

# Civil Procedure

*In this subject, CALI has Lessons and eLangdell Press Texts. There are also Casebook Correlations and CALI Topic Grids available on the CALI website to aid you in assigning lessons.*

## CALI Lessons:

*Effective December 1, 2006, the Federal Rules of Civil Procedure were amended to reflect changes in discovery resulting from the electronic storage of information.. As each lesson is revised to reflect the amended rules, the lesson's catalog description will be updated to enable students and faculty to easily tell which lessons include the amended rules.*

### A Review of Joinder Concepts

This lesson is intended to allow students to review joinder of claims and parties under the Federal Rules. The exercise uses a construction project litigation as the basis for the questions. The litigation grows gradually, adding claims and parties along the way. At each step, the student is asked questions about the propriety of joining the claim and/or the party.

The lesson does not always give a direct response to the student's answer to the question. In many cases, the student is led through further inquiries to test the basis of the initial response.

**Lesson Completion Time:** 30 minutes

**Author:** David Welkowitz, Professor of Law, Whittier College School of Law

### An Interpleader Primer

As its name implies, this lesson is designed to give the student an introduction to the subject of interpleader. The lesson briefly describes the concept of interpleader and some of the historical limitations on the remedy, but its focus is on interpleader under the federal statute and Rule 22.

The lesson introduces the various procedural issues involved—such as subject matter jurisdiction, personal jurisdiction and venue—and highlights the differences between statutory and rule interpleader on these subjects. The lesson also contains a segment on the problem presented in *State Farm v. Tashire*—enjoining other pending actions. The

lesson requires the student to use the relevant statutes and rules, which are included in the lesson.

**Lesson Completion Time:** 2 hours

**Author:** David Welkowitz, Professor of Law Whittier College School of Law

## Analysis of a Diversity Case

*This lesson has been revised to reflect the December 1, 2006 amendments to the Federal Rules of Civil Procedure, as they were re-written effective December 1, 2007.*

This exercise is designed to help train beginning students in the analysis of judicial opinions. The student is asked to agree or disagree with assertions about a diversity jurisdiction case (*Baker v. Keck*). The computer responds to the student's answers by evaluating them or asking further questions.

**Lesson Completion Time:** 1.5 hours

**Authors:** Roger Park, James Edgar Hervey Professor of Law University of California Hastings College of the Law and Douglas McFarland, Professor of Law and Associate Dean for Teaching & Scholarship Hamline University School of Law

## Child Custody Jurisdiction

This lesson is intended to be used as both an introduction to Child Custody Jurisdiction and as a review for students who have already studied the material.

**Lesson Completion Time:** 1 hour

**Author:** Andrea Charlow, Professor of Law Drake University Law School

## Coase's Irrelevance 'Theorem'

This lesson tries to explain Coasean irrelevance (which is often known as the "Coase Theorem").

**Lesson Completion Time:** 45 minutes to 3 hours

**Author:** Nicholas Georgakopoulos, Harold R. Woodard Professor of Law Indiana University - Indianapolis School of Law

## Demurrers and Judgments on the Pleadings

*This lesson has been revised to reflect the December 1, 2006 amendments to the Federal Rules of Civil Procedure, as they were re-written effective December 1, 2007.*

The student is given sets of pleadings in civil cases and asked to identify issues that would be raised on a demurrer or motion for judgment on the pleadings. Although the

case is set in a hypothetical code pleading state, the exercise also deals with motions to dismiss or for judgment on the pleadings under the Federal Rules of Civil Procedure. The background reading contains all the information about code pleading that the student needs to know in order to do the exercise.

**Lesson Completion Time:** 1 hour

**Authors:** Roger Park, James Edgar Hervey Professor of Law University of California Hastings College of the Law and Douglas McFarland, Professor of Law and Associate Dean for Teaching & Scholarship Hamline University School of Law

## Drafting a Complaint

*This lesson has been revised to reflect the December 1, 2006 amendments to the Federal Rules of Civil Procedure, as they were re-written effective December 1, 2007.*

The student is presented with a hypothetical defamation case and instructed to compose a complaint for a diversity action in federal court. The student is told that the complaint must be drafted so that it would completely satisfy even the most punctilious judge. The student composes the complaint by choosing from a menu of paragraphs contained in the Park and McFarland computer booklet. The computer asks the student to explain the grounds upon which rejected paragraphs were not used. The student explains by choosing from a multiple choice format, and the computer responds by asking further questions or by criticizing the student's answer. The exercise requires the student to compose a complaint which pleads grounds for jurisdiction and the elements of the claim at a proper level of generality, while avoiding superfluity or violation of Rule 11.

**Lesson Completion Time:** 2 hours

**Authors:** Roger Park, James Edgar Hervey Professor of Law University of California Hastings College of the Law and Douglas McFarland, Professor of Law and Associate Dean for Teaching & Scholarship Hamline University School of Law

## Equitable Remedies - An Overview

This exercise gives a basic overview of the types of equitable remedies. You need not have read any particular materials or taken any particular law school courses in order to complete the tutorial. It can be used to provide background in your courses where equity is especially relevant or to review the types of equitable remedies for use in a remedies course. The lesson will not examine doctrines of substantive equity (other than to note their existence) nor will the lesson explore the prerequisites for obtaining, defending against, or enforcing equitable remedies. Rather, the lesson is designed to introduce you to the basic vocabulary of equitable remedies.

**Lesson Completion Time:** 45 minutes

**Author:** Barbara Glesner Fines, Associate Dean & Rubey M. Hulen Professor of Law University of Missouri - Kansas City School of Law

## Evidence for Procedure Students

*This lesson has been revised to reflect the December 1, 2006 amendments to the Federal Rules of Civil Procedure, as they were re-written effective December 1, 2007.*

This exercise has two purposes. The first is to engage students actively in legal analysis. Hence, the exercise contains some difficult questions that require careful thought. The second is to provide a survey of the rules of evidence in order to give students a deeper understanding of other subjects studied in Civil Procedure courses.

**Lesson Completion Time:** 2.5 hours

**Authors:** Roger Park, James Edgar Hervey Professor of Law University of California Hastings College of the Law and Douglas McFarland, Professor of Law and Associate Dean for Teaching & Scholarship Hamline University School of Law

## Joinder of Claims and Parties

This exercise is designed to help students learn the principles of joinder under the Federal Rules of Civil Procedure. It is designed to be used in different ways. Students may use it as a tutorial to accompany assigned readings, as a supplement to reinforce concepts discussed in class, or as a review before exams. The tutorial is interactive, requiring the student to respond to various questions and hypotheticals to learn the principles embodied in the rules. It does not assume any specific knowledge of the joinder rules - it is designed to teach the rules from scratch.

The exercise uses hypertext links between various parts of the tutorial. These links offer students options in navigating through the lesson so they are not forced to follow a particular order. The user is the master of the organization. All of the rules and statutes that are needed are available as part of the lesson and may be viewed at any time by selecting an on-screen button.

The lesson includes units on a variety of joinder topics: Claim Joinder (Rule 18); Party Joinder (Rule 20); Counterclaims; Cross-claims; Third-Party Claims (Rule 14); Compulsory Joinder (Rule 19); and Intervention (Rule 24). It also contains an extensive unit devoted to the Subject Matter Jurisdiction problems raised by these rules. Finally, there is a review unit to allow the user to apply the principles learned in the lesson. The exercise is not tied to the organization of any particular civil procedure text.

**Lesson Completion Time:** 20-45 minutes for each section, 4.75 hours

**Author:** David Welkowitz, Professor of Law, Whittier College School of Law

## Judgments as a Matter of Law

*This lesson has been revised to reflect the December 1, 2006 amendments to the Federal Rules of Civil Procedure, as they were re-written effective December 1, 2007.*

Students are asked to analyze and synthesize three federal cases on directed verdicts, answering questions about the standards set forth in the cases.

**Lesson Completion Time:** 2 hours

**Authors:** Roger Park, James Edgar Hervey Professor of Law University of California Hastings College of the Law and Douglas McFarland, Professor of Law and Associate Dean for Teaching & Scholarship Hamline University School of Law

## Jurisdiction and Venue

*This lesson has been revised to reflect the December 1, 2006 amendments to the Federal Rules of Civil Procedure, as they were re-written effective December 1, 2007.*

The student is asked, in this exercise, to answer questions about whether a hypothetical action could be brought in various fora.

This exercise is designed primarily to give basic instruction on statutes relating to diversity jurisdiction, removal, venue, and personal jurisdiction. However, the exercise also requires the student to interpret two diversity jurisdiction cases that deal with change of citizenship by acquisition of a new domicile.

Everything the student needs to know for the exercise is contained in the exercise; so the exercise can be assigned prior to reaching the subject in class, with a view toward allowing class discussion to begin at a higher level.

**Lesson Completion Time:** 2 hours

**Authors:** Roger Park, James Edgar Hervey Professor of Law University of California Hastings College of the Law and Douglas McFarland, Professor of Law and Associate Dean for Teaching & Scholarship Hamline University School of Law

## Jurisdiction Over the Person

This exercise was substantially revised in 2012 and is designed for a student who has already read most of the material on personal jurisdiction in a typical first year civil procedure course. The topics covered include: the "minimum contacts" test as a measure of the due process clause of the 14th Amendment, the interpretation and application of typical longarm statutes, the interplay of statutory interpretation with the constitutional requirements, the difference between "specific" and "general" jurisdiction, the extent to which a defendant may contractually waive jurisdiction protections, an exploration of the different ways in which the jurisdictional rules apply depending on whether the defendant

is an individual or a corporation, and the continued viability of the concept of "transient" jurisdiction.

The above topics are explored through a series of hypotheticals, beginning with an extended variation on the facts of *International Shoe*. The two predominant jurisdictional statutes used in the exercise are the Uniform Interstate and International Procedure Act and the Rhode Island (California) statute which extends jurisdiction to the limits of the Due Process Clause. At appropriate points in the exercise students are able to refer back to the introductory fact situations, the Uniform Act, a list of important citations and previous related questions. The exercise is divided into three parts, so that one part can be conveniently done at a sitting.

**Lesson Completion Time:** 1.5 hours

**Author:** James Klebba, Victor H. Schiro Distinguished Professor of Law Loyola University School of Law, New Orleans

## Preclusion

*This lesson has been revised to reflect the December 1, 2006 amendments to the Federal Rules of Civil Procedure, as they were re-written effective December 1, 2007.*

This exercise is in three parts. First, the student surveys the basic law of preclusion (both claim preclusion and issue preclusion) to test and to solidify understanding of the area. The questions explore the elements of the doctrines, such as the requirements of a final judgment and necessary decision of an issue, as applied to various fact situations. Hypertext is available at all times for quick review or checking of the elements. The second part of the exercise becomes more complex as it turns to heavy emphasis on the policies behind issue preclusion. The student analyzes each fact situation from two perspectives: Blackletter Bart, who takes a rule-bound approach to issue preclusion, and Functional Felicia, who takes a policy-oriented approach to issue preclusion. Third, the student answers questions developing the abandonment by the courts of the requirement of mutuality for issue preclusion. Both defensive collateral estoppel and offensive collateral estoppel, from the perspectives of both the plaintiff and the defendant, are analyzed.

**Lesson Completion Time:** 1.5 hours

**Authors:** Roger Park, James Edgar Hervey Professor of Law University of California Hastings College of the Law and Douglas McFarland, Professor of Law and Associate Dean for Teaching & Scholarship Hamline University School of Law

## Statutory Interpretation

This lesson introduces the student to the doctrine and processes involved in interpreting state and federal statutes. Statutes are a critical part of every substantive area of the law, so this is important background for every law student, lawyer and judge.

**Lesson Completion Time:** 30 minutes

**Author:** Ronald Brown, Professor of Law Nova Southeastern University Shepard Broad Law Center

## Summary Judgment

*This lesson has been revised to reflect the December 1, 2006 amendments to the Federal Rules of Civil Procedure, as they were re-written effective December 1, 2007.*

The student is asked to decide summary judgment motions on a claim for defamation and a counterclaim for battery. After requiring the student to explore and apply the fundamental concepts of summary judgment, such as what constitutes a genuine issue, the exercise moves into more difficult problems based on court interpretations of Federal Rules of Civil Procedure 56.

**Lesson Completion Time:** 1 hour

**Authors:** Roger Park, James Edgar Hervey Professor of Law University of California Hastings College of the Law and Douglas McFarland, Professor of Law and Associate Dean for Teaching & Scholarship Hamline University School of Law

## Support Jurisdiction

This lesson covers the basics of both spousal and child support jurisdiction. It is intended as an introduction to the materials and it can also be used for review.

**Lesson Completion Time:** 1 hour

**Author:** Andrea Charlow, Professor of Law Drake University Law School

## The Erie Doctrine 1: Erie Basics

The Erie Doctrine has befuddled Civil Procedure students for decades, but this lesson will take you through the basics: Why is there an Erie Doctrine? When does it apply? How does it apply? How do you tell the difference between substantive and procedural law?

**Lesson Completion Time:** 30-45 minutes

**Author:** Robin Craig, Attorneys' Title Professor and Associate Dean for Environmental Programs University of Utah S.J. Quinney College of Law

## UCCJEA - Enforcement Provisions

This lesson addresses the enforcement provisions of the child custody jurisdiction statutes. It also addresses the international aspects of child custody enforcement. The lesson should be worked after completing the lesson on Child Custody Jurisdiction.

The lesson assumes that the student is familiar with the provisions of the UCCJA, the PKPA, and the UCCJEA, but does not assume knowledge of the enforcement provisions of these statutes. The lesson does not assume that the student has a great deal of exposure to the international aspects of this issue, other than perhaps a brief overview of the Hague Convention and the International Parental Kidnapping Act.

**Lesson Completion Time:** 45 minutes

**Author:** Janet Richards, Cecil C. Humphreys Professor of Law University of Memphis  
Cecil C. Humphreys School of Law

## Waiver Under Rule 12

*This lesson has been revised to reflect the December 1, 2006 amendments to the Federal Rules of Civil Procedure, as they were re-written effective December 1, 2007.*

Rule 12 of the Federal Rules of Civil Procedure provides that certain defenses, including lack of jurisdiction, improper venue, and failure to state a claim, can at the pleader's option be brought by motion prior to filing a responsive pleading. It also provides that certain of these defenses are waived if they are not asserted in the proper fashion. This exercise deals with the reasons for special treatment of those defenses and analysis of the waiver provisions of the rule. It provides practice in close scrutiny and interpretation of a complex set of interrelated provisions.

**Lesson Completion Time:** 1 hour

**Authors:** Roger Park, James Edgar Hervey Professor of Law University of California Hastings College of the Law and Douglas McFarland, Professor of Law and Associate Dean for Teaching & Scholarship Hamline University School of Law

## eLangdell Press Titles:

### Federal Rules of Civil Procedure, 2014

**Compiled by:** Legal Information Institute and CALI eLangdell Press

These rules govern the conduct of all civil actions brought in Federal district courts. While they do not apply to suits in state courts, the rules of many states have been closely modeled on these provisions.

Our Federal Rules ebooks include:

- The complete rules as of December 1, 2013 (for the 2014 edition).
- All notes of the Advisory Committee following each rule.
- Internal links to rules referenced within the rules.
- External links to the LII website's version of the US Code.

## Pleading - The Plaintiff's Complaint

**Author:** Hillel Y. Levin, Assistant Professor of Law, University of Georgia School of Law

**Length:** 19,700 Words, 55 Pages in PDF

This chapter covers the Civil Procedure topic of Pleading: The Plaintiff's Complaint. The chapter takes approximately four class periods to cover in detail.

The student is exposed to cases, presented with questions that are designed to both guide class discussion and to help the student focus his reading of the materials, pleadings from cases, and the applicable Federal Rules of Civil Procedure.

There are two accompanying files available only to faculty who are registered at [cali.org](http://cali.org) (registration is free for faculty at CALI member schools): a Teaching Manual and a Supplemental Material document. The Supplemental Material should be distributed to students at the appropriate point in the unit. Please see the Teaching Manual for details.

## Computer-Aided Exercises on Civil Procedure, 7th ed.

**Authors:** Roger C. Park, James Edgar Hervey Professor of Law, University of California Hastings College of the Law and Douglas D. McFarland, Professor of Law and Associate Dean for Teaching & Scholarship, Hamline University School of Law

**Length:** 103,500 Words, 306 Pages in PDF

This book, and the accompanying interactive exercises known as CALI Lessons available online through the Center for Computer-Assisted Legal Instruction (CALI) at [www.cali.org](http://www.cali.org), are intended to provide a challenging educational experience. For each exercise, students should read the text in this book and answer the questions before accessing the rest of the exercise online.