

## **Civ. Pro. II – Introduction and Opening Assignment**

Greetings class. I am thrilled to be teaching Civil Procedure II. Why? Though I have been teaching at VLS since 2003, I am really a litigation attorney masquerading as a Law Professor. Ok, that might be a bit of an exaggeration. But I love Civ. Pro! Of all the 1L courses (the same ones I took 35 years ago), this one matters if you are interested in being a litigator. And whether you aspire to ending up in a court room or not, you need to know how the system works. In this course, we'll get to the guts of the litigation process.

We will use the same text book as Civ. Pro. I. I will throw in occasional cases from my own experience to supplement the book and try to bring some of the concepts to life.

I am working on a syllabus, but it's not ready yet. The class will have a mid-term and a final. I'll teach the full 75 minute class on Mondays and Wednesdays, which means that as a 2 credit class, we'll wrap things up in early April.

Below is the first assignment. The reading is more than I will expect for other classes, but some of it is background. Some of the cases are not ones you'll need to remember for the final.

Two more things of note: (1) Malachi Brennan who I know as the fastest back country hiker around and you know as a TA from last semester will be joining us as TA for this term; (2) I have set up a TWEN site and ask you to register because I will use it as a means of email communication.

First assignment: Monday January 8:

Text pages 419-447, skim for background until *Diogaurdi*. (History of pleading standards and code pleading). Be familiar with *Diogaurdi*.

Federal Rule Civil Procedure (FRCP) 8, 9

Second Assignment Wednesday January 10:

Text pages 447-467, Plausible pleading, *Twombly* and *Iqbal*. Try to discern the difference between notice pleading and plausible pleading, and be able to articulate the evolving and imprecise standards since these important decisions were issued.