

**CIVIL PROCEDURE II  
SPRING 2009  
PROFESSOR DARRELL MILLER**

Time/Place: Monday/Thursday 1:30 to 2:55pm Room 118

Casebook: Marcus, Redish & Sherman, Civil Procedure: A Modern Approach  
(4th ed. Updated Edition)<sup>1</sup>

Rule Book: Federal Civil Rules Supplement (ed. A. Benjamin Spencer)

Other: Handouts (to be distributed in class or on TWEN as necessary)

Contact Information: Tel: 513-556-0133 E-mail: darrell.miller@uc.edu

**FIRST CLASS ASSIGNMENT**

**This is a TWEN course, so please be sure to sign up for TWEN beginning on January 8.**

**For the first class, please read pages 276-288 of the Casebook, as well as Rules 1 and 24 in your Rule Book.**

**Skim Rule 19 and 28 U.S.C. § 1367 as well.**

**For class, consider the following questions as you read:**

- 1. Why doesn't 42 U.S.C. § 4332 cited in this case obviate the need for litigation? Why is there a lawsuit if this provision requires the federal agency to issue an environmental impact statement when it issues licenses?**
- 2. What criteria does a court use to determine whether to allow a party to intervene; how are those criteria applied in this particular case?**
- 3. Who or what is the American Mining Congress? Why would a court want to allow them in as part of the litigation? What would the practical effect of their participation be?**
- 4. What problems can you imagine are created by intervention, especially if frequently permitted?**

**See you soon!**

**DAHM**

---

<sup>1</sup> You may use the older, 4th Edition if you prefer.