

Comparative Civil Procedure

HBKU College of Law and Public Policy

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(Pierre Legrand)

The course addresses foreign law and is therefore thoroughly comparative. Specifically, the course focuses on civil trial litigation in the United States, the most influential common-law jurisdiction in the world. In particular, the course refers to the Federal Rules of Civil Procedure, which govern all civil litigation in federal courts and which most states have followed in the drafting of their own rules of civil procedure. The Rules are online at <https://www.federalrulesofcivilprocedure.org/>.

The course is divided into two parts as follows:

I. An Overview;

II. A Case.

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Part I (An Overview) covers approximately 14 hours and consists of a series of introductory lectures addressing key topics such as:

Due Process;

Pleading;

Facts;

Parties;

Jurisdiction;

Federalism;

Management;

Litigation;

Federal Rules of Civil Procedure.

Students wishing to engage in further reading are invited to work from any of the three books that the law library was asked to order in early October 2017. They are:

J.H. Friedenthal, M.K. Kane & A.R. Miller, *Civil Procedure*, 5th ed. (West, 2015);

R.D. Freer, *Civil Procedure*, 3d ed. (Wolters Kluwer, 2012);

G.R. Shreve, *Understanding Civil Procedure*, 5th ed. (LexisNexis, 2013).

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Part II (A Case) covers approximately 12 hours and tracks the hypothetical formulated in M.P. Allen, J.R. Bent & M. Finch, *An Illustrated Guide to Civil Procedure*, 3d ed. (Wolters Kluwer, 2016). The story takes one through the main stages of a civil trial before a United States federal court.

Students wishing to engage with the facts are invited to read “Preliminary Document” at <www.pierre-legrand.com> under “Comparative Civil Procedure”. Along the way, reference will be made to 18 procedural documents, which appear sequentially at <www.pierre-legrand.com> under “Comparative Civil Procedure”.

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The final, “take-home” examination counts for 100% of the grade. The examination features an essay-style general question. A personal and critical reaction with specific reference to class materials is expected. Student will have one week to submit their work and will be held to a strict 2000-word limit (inclusive of all references).

In preparation for the final examination, students should familiarize themselves with the U.S. Supreme Court decision *Ashcroft v. Iqbal* (2008) at <www.pierre-legrand.com> under “Comparative Civil Procedure”.