-32, 142-64
8 (February 4)	Abstention	M&S 164-90
9 (February 9)	Anti-Injunction Act All-Writs Act	M&S 190-209
10 (February 11)	Introduction to Class Actions Class Action Prerequisites	FRCP 23(a) M&S 218-45
11 (February 16)	Class Action Prerequisites Cont.	FRCP 23(a) M&S 267-98
12 (February 18)	Types of Class Actions Incompatible Standards Class Actions	FRCP 23(b)(1) M&S 298-318

13 (February 23)	Types of Class Actions Cont. Rule 23(b)(2) Classes Rule 23(b)(3) Classes	FRCP 23(b)(2)-(3), 23(c) M&S 318-30 M&S 246-67
14 (February 25)	Types of Class Action Cont. Rule 23(b)(3) Classes Cont.	FRCP 23(b)(2)-(3), 23(c) M&S 330-58
15 (March 2)	Defendant Classes Settlement Classes	M&S 359-91
16 (March 4)	Fluid Recovery Personal Jurisdiction over Class Members	M&S 405-27