SYLLABUS – COMPLEX CIVIL LITIGATION

Class meets Monday and Tuesday 7:30 am to 9:00 am
Books: Mullinex 2d ed Mass Torts
  FRCP
  Supplemental cases

25 classes: 1.5 hours each

Week 1:
  Aug 29- Background and introduction; outline of course; FRCP
  Aug 30- Class actions
             Chapter II: A.1-4

Week 2
  Sep 6

Week 3
  Sep 12
  Sep 13 New Developments – Suppl. Cases

Week 4:
  Sep 19
  Sep 20 Settlement & Punitive Classes – Chapter II.A.6-7

Week 5:
  Sep 26
  Sep 27 MDL Proceedings – Chapter II.b

Week 6:
  Oct 3 Consolidation – Chapter 11.C
  Oct 4

Week 7:
  Oct 17 Trial Structures & Discovery – Chapter IV.A, B
  Oct 18

Week 8:
  Oct 24
  Oct 25 Evidentiary Issues, Aggregative Damages, Juries – Chapter IV.C, D, E

Week 9:
  Oct 31
  Nov 1

Week 10:
  Nov 7 Special Problems of Proof – Chapter V.F
  Nov 8 Preclusion – Chapter VI

Week 11:
  Nov 14
  Nov 15

Week 12:
  Nov 21 Jurisdictional Issues – Chapter III.A
Nov 22
Week 13:
Nov 28 Professional Responsibility -- Chapter I.D.2-4
Nov 29

Supplemental Case List: These are all easily available. I will have them posted to a course website as well.

Wal-Mart v. Dukes (Supreme Court)
In re Hydrogen Peroxide Antitrust Litigation (3rd Circuit)
Shady Grove (Supreme Court)
Smith v. Bayer (Supreme Court)
AT&T v. Concepcion (Supreme Court)
Erica P. John Fund, Inc. v. Haliburton (Supreme Court)
Hertz v. Friend (Supreme Court)
Matrixx v. Siracusano (Supreme Court)
Stolt-Nielsen v. AnimalFeeds (Supreme Court)
Cooper v. Federal Reserve (Supreme Court)
Develin v. Scardaletti (Supreme Court)
Hansberry v. Lee (Supreme Court)
Taylor v. Sturgell (Supreme Court)

Topics to be covered:
Class Actions
  Rule 23 – the kinds of classes under the rule
  Settlement Classes
  Discovery in class actions
  PSLRA and other classes
  Federalism – state and federal class actions
  Opt-out and later actions, personal and class
  Notice
  Objections

Consolidation – Rule 42
  Pre-Trial Consolidation
  Discovery in consolidated cases
  Trial Consolidation
  Bell-weather trials

MDL proceedings

Preclusion doctrines and complex litigation

Professional responsibility in class actions and mass torts

Jurisdiction in class and mass torts
Damages

Experts and Scientific evidence
  Rule 702
  Class certification and experts
  Damages and experts