

Class Questions Week One

Civil Procedure – Professor Wang

Monday, 8/24

Warmup Class: Lopez v. City of Irvington

Wednesday, 8/26

Stage 1: Pleading—Introduction to the Complaint

1. Read FRCP 7 and translate it into your own words. Why do you think the Federal Rules of Civil Procedure require a complaint—what are its primary purposes? What lawyering work goes into preparing a complaint, and where do its allegations come from?
2. Read FRCP 8(a) and 10 and translate them into your own words. What do these two rules say must be in a pleading? Does Haddle’s complaint on pp. 353-356 contain all of those elements?
3. What story is Haddle trying to tell in his complaint? What law does he say was violated?
4. Read FRCP 12(b)(6) and translate it into your own words. What kind of motion does that rule permit? What is the relationship between Rule 8(a) and 12(b)(6)?
5. Read carefully the law that is reprinted in Note 3, p. 357 (42 U.S.C. section 1985(2)). What does this law prohibit? Do you think Haddle’s complaint pleads a violation of this law?

Thursday, 8/27

Stage 1: Pleading—Introduction to the Complaint

1. What is the district court’s holding about Haddle’s complaint?
2. Why do you think Haddle appealed this decision to the 11th Circuit, rather than amending his complaint?
3. Do you agree with the 11th Circuit’s reasoning, spelled out in the Supreme Court opinion on pp. 363-364?
4. How does the Supreme Court justify its conclusion about Haddle’s claim? Do you agree with its reasoning?
5. What do the series of *Haddle* opinions tell us about what it means to state a “claim” for “relief,” which is the key language in Rule 8(a) and 12(b)(6)?

6. *Conley v. Gibson*, summarized in note 3, p. 369, established a lenient standard for stating a “claim” that “shows” the pleader is entitled to “relief”—the key language in Rule 8(a)(2) and Rule 12(b)(6). What is the *Conley* standard? What do you think are its benefits and drawbacks?
7. *Bell Atlantic v. Twombly*, summarized in note 4, pp. 369-371, was the next big Supreme Court case on motions to dismiss. First, make sure you understand the basic facts and legal claims involved in this case. Then, be prepared to discuss what you think this case did to *Conley*’s pleading standards.