Page references with no prefix are to J. Cound, J. Friedenthal, A. Miller & J. Sexton, Civil Procedure: Cases and Materials (7th ed. 1997). The prefix “Supp.” refers to the printed supplement to the casebook. “Supp. II” refers to the photocopied supplement. You should, before each class, become thoroughly familiar with the text of the particular rules of civil procedure dealt with in that day’s assignment, whether or not they are particularly mentioned in this syllabus. (This is primarily important when we get to the materials on joinder of parties and claims. Please note also that the pages listed for each case include the notes following the case unless otherwise specifically indicated. Materials preceded or followed by asterisks may not be discussed in class or will be covered very rapidly. Finally, in three instances, cases that appear in the casebook also appear in the photocopied supplement (Burnham v. Superior Court, Federated Department Stores v. Moitie, and Lasa per L’Industria). Read them in the supplement, not in the casebook.

Chapter 2—JURISDICTION OVER THE PARTIES OR THEIR PROPERTY

A. The Traditional Bases of Jurisdiction
   Pennoyer v. Neff

B. Expanding the Bases of Personal Jurisdiction
   Tauza v. Susquehanna Coal Co.
   Supp. II 1-2
   N.Y. C.P.L.R. §§ 301, 302
   Supp. II 3
   Hess v. Pawloski
   71-74

C. A New Theory of Jurisdiction
   International Shoe Co. v. Washington
   74-75

D. Specific Jurisdiction and State Long-Arm Laws
   1. The Development of Long-Arm Laws
      Supp. II 82-91
      Sybron v. Wetzel
      Supp. II 4-10
      Mackensworth v. American Trading Transportation Co.
      Supp. II 11-16
   2. Due Process and Long Arm Statutes
      91-93
      Hanson v. Denckla
      93-97
      Kulko v. Superior Court
      109-110
      World-Wide Volkswagen Corporation v. Woodson
      97-109
Chapter 17—THE BINDING EFFECT OF PRIOR DECISIONS: RES JUDICATA AND COLLATERAL ESTOPPEL

A. Terminology 1186-88

B. Claim and Defense Preclusion
1. Claim Preclusion 1188
   Rush v. City of Maple Heights 1188-94
   Matthews v. New York Racing Association, Inc. 1194-97
   Jones v. Morris Plan Bank 1198-1201
   Federated Department Stores v. Moitie 31-35
2. Defense Preclusion
   Mitchell v. Federal Intermediate Credit Bank 1201-04
   Linderman Machine Co. v. Hillenbrand Co. 1204-06

C. Issue Preclusion 1206-07
1. Actually Litigated
   Cromwell v. County of Sac 1207-12
2. Necessarily Decided
   Russell v. Place 1212-14
   Rios v. Davis 1214-16
   Patterson v. Saunders 36-38
3. Defining and Characterizing the Issue

   Commissioner of Internal Revenue v. Sunnen 1217-21*
   The Evergreens Doctrine 1221-23*

D. The Required Quality of Judgment 1224*

1. Judgments of Judicial Tribunals
   Hanover Logansport, Inc. v. Robert C. Anderson, Inc. 1224-28

2. Judgments of Nonjudicial Tribunals
   Holmberg v. State, Division of Risk Management 1230-34

E. Persons Benefited and Persons Bound by Preclusion

1. The Traditional Model
   Ralph Wolff & Sons v. New Zealand Ins. Co. 1235-37
   City of Anderson v. Fleming 1237-38

2. Mutuality
   Bernhard v. Bank of America National Trust & Savings Association 1239-43
   Blonder-Tongue Laboratories, Inc. v. University of Illinois Foundation 1243-45
   Parklane Hosiery v. Shore 1245-54

3. Binding Nonparties
   In re Multi-District Civil Actions 1254-59
   Martin v. Wilks 1259-64
   FED. R. CIV. P. 19 Supp. 61-62

F. Intersystem Preclusion

1. Interstate Preclusion
   Hart v. American Airlines 1264-68
   Thompson v. Thompson 1268-72

2. State-Federal Preclusion 1272
   Allen v. McCurry 1272-78

3. Federal-State Preclusion 1278-81

4. Intersystem Administrative Preclusion 1281-83

Chapter 4—JURISDICTION OVER THE SUBJECT
MATTER OF THE ACTION: THE COURT'S COMPETENCY

D. The Subject-Matter Jurisdiction of the Federal
Courts—Supplemental Claims and Parties 287-88
United Mine Workers of America v. Gibbs 288-98
Mengler, Burbank & Rowe, Congress Accepts Supreme
Court's Invitation to Codify Supplemental
Jurisdiction 298-302
Executive Software North America, Inc. v. United States
District Court 302-10

J. Challenging the Subject-Matter Jurisdiction of the
Chapter 9—JOINDER OF CLAIMS AND PARTIES:
EXPANDING THE SCOPE OF THE CIVIL ACTION

A. Joinder of Claims by Plaintiff

Harris v. Avery

B. Addition of Claims by Defendant

1. Counterclaims

United States v. Heyward-Robinson Co.

Great Lakes Rubber Corp. v. Herbert Cooper Co.

Consequences of Failing to Plead a Counterclaim

2. Cross-claims

Lasa per L’Industria Del Marmo Societa per Azioni v. Southern Builders, Inc.

D. Claims Involving Multiple Parties

1. Permissive Joinder of Parties

Ryder v. Jefferson Hotel Co.

Tanbro Fabrics Corp. v. Beaunit Mills, Inc.

2. Joinder of Persons Needed for a Just Adjudication—Necessary and Indispensable Parties

Bank of California National Ass’n v. Superior Court

Provident Tradesmens Bank & Trust Co. v. Patterson

E. Impleader


Goodhart v. United States Lines Co.


Problem on Joinder of Claims and Parties Supp. II 43

F. Interpleader

1. Historical Limitations on the Use of Interpleader

Hancock Oil Co. v. Independent Distributing Co.

2. Jurisdictional Problems

New York Life Ins. Co. v. Dunlevy

3. Interpleader in the Federal Courts

Pan American Fire & Cas. Co. v. Revere

State Farm Fire & Cas. Co. v. Tashire

G. Intervention

Bruné v. McDonald

Atlantis Development Corp. v. United States

Page 4 of 5
Chapter 10—CLASS ACTIONS

A. History and Philosophy of the Class Action
   683-88

B. Operation of the Class Action Device
   688-704

C. Due Process Considerations
   704-11
   Hansberry v. Lee

D. Class Action Practice
   712-19
   Wetzel v. Liberty Mutual Ins. Co.
   General Telephone v. Falcon

E. Class Actions and Jurisdiction
   721-24*
   724
   725-33
   1. Subject Matter Jurisdiction
   2. Personal Jurisdiction
      Phillips Petroleum Co. v. Shutts

F. The Preclusive Effect of a Class-Action Judgment
   733-38
   Cooper v. Federal Reserve Bank of Richmond

G. The Problem of the Mass Tort Case
   738-40