

Procedure II - Section 2

Law 806

Professor John Rumel

JRumel@uidaho.edu

885-6423

Office 130

Spring 2014

TTh

11-12:15 p.m.

Room 105

Office Hours:

Tuesdays 5:00 - 6:00 p.m. and

Wednesdays 8:30 - 9:20 a.m. and

4:30 - 5:20 p.m. (and other

mutually agreed to days and times)

Materials

Text: Jack H. Friedenthal, et al., Civil Procedure: Cases and Materials, 11th Edition (West 2013)

Federal Rules of Civil Procedure, United States Code Provisions, and Recent Supreme Court Decisions: 2013-2014 Civil Procedure Supplement (West)

Supplemental Materials: Allen & Finch, An Illustrated Guide to Civil Procedure, 2nd Edition (Wolters Kluwer 2011) (do not purchase/on e-reserve)

Initial Assignment

For our first class session on Tuesday, January 14th, please read (or re-read) pages 497-551 concerning common law pleadings. As I mentioned last semester, you need not and should not take notes on or brief the cases cited in this material. Rather, I just want you to acquire a general understanding of the material, since I will spend our entire first class session lecturing on it.

For our second class session on Thursday, January 16th, please read pages 553-579 in the Friedenthal text, as well as Federal Rules of Civil Procedure 8(a) and 12(b) in the Supplement, which Rules are referenced at the bottom of p. 559 in the Friedenthal text. Prior to reading the *Twombly* case at p. 569 in the Friedenthal text, review the *Twombly* amended complaint which is set forth in the Supplement. For an additional example of a complaint in a federal case, see the Complaint and Demand for Jury Trial set forth at pp. 76-82 in Allen and Finch's Illustrated Guide to Civil Procedure (on e-reserve).

As you process the reading assignment, think about the purposes a complaint should serve in the litigation process. Also, ask yourself who has it right in *Twombly* -- the majority or dissent -- in terms of the requirements of Rule 8(a), the availability of other pretrial procedures (judicial supervision of a case through status and pretrial conferences, factual discovery and motions for summary judgment), and the above-mentioned purposes.