

Civil Procedure

Fall 2017

Professor Pierre Legrand

This 12-hour segment of the course (“the course”) will consist of 4 meetings lasting 3 hours each. The meetings will take place on 9 November, 16 November, 23 November, and 30 November.

The course will focus on civil trial litigation in the United States, the most influential common-law jurisdiction in the world. Specifically, the course will address the Federal Rules of Civil Procedure (“the Rules”), which govern all civil litigation in federal courts and which most states have followed in the crafting of their own rules of civil procedure.

The Rules are online at <<https://www.federalrulesofcivilprocedure.org/>>.

The course will follow the hypothetical case formulated in Michael P. Allen, Jason R. Bent, and Michael Finch, *An Illustrated Guide to Civil Procedure*, 3d ed. (New York: Wolters Kluwer, 2016) (“the *Guide*”), through the main stages of a civil trial before a United States federal court.

In preparation for the first meeting, kindly read pages 5 to 31 and pages A-1 to A-5 of the *Guide*. These are available by way of one pdf document at <www.pierre-legrand.com>. When you reach the web site, look for the page headed “Civil Procedure” and for the file named “First Meeting”.

As you proceed through the document, kindly bear in mind the following background information.

Page 5: The “Rule References” at the top of the page are to the Rules.

Page 12: The Model Rules of Professional Conduct were adopted by the American Bar Association in 1983. They serve as model for the ethics rules of most states. Federal courts tend to apply the rules of the state where they sit.

Page 12, note 3: The “Rule” is contained within the Rules.

Page 13, note 4: The acronym “ADEA” stands for the Age Discrimination in Employment Act of 1967, a federal statute protecting employees who are 40 or older.

Page 13, notes 4 and 6: The abbreviation “U.S.C.” stands for “United States Code”, a compilation of the federal statutes in force. Note that the word “code” does not relate to codes as they are known within the civil-law world.

Page 25, note 48: “Title VII” is a part of the Civil Rights Act of 1964, a federal statute.

Ignore the further references in the notes to statutory materials, judicial decisions, or scholarly commentary. However, you may want to attempt the two exercises on page 28.

None of the above will be discussed in class. You are expected to be thoroughly familiar with the document as you make your way to the first meeting. Moreover, you are assumed to be acquainted with the basics of United States federalism with specific reference to the court structure. In case you require complementary information in this regard, consider reading the document at <http://www.uscourts.gov/about-federal-courts/court-role-and-structure/comparing-federal-state-courts>. The first meeting will operate on the basis of both postulates and immediately address the substance of the course.

At the end of the fourth meeting, the topic of the final examination will be circulated. The assessment will consist of one question affording you an opportunity to apply a personal and critical view on the relevant issue. You will be asked to write approximately 1500 words (in English or French) and will have about 3 weeks to do so.