**CIVIL PROCEDURE I: FIRST ASSIGNMENT**  
**LAW 600 (SECTION 3)**  
**3 UNITS**  
**FALL 2018**  
**PROF. JOSHUA P. DAVIS**  
**UNIVERSITY OF SAN FRANCISCO SCHOOL OF LAW**

**CONTACT INFORMATION:**  
**OFFICE—KENDRICK 307**  
davisj@usfca.edu (preferred)  
(415) 422-6223

<table>
<thead>
<tr>
<th>Class</th>
<th>Monday, 6:30-9:30 p.m., Kendrick 301</th>
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<tbody>
<tr>
<td>Office Hours</td>
<td>Kendrick 307 (my office), Mon., 9:30-10:00 p.m., Thurs., 3:00-4:00 p.m. or by appointment.</td>
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<tr>
<td>Seating</td>
<td>I will circulate a seating chart on the first day of class. The seat you occupy will be yours for the rest of the semester. Please arrive promptly and choose wisely.</td>
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| Materials     | Required:  
Civil Procedure: A Modern Approach (7th ed. 2018), Marcus, Redish, Sherman and Pfander (“Marcus”)  
Civil Procedure in California: State and Federal (West 2018), David Levine (“Levine”)  
iClicker Response System  
TWEN—I will post materials for you on this Website.  
Optional (not at all necessary but helpful to some students on some subjects): Examples and Explanations: Civil Procedure (Wolters Kluwer 7th ed.), Joseph Glannon |
| Communications| I will often communicate with students by email. Please check your USF email regularly or forward it to an email address that you do check regularly. |
Assignment: Read Civil Procedure: A Modern Approach (7th ed. 2018), Marcus, Redish, Sherman and Pfander ("CP") at pages 123-142; and FRCP\(^1\) 1, 8(a), 12(b)(6), 12(e), 84; and former Form 9 (CP at 133).

Focus on Gillispie v. Goodyear Service Stores, CP at 128-131, Conley v. Gibson, CP at 135-137, and United States v. Board of Harbor Commissioners, CP at 137-139.

Consider: Do Gillispie, Conley, and Board of Harbor Commissioners take different approaches to pleading? How are they the same? What rules do they adopt? Are they consistent with former Form 9 of the Federal Rules of Civil Procedure? Which is best? Why require more or less specific allegations in a complaint?

Which approach reflects:

1. **Fair Fight**: Maintaining a set of neutral procedural rules regardless of whether the ultimate result reflects the law or the facts?
2. **Legal Justice**: Ensuring that the outcome of the case reflects the law and the facts and not the skill of the lawyers?
3. **Politics by Other Means**: Protecting certain groups, such as “the little person” or corporations?

Which of these three should a court attempt to promote? Which of these three does our legal system promote? Does Federal Rule of Civil Procedure 1 provide any guidance?

Also, please review the syllabus if possible (available on TWEN).

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\(^1\) The Federal Rules of Civil Procedure ("FRCP") are found in Levine.