
INTRODUCTION TO THE STUDENT EDITION

My co-authors and I are delighted that you're using our casefile for your civil procedure course. We hope you enjoy using it as much as we enjoyed writing it.

The casefile is intended to introduce you to the world of civil litigation, and to help you apply the cases and rules you're studying in civil procedure to an actual (well, fictional) legal dispute. You will represent the parties—sometimes the plaintiff, sometimes the defendant—as you help draft the pleadings that are intended to move the case toward trial, or settlement, or dismissal, or a decision on the merits without a trial. Thus, you'll be learning by doing.

The casefile includes 9 exercises, most of which present you with a pleading which is largely completed. You will be asked to draft the missing (but critical) portion needed to complete it, using the rules and cases you are studying in class. We call this approach to learning the “90% solution.” Our goal is to help civil procedure come to life, and to deepen your understanding by asking you to apply the cases and rules you are studying in the classroom the way lawyers apply them in actual litigation, but without taking too much of your time.

As you will soon learn, the case concerns a graduate student who found an apartment she hoped to rent. When the apartment manager rented it to someone else, she suspected that his reasons were improper. She sought legal advice from a law school clinic. No spoiler alert is required before informing you that this will lead to a lawsuit. Your work at each stage of the pleadings will shape its resolution.

The case draws on my experience as a civil rights litigator and law professor. On the first edition, my co-authors were three of my former teaching assistants, all of whom went on to work in litigation and/or as judicial law clerks. Two of them (Sam Wheeler and Molly Leiwant) have continued to work on the casefile. After law school, Sam worked at the San Francisco office of a large Washington DC law firm, and currently works as a career law clerk at a federal district court. Molly is a litigation associate at Paul Hastings in New York.

In addition to Molly and Sam, we've been assisted by several Berkeley Law students and graduates. On the first edition, Rebecca Schonberg was also a co-author. Rebecca clerked for the United States District Court and then the California Supreme Court, and is now a Staff Attorney at the Habeas Corpus Resource Center. Courtney Whang joined the team as the first edition was going to press, and helped shape the process that led to this new edition. She is now clerking on a United States District Court. Prior to publication, the casefile was road-tested with over 200 Berkeley Law students who provided their valuable input. Since its release, it has been used by over 3,000 law students at law schools throughout the country.

For this second edition, the *Patt v. Donner* team expanded when Cady Sartorius, Thomas Dec, Martha Leticia Camarillo, Sarah Hunter, Aaron Thomas Murphy, Melanie Ramey, Eric Anderson, Jordan Elkin, Kelsey Schuetz, Deniz Irgi, Chris Bowman, Ian Jacobster and Meredith Spoto—all past or current Berkeley Law students and civil procedure teaching assistants—joined me in revising the casefile. With the help of two of the original co-authors, Molly and Sam, the revision team incorporated the suggestions received over the years into this updated edition. Despite the work that each of the 18 collaborators have put into crafting and later honing these materials, we know it can be improved. We hope you will send your suggestions to doppenheimer@berkeley.edu so that the next edition will be even clearer and more helpful to future students.

Civil procedure is more than a set of rules; it shapes the way courts function, the contours of legal strategies, and access to the courts. We hope that this book will provide with you with some firsthand understanding of its importance and a glimpse into some of the work you'll do when you

begin your career in a few short years. And, we hope it will be fun to use. Yes, we believe that studying civil procedure can be fun.

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