Complex Litigation - Fall 2012

Complex Civil Litigation is an advanced course in procedure. The course is intended to provide an introduction to issues raised by class action and other joinder procedures, related problems of discovery and case management in large matters, and special problems of ethics raised by class action proceedings. We will spend some time discussing the ways in which electronic information and interactions affect personal jurisdiction and discovery practices, and the consequent difficulties in case management. Class (and MDL proceedings) pose particular problems for representation, ethical concerns, and professional duties. We will look at some of them. The course will also cover the doctrines and rules of issue and claim preclusion in a context of diverse jurisdictional venues.

The proposed syllabus is set out below; adjustments (in particular of assigned readings) should be expected in order to reflect case developments and course interests.

Texts:
Complex Litigation, by Sullivan, Floyd, Freer & Clary.
LexisNexis 2009.

Supplemental Materials: cases available online & through course website

Grading:
Grades will be based on (a) five short writing assignments and (b) class participation. Each paper will have a maximum length (strictly enforced). The lowest cap will be 1,500 words and the highest 3,000 words. Regular attendance is required.

Office Hours & Contact Information:
I am not regularly on campus aside from class. I am happy to reserve time in the adjunct faculty office for scheduled appointments. I can also meet with you at appropriate locations downtown.
My telephone number is: 801-535-4304.
My email address is: Jbogart@telosvg.com

Syllabus:
August 21:
Introduction to course

August 27 & 28:
I. Personal Jurisdiction
   A. Personal Jurisdiction and the Internet
      Chapter 1.C: 22-34
   B. Absent Defendants
      Chapter 1.F: 62-86
September 4 – October 2

II. Class Actions
    Ch.3: 161-358
    9/4: Rules 20 & 23
    9/10: Rule 23(a)
    9/17: Rule 23(b)(1) & (b)(2)
    9/24: Rule 23(b)(3)
    10/1: Certification
    10/2: Settlement

October 15 & 16

III. Class Counsel: Appointment, Compensation, Ethical Issues
    Ch. 7: 551-628
    Ch. 3B.4: 333-344

October 22 – November 6

IV. Discovery in Complex Litigation
    Ch. 8: 629-754
    10/22: Traditional discovery issues (628-43)
    10/23: ESI (644-83)
    10/29:
    10/30: Protective Orders and Sanctions (683-95, 712-30)
    11/05: Privilege and Work Product (696-712)
    11/06: International Discovery (730-53)

November 12 & 13

V. Overlapping Jurisdiction
    Ch.4.A-C: 359-421

November 19 - 27

VI. Preclusion
    Ch. 11:883-974
    11/19: Non-mutual preclusion (883-05)
    11/20: Preclusion & Nonparties (927-53)
    11/26: Preclusion & Class Actions (908-27)
    11/27: Inter-jurisdictional Preclusion (953-74)

AMERICANS WITH DISABILITIES ACT ACCOMMODATIONS NOTICE
The University of Utah seeks to provide equal access to its programs, services and activities for people with disabilities. If you will need accommodations in this class, reasonable prior notice needs to be given to Barbara Dickey, Associate Dean of Student Affairs, and to the Center for Disability Services (CDS), to make arrangements for accommodations. CDS is located at 200 S. Central Campus Drive (Olpin Union Building), Rm. 162, or you can call (801) 581-5020 (V/TTY).
All written information in this course can be made available in alternative format with prior notification.