

## FIRST ASSIGNMENTS

Welcome to law school and to Civil Procedure! I look forward to meeting you and beginning our course together.

Please register for our class TWEN web site immediately. I will post a syllabus and assignment sheet there well before the semester begins. Read these documents carefully before the start of the course.

Our casebook (abbreviated "CB") is Subrin, Minow, Brodin & Main, *Civil Procedure: Doctrine, Practice, and Context* (**Third** Edition 2008). This book is all you need to complete the first two assignments listed below. You may also want to buy and start reading Bingham & Gansler, *Class Action: The Landmark Case That Changed Sexual Harassment Law* (2002). You must **complete this book by Monday, September 14**, when we will devote our entire class period to discussing it.

### **September 9: The Value of Procedure**

#### Readings:

- CB 2-9 ("What Students Should Know From the Start")
- CB 9-10 (Milner Ball excerpt)
- CB 19-26 (Background and Complaint for *Goldberg v. Kelly*)
- CB 27-35 (*Goldberg v. Kelly*)
- CB 35-38 (Excerpts concerning the values behind due process)

#### Notes:

- For class preparation, you definitely should focus most on CB 27-35, the *Goldberg* case itself. The material on CB 2-10 provides some general context. The material on CB 19-26 and CB 35-38 helps you tackle *Goldberg*. We are skipping *United States v. Hall*.
- Pay particular attention to the procedural issues in *Goldberg*, using the study tips on CB 7-8 and "Reading the Case" on CB 26 as guides.
- What do you make of Justice Black's objection that he would agree with the majority opinion if it were "a report of the House Committee on Education and Labor ..."?

## September 11: The Costs of Procedure

### Readings:

- CB 39-45 (*Mathews v. Eldridge*)
- CB 46-58 (Mashaw and Kaplow excerpts)
- CB 58-67 (*Hamdi v Rumsfeld*)
- CB 68 (Exercise 1)

### Notes:

- Does *Mathews* overrule *Goldberg*?
- Is *Hamdi* a civil case?
- The Court considers two separate questions in *Hamdi*: whether the detention is authorized and, if so, what process is required to continue the detention. Be sure you understand the difference between these questions.
- What are the costs of procedure asserted by the government in *Mathews*? In *Hamdi*? How important do you consider these costs?
- The excerpts at CB 46-58 are from classic works of legal scholarship. They may seem daunting, but you need not master them in the same detail as the cases we read for class. Rather, read them for background and to inform your work on Exercise 1. We will return repeatedly to these ideas.
- Complete Exercise 1 and make notes about your responses to questions 1-3 there. We will discuss them in class.