Comments about the course in general.

1. **Seating Chart**
   A seating chart will be handed out in the second class. I’ll ask you to stay in whatever seat you pick, so we all can get to know each other better.

2. **Casebook and other materials**
   The assigned casebook is Richard L. Marcus, et al., Civil Procedure: A Modern Approach (6th ed. 2013). The casebook authors have also created a 2015 Teachers’ Update, parts of which we’ll periodically read, and I’ll post a copy of that on TWEN. We’ll also periodically consult some of the Federal Rules of the Civil Procedure, and the Advisory Committee Notes to those Rules, and both can be accessed at [www.law.cornell.edu/rules/frcp/](http://www.law.cornell.edu/rules/frcp/). Due mainly to time constraints, we’ll concentrate on procedure in federal courts. Each state has its own set of procedures for its own courts, but in most states the procedures are similar to those in federal court. Happily for those of you planning to take the Ohio bar exam, Ohio is one of those states. The Ohio Rules of Civil Procedure, adopted in 1970, were modeled after the Federal Rules, adopted in 1938.

3. **Study Aids**
   No study aids are required. There are many good such aids, one of which I recommended (Gene R. Shreve, Peter Raven-Hansen & Charles Gardner Geyh, Understanding Civil Procedure (LexisNexis 5th ed. 2013)). But it is not required, and I will not refer to this aid in class.

4. **Main Syllabus**
   I have posted on the UC website a one-page syllabus for the entire semester. This gives you an idea of what topics and pages we’ll cover, and helps anyone who wants to read ahead. The topics are coordinated with the teachers of Civil Procedure II in the spring semester.

5. **Distribution of Mini-syllabi and TWEN**
   I have prepared a mini-syllabus for every class session, which lists the assigned pages and has questions and comments on the material on those pages, for you to ponder before each class. I have created a site for this class on TWEN ([www.lawschool.westlaw.com](http://www.lawschool.westlaw.com)), and post the mini-syllabi on TWEN before each class, about a week ahead of time. I will also periodically post on TWEN other information and material relevant to the class.

6. **Class Attendance**
   The class attendance policy is that you are expected to attend every single class. If due to unavoidable circumstances, or for an important personal or professional reason, you are unable to attend a particular class, I will consider it a professional courtesy to myself and to your classmates if you tell me before the class or, if that’s not possible, after the class. You don’t need to tell the entire class; just contact me individually by email. I will also keep track of class attendance, and I will retain the right of taking class attendance into account with regard to the final grade (see below). I also retain the right to prevent a student from taking the final exam if there are excessive class absences. As of 2015 UC has a policy that student attendance in all classes must be kept, so every class I’ll send around a class list for each of you to sign.

7. **Class Participation**
   As is the norm for most first-year classes, I will take the liberty of calling on students, but welcome volunteers and questions during class as well. My goal is to have each student speak at least once during the semester.
8. Grades
The final grade for the course will be based primarily, though not exclusively, on the exam scheduled for the end of the semester. Unless I tell you otherwise, the exam will consist of some combination of multiple-choice and essay questions, and will be partial open-book, meaning you may consult any materials in the exam room except for commercially-prepared study aids, nutshells, hornbooks, etc. (including the study aid I recommended). Later in the semester I will post on TWEN at least one example of a prior exam in this course. For the final grade, I will also take into account classroom attendance, participation, and performance. We have a recommended grading curve to follow for all first-year classes.

9. Laptops and Internet Access in Class
Laptops may be used in class, but I will ask you to use them (or other electronic devices) for note-taking and related activities, and not for use (i.e., surfing) of the internet during class, or other activities unrelated to the class. I’m making this request as a matter of professionalism, courtesy and civility to your classmates and myself. If voluntary compliance proves impossible, I retain the right to limit or forbid the use of laptops or other electronic devices during class.

10. Class Recording
I have agreed to have our classes recorded and made available to students in this class through UC’s Blackboard system, through a program called ECHO 360. I’ll provide more information about this system in due course.

11. Contacting Me
I can be contacted at (michael.solimine@uc.edu). I don’t post formal office hours, because I’m usually in my office during most of the day all week. You are welcome to come by my office any time, with or without an appointment, or talk is immediately after one of our classes. Monday and Wednesday afternoons are generally not good times to talk, since I have my other class (Federal Courts) on those days.

*   *   *
Preface (pp. iii-v)
Introduction (please read pp. 1-28, the first chapter of the casebook)
1. Substance v. procedure; dangers of ad hoc procedure (p.1)

2. Band’s Refuse Removal, Inc. v. Borough of Fair Lawn (p.4)
   Please read this case, but we won’t discuss the precise, complicated facts in class. Rather, consider why our casebook authors put an old case like this in the introduction. They don’t explicitly say why they chose this case, so I’ll ask you to speculate, which will be aided by considering the issues raised by the notes on pp. 11-14, after the case.


4. As note 4 on p.24 points out, the vast majority of civil cases settle out of court. (You will address the settlement process, and so-called Alternative Dispute Resolution (ADR) more generally in Civil Procedure II, and in other courses.) Almost all American trial judges proactively encourage civil litigants to settle. If that’s a good thing for the judges to do, what did the trial judge in Kothe (p.20) do wrong?

5. Procedural challenges of our federal system (pp. 27-28).