

## **PROCEDURE**

### **Syllabus**

**Prof. Rahul Agrawal**

**Spring 2020**

**Text:** Emanuel Law Outlines: Civil Procedure, 26<sup>th</sup> Edition, by Steven Emanuel

**Schedule:** Thursdays: 4:00-6:50 p.m.  
**Office Hours:** After class and by appointment  
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#### **Course Contents:**

This course is designed to provide students with an in-depth look at the major issues in Civil Procedure. The course expands on the overview provided in Introduction to U.S. Legal Systems. The course will provide students with a strong understanding of both subject matter and personal jurisdiction. The course will explain process of filing and responding to a civil lawsuit. Students will also learn the different ways additional parties may join or participate in a lawsuit. The course will cover the methods of conducting discovery in a lawsuit as well as the sanctions available for noncompliance with discovery obligations. In addition, the course will provide an understanding of the choice of law issues which arise in civil litigation, especially the issue of what law applies in federal courts. The course will provide students with a basic understanding of the process of trial, the right to jury trial and the issues surrounding appeal. Finally, the course will cover the effect of a judgment on future litigation by reviewing the doctrines of res judicata and collateral estoppel.

#### **Course Objectives:**

The goals of the course are to:

1. Provide students with an understanding of the basic doctrines of the subjects identified in the previous paragraph;
2. Provide students with exposure to bar-examination style essay and multiple-choice questions.
3. Assist students with their problem-solving ability by reviewing hypotheticals.
4. Prepare students for the practice of law in a litigation setting.

#### **Thursday, January 16**

Introduction and Course Overview; Subject Matter Jurisdiction  
pp. 1-6; 145-168

#### **Thursday, January 23**

Subject Matter Jurisdiction; Supplemental Jurisdiction; Removal  
pp. 163-189

**Thursday, January 30**

Personal Jurisdiction; Jurisdiction over individuals; Jurisdiction over corporations  
pp. 7-24; 34-74

**Thursday, February 6**

Personal Jurisdiction; Jurisdiction over corporations; General Jurisdiction; Personal Jurisdiction in federal courts  
pp. 74-110

**Thursday, February 13**

Personal Jurisdiction; Notice and opportunity to be heard; Challenging Personal Jurisdiction; Venue  
pp. 110-140

**Thursday, February 20**

Pleadings; the Complaint; Challenging the Complaint; the Answer; Amendments  
pp. 195-226

**Thursday, February 27**

Joinder of Claims and Parties; Cross Claims; Intervention; Interpleader; Impleader  
pp. 367-383; 422-440

**Thursday, March 5**

Discovery; Types of Discovery  
pp. 231-264

**Thursday, March 12**

Discovery; Discovery Orders and Sanctions; Use of Discovery at Trial; Pretrial Conference  
pp. 266-282

**SPRING BREAK**

**Thursday, March 26**

What law applies? The Erie doctrine; Trial  
pp. 285-310; 313-323

**Thursday, April 2**

Trial; Directed Verdict; Judgment as a Matter of Law; Right to a Jury Trial; Motion for a New Trial; Appeals  
pp. 323-361

**Thursday, April 9**

Class Actions

pp. 387-418

**Thursday, April 16**

Res Judicata; Collateral Estoppel; Full Faith and Credit  
pp. 447-481

**Thursday, April 23**

Last Class and Review

FINAL EXAM - TBD

**GRADING:**

Students will be graded on their performance on several in-class problems along with a final examination. The final examination will consist of multiple-choice questions and one essay.

In Class Problems	10%
Final Exam	90%

**Statement on Academic Conduct and Support Systems**

**Academic Conduct**

Plagiarism – presenting someone else’s ideas as your own, either verbatim or recast in your own words – is a serious academic offense with serious consequences. Please familiarize yourself with the discussion of plagiarism in *SCampus* in Section 11, *Behavior Violating University Standards* <https://scampus.usc.edu/1100-behavior-violating-university-standards-and-appropriate-sanctions>. Other forms of academic dishonesty are equally unacceptable. See additional information in *SCampus* and university policies on scientific misconduct, <http://policy.usc.edu/scientific-misconduct>.

Discrimination, sexual assault, and harassment are not tolerated by the university. You are encouraged to report any incidents to the *Office of Equity and Diversity* <http://equity.usc.edu> or to the *Department of Public Safety* <http://adminopsnet.usc.edu/department/departement-public-safety>. This is important for the safety of the whole USC community. Another member of the university community – such as a friend, classmate, advisor, or faculty member – can help initiate the report, or can initiate the report on behalf of another person. *The Center for Women and Men* <http://www.usc.edu/student-affairs/cwm/> provides 24/7 confidential support, and the sexual assault resource center webpage <http://sarc.usc.edu> describes reporting options and other resources.

## **Support Systems**

A number of USC's schools provide support for students who need help with scholarly writing. Check with your advisor or program staff to find out more. Students whose primary language is not English should check with the *American Language Institute* <http://dornsife.usc.edu/ali>, which sponsors courses and workshops specifically for international graduate students. *The Office of Disability Services and Programs* [http://sait.usc.edu/academicsupport/centerprograms/dsp/home\\_index.html](http://sait.usc.edu/academicsupport/centerprograms/dsp/home_index.html) provides certification for students with disabilities and helps arrange the relevant accommodations. If an officially declared emergency makes travel to campus infeasible, *USC Emergency Information* <http://emergency.usc.edu> will provide safety and other updates, including ways in which instruction will be continued by means of blackboard, teleconferencing, and other technology.