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CIVIL PROCEDURE STORIES

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CIVIL PROCEDURE STORIES

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CIVIL PROCEDURE STORIES

Introduction

Kevin M. Clermont

Civil Procedure Archaeology

On studying law cases, it has been said that "we need, like archaeologists, gently to free these fragments from the overburden of legal dogmatics, and try, by relating them to the evidence, which has to be sought outside the law library, to make sense of them as events in history and incidents in the evolution of the law."[1] But why? Why do the authors of this book bother to undertake this challenging archaeological task? Why should you bother to read this book on legal archaeology?

Well, anyone who has ever studied these particular civil procedure cases will find their treatment in this book fascinating. That is a certainty, yet it might strike some as an insufficiently practical reason to bother.

A practical reason is *not* to uncover the cases' "true meaning" in the sense of discovering new facts or circumstances that revolutionize how we read the cases. Sometimes advocates do that to distinguish and so undermine a troublesome precedent. But that is in large part a lawyer's trick to mislead the court. Given our system of stare decisis, courts have to take precedents pretty much at face value. How the deciding court stated and understood the facts and circumstances fixes the context for deciphering the holding.

Now, it is true that considering the case's social and legal background and investigating its facts fully will help you to understand more truly what the opinion says and what it meant. The writers and readers of this book's case studies achieve a much better understanding of the cases. But a good treatise could do much the same, working more quickly albeit less effectively to impart the "true meaning" in this limited sense. Accordingly, interpretation is not the central aim of this book either.

No, the aim of this book is pedagogic, in the broad sense. Slowly reconsidering landmark cases in depth helps one to learn the law, and its process and values, most effectively. It is the most effective way, but not

[1] A.W. Brian Simpson, *Leading Cases in the Common Law* 12 (1995).

a common way. It does not always mesh with today's teaching or learning styles. Today we give too little attention to the landmark cases. Instead of savoring these choice morsels, we gulp them down.

The incentives to rush through the landmark cases of civil procedure are manifold. Law students obviously have lots else to read and do, and so feel the need to rush onward. Meanwhile, teachers all feel the pressure to achieve coverage, as civil procedure especially is a rich and broad subject. Moreover, they want to get to the latest doctrinal wrinkle, which absorbs their current interest. Or they want to reach today's hot topics, those that matter in the real world. Or they want to expound the latest insightful theory.

Most teachers understand rationally, at least, that surrendering to such temptations is not the path to good teaching, and so they should be able to resist them. But still they rush through the great cases. The reason, I think, is that something more subtle and powerful propels them. My recently developed belief is that because we teachers think that we understand our own subject, we beneficently incline to share our understanding of the big picture with our students. Individual cases are just points in our big picture. We want to convey the overall vision of that pointillist picture, not merely the cases themselves. That natural inclination to share our vision is almost irresistible, but it can maim good teaching.

It is true enough that teaching the same subject for a number of years will produce expertise, in the sense of highly structured knowledge. Psychologists call each structured subunit of that general structure a schema.[2] We teachers have slowly built an impressive set of schemata of civil procedure by reading cases and studying theory, by analogizing from related schemata, and by reflecting on the actual construction of each schema. Our schemata allow us easily to incorporate new information. They also facilitate solving new problems of doctrinal analysis, permitting us both to explain and to predict outcomes with relative ease and effectiveness. They make it much easier to answer students' questions, but also much more tempting to convey or inflict our structured views in oral debate or in published work.

Although this feeling of mastery is probably realistic as well as undeniably satisfying, it can negatively affect teaching. Knowledge is the root of some evil in teaching. Things seem clear to us, so we try to explain them. We shoot past the landmarks quickly, in order to cover the subsequent developments and to sketch the big picture. We try, in short, to convey our schemata. What we tend to forget is that law students are in class mainly to build their own schemata.[3] Truly learning law is not a

[2] *See* Susan T. Fiske & Shelley E. Taylor, *Social Cognition* 98 (2d ed. 1991).

[3] *See* Richard John Stapleton & Deborah C. Stapleton, *Teaching Business Using the Case Method and Transactional Analysis: A Constructivist Approach*, 28 Transactional

process of receiving the other's understanding; it is rather a process of creating one's own understanding.

How do novices build schemata? Most often they begin by studying exemplars. They connect and organize the exemplars into a structure by the process of induction. Other mental processes can later refine this schema, but the beginning is critical. The students' focus should be on fundamentals, not on filigree.

As is already evident, my thesis that civil procedure study gives too little attention to the landmark cases, although a simple thesis, requires first a bit of background drawn from cognitive scientists on schema theory in the abstract, and then a little elaboration of its pedagogic implications for law schools. I can then turn to how this book addresses my thesis.

Schemata

The "major accomplishment of cognitive science has been the clear demonstration of the validity of positing a level of mental representation."[4] Although disputes persist as to details and even as to terminology, wide agreement prevails on the existence of what many call schemata. These structures in memory embody knowledge, whether about a stimulus or a concept, including its attributes and the relationships among these attributes. These schemata organize the world for the person, while telling the person which new inputs to seek out or to focus on and which to ignore.[5]

Data-driven, bottom-up processes allow the person actively to construct a schema from exemplars encountered. More general information, analogies, and metacognition help the person to elaborate the schema, by making connections multidimensionally and even generating idealized

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Analysis J. 157, 157 (1998) ("The case can be made that schema change is at the root of significant learning," with schema change necessarily performed by the students themselves, and with learning defined as a persisting change in disposition or capability that is not merely ascribable to processes of growth.).

[4] Howard Gardner, *The Mind's New Science: A History of the Cognitive Revolution* 383 (1985). It is safer to stick to mainstream views as one ventures outside one's field. *But see* John Batt, *Law, Science, and Narrative: Reflections on Brain Science, Electronic Media, Story, and Law Learning*, 40 J. Legal Educ. 19 (1990) (invoking curious psychological theories to argue that legal pedagogy should set aside "bite"-oriented casebooks in favor of riveting narrative, especially electronic narrative, in order to attain brain stimulation and learning).

[5] *See* Fiske & Taylor, *supra* note 2, at 98. For an instructive application of schema theory to the law, see Gregory S. Alexander, *A Cognitive Theory of Fiduciary Relationships*, 85 Cornell L. Rev. 767 (2000) (stressing the negative effects of schemata on inference and explanation).

prototypes. As learning progresses, the schema becomes more complex but also more tightly organized, and hence more usable. Furthermore, people arrange their individual schemata into a useful hierarchical pyramid that can embody complexified knowledge, with the more inclusive schemata generally being higher in the hierarchy.[6]

Schemata are in constant use mentally. When a person processes data from the world, the existing schemata affect encoding, as the data fit into the appropriate niche. Schemata affect recall, as people tend to forget schema-irrelevant information and must have made a special processing effort in order later to remember schema-inconsistent information. A person uses the appropriate schema to generate inferences where information is missing or, more generally, to engage in any theory-driven, top-down processes.[7]

More disagreement persists about how people use their schemata to categorize and solve problems. But psychologists agree that what separates experts from novices is the quality of their schemata, whether the expert is a chess grandmaster or a law teacher. In addressing a new problem, the expert does not retrieve all the details of past games or cases, but rather the appropriate schema extracted from them. That schema, in one way or another, then generates a solution, such as a chess or legal move.[8]

In any event, schemata are critical to converting novices into experts, so teachers are well-advised to attend to their students' schema-building. Induction is a basic mental process in this task. Teachers need therefore to provide students with well-selected exemplars, encouraging them to examine thoroughly these prime exemplars from many different angles. A long string of half-comprehended exemplars likely produces a shakier foundation than a shorter series of well-pondered exemplars. "'The case method is essentially a constructivist learning approach.'"[9]

Of course, provision of exemplars is only the beginning of the teaching process. Research indicates that better schemata result if the teacher directs the students' building process, by providing some theory that reveals connectedness and by suggesting source analogies. More-

[6] *See* Fiske & Taylor, *supra* note 2, at 98–99, 105–07, 115–16, 147–49.

[7] *See id.* at 121–39.

[8] *See* Gary L. Blasi, *What Lawyers Know: Lawyering Expertise, Cognitive Science, and the Functions of Theory*, 45 J. Legal Educ. 313, 335, 338 (1995). For a nostalgic view of lawyers' use of schemata generated by a case method, see Anthony Kronman, *The Lost Lawyer: Failing Ideals of the Legal Profession* (1993), *reviewed by* Gail Heriot, *Songs of Experience*, 81 Va. L. Rev. 1721, 1725 (1995), *and* R. George Wright, *Whose* Phronesis? *Which* Phronimoi?: *A Response to Dean Kronman on Law School Education*, 26 Cumb. L. Rev. 817, 828–34 (1996).

[9] Stapleton & Stapleton, *supra* note 3, at 159 (citations omitted).

over, research indicates that better schemata result if the student is actively involved in searching out source analogies and in thinking about the schema-building. Passive recipients of unconnected and two-dimensional information flounder, while directed and active students flourish. The involved students build a sound schema, and only later they add most of their detailed information to it.[10]

Unfortunately, then, there is no way directly to transplant a brilliant schema. All the teacher can do is encourage and guide students in their own schema-building. As one law teacher summed up this cognitive understanding:

> Most experienced law teachers have independently arrived, at least tacitly, at the result suggested by these experiments .... And our resistance to pleas of "just give us the rules" springs from a sense of how people learn, rather than mere sadism. It is the active process of comparing and contrasting appellate cases dealing with complex concepts that leads to an understanding of those concepts on a level deeper than one can get to from the propositional exposition of the hornbook or course outline. Langdell's "legal science" stands on firm ground in human cognition and learning, at least insofar as lawyering entails understanding doctrinal concepts and applying them in new situations ....[11]

Pedagogy

The law schools' case method is wonderfully suited to this challenging process of teaching basic law courses in common-law countries. It is, of course, a remarkably inefficient and ineffective way to convey information.[12] But it squarely addresses the primary task of students' schema-building. From its U.S. beginnings in 1870, the case method has been attacked—foolishly for yielding obscurity, somewhat more insightfully for "call[ing] upon the student to produce a synthesis that only experts could properly produce."[13] Precisely! "Rather than monologically telling

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[10] *See* Blasi, *supra* note 8, at 336 n.53, 358–61, 386–87.

[11] *Id.* at 359. Earlier roots in England of the case method may have rested less on a theory of legal science and more on a sense of human learning. The first casebook editor extolled the value to the student "of early mastering, as so many nuclei of future legal acquisitions, a few of the 'leading cases' in the Law Reports." Samuel Warren, *Miscellanies Critical, Imaginative, and Juridical Contributed to* Blackwood's Magazine 73 (London, Blackwood 1855), *reprinted in* 5 *Works of Samuel Warren* 73 (London, Blackwood 1855); *see* Simpson, *supra* note 1, at 5.

[12] *See* Karl N. Llewellyn, *The Current Crisis in Legal Education*, 1 J. Legal Educ. 211, 215 (1948) ("For it is obvious that man could hardly devise a more wasteful method of imparting *information about subject matter* than the case-class. Certainly man never has.").

[13] Paul F. Teich, *Research on American Law Teaching: Is There a Case Against the Case System?*, 36 J. Legal Educ. 167, 109–10 (1986) (citing Leslie J. Tompkins, *The Lawyer's Education*, 15 Am. Law. 423 (1907)).

students what they need to know for tests based on the teacher's personal schemata, case method teachers colearn and coconstruct 'reality' with students in a dialectical, dialogical process.'"[14]

Now, my position here is a modest one really. Unlike Dean Langdell, I am not claiming that the case method is the only way to teach law or even the best way.[15] Other methods of group instruction that stress active learning seem to be as effective;[16] the case method does flag in the upperclass years;[17] it is not effective for teaching many of the skills that a lawyer needs to master.[18] Nor do I claim that law courses should teach doctrinally focused schema-building and nothing else. Much else goes on. Nevertheless, the fact remains that the case method is the dominant teaching method for basic civil procedure, which still deals heavily with doctrine. So, I maintain merely that if we try to use the case method, we should do it as well as we can.

Yet teachers and students do not employ the case method as well as they can. Various and nefarious incentives degrade the classroom style from interactive engagement (whether Socratic or otherwise) toward more of a lecture approach (whether high-tech or otherwise).[19] So too do the aforementioned desires for speedy coverage and knowledge sharing degrade the approach to the casebook, descending from a true case method toward use of the book as a rather unclear treatise. These classroom and casebook approaches combine to impede the students' schema-building, by diluting the exemplars' power and by inducing passivity in the students. As another law teacher put it:

> Some professors use the case method to teach the rules of law: they go through a casebook by asking for the facts and holding of a

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[14] Stapleton & Stapleton, *supra* note 3, at 160 (discussing business-school case method).

[15] *See* C.C. Langdell, *A Selection of Cases on the Law of Contracts* at vi (Boston, Little, Brown 1871).

[16] *See* Teich, *supra* note 13, at 168–69, 185. It is perhaps worth noting that some of the modern methods alternative to the case method—such as narrative, simulation, and problem methods—share the feature of an elaborated exemplar with the "enriched case method" that I advocate. *See, e.g.*, Douglas L. Leslie, *How Not to Teach Contracts, and Any Other Course: PowerPoint, Laptops, and the CaseFile Method*, 44 St. Louis U. L.J. 1289, 1306–13 (2000) (describing a method that employs for each class period a different case file, consisting of a fictional fact pattern, a selection of authorities, and a law firm partner's assignment to an associate).

[17] *See* Roger C. Cramton, *The Current State of the Law Curriculum*, 32 J. Legal Educ. 321, 328 (1982).

[18] *See* Nancy L. Schultz, *How Do Lawyers Really Think?*, 42 J. Legal Educ. 57, 58–59 (1992).

[19] *See* David M. Becker, *Some Concerns About the Future of Legal Education*, 51 J. Legal Educ. 469 (2001); Leslie, *supra* note 16, at 1295–306.

> case, and making sure the students understand the holding. Then it's on to the next case. Langdell might well cry out (while turning over in his grave): "Stop! If that is all you're doing, go back to using textbooks and lectures. They explain the rules more clearly, accurately, and quickly than cases do. Just find a good hornbook and read it to your students."[20]

Teachers and students need to adhere more closely to a purer case method, which might be called the enriched case method. The essence is studying a slightly smaller number of cases and pausing on the key ones, thoroughly examining them in a rich context. The benefits of the enriched case method would be numerous. For example, studying a case carefully, critically, and actively teaches best that fundamental skill of how to "read a case." Most importantly, it provides the best raw materials for schema-building. By building and then applying those schemata, the student learns what a lawyer needs to know and how to use that knowledge in order to "think like a lawyer."

Although I view improved schema-building as a sufficient justification for the enriched case method, other benefits would flow from elaborating an otherwise acontextual presentation of a case. A thorough reading of the facts and proceedings shows the law in action, along with its various actors (and especially lawyers) likewise in action;[21] it helps students to understand the legal process, as to both dispute-processing and lawmaking;[22] it instructs on what the law values, and what the law does not value;[23] and, at the same time, it humanizes the law, showing the roles people play in creating law and the effects law has on people's

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[20] Myron Moskovitz, *Beyond the Case Method: It's Time to Teach with Problems*, 42 J. Legal Educ. 241, 244 (1992) (footnote omitted).

[21] *See* Jerome Frank, *Why Not a Clinical Lawyer–School?*, 81 U. Pa. L. Rev. 907, 916 (1933) ("*The case-system should be revised so that it will in truth and fact become a case-system and not a mere sham case-system* . . . . But the study of cases which will lead to some small measure of real understanding of how cases are won, lost and decided, should be based to a marked extent on reading and analysis of *complete records of cases* . . . . *It is absurd that we should continue to call an upper court opinion a case.* It is at most an adjunct to the final step in a case (*i.e.*, an essay published by an upper court in justification of its decision)."); Robert A. Hillman, *Enriching Case Reports*, 44 St. Louis U. L.J. 1197, 1197 (2000) ("Judicial opinions in contract matters often fail to reflect the intricacies of a dispute, the nuances of the lawyer's strategies in court and the general realities of litigation."); *id.* at 1204 ("the study of actual contracts helps demonstrate that law consists of more than enactments of officials in power").

[22] *See* Judith L. Maute, *Response: The Values of Legal Archaeology*, 2000 Utah L. Rev. 223, 223 ("Historical reconstruction is invaluable to understanding legal processes . . . .").

[23] *See* Joan Vogel, *Cases in Context: Lake Champlain Wars, Gentrification and* Ploof v. Putnam, 45 St. Louis U. L.J. 791, 795–97 (2001) (discussing use of case studies to introduce the outsider perspective).

lives.[24] Putting the case into its socio-economic-political context can illuminate the reasons for a judicial decision and its truer meaning, while simultaneously attuning the students to the importance of viewing the law from the perspectives of many different academic disciplines.[25] All these benefits are not a bad payoff for a method that incidentally makes the course more interesting and even more fun for teacher and students. (Note that these benefits of context do not depend on commitment to some sort of deconstructionist jurisprudence.)

This variety of pedagogic and intellectual benefits explains the recent burst of attention to the genre of classic-case studies,[26] with many appearing in collections and symposia in various subject areas (other than civil procedure).[27] Scholars have produced or are in the process of producing the necessary raw materials. But how should one incorporate these products of legal archaeology into one's course? A variety of possible ways to pursue the enriched case method suggest themselves.

Enriched Casebooks. One could rely on one's chosen casebook to incorporate the contextual materials. Some casebooks commendably include such materials for certain cases. Most notably, the new Fiss & Resnik coursebook[28] provides delightfully detailed coverage of several of its major cases, including, for example, *Goldberg v. Kelly*[29] as the book's introductory case. They have the right idea. But the result, naturally enough, is lengthy coverage. Moreover, as a general matter, casebook elaboration inevitably constrains a user, who cannot so easily pick which

[24] *See* John T. Noonan, Jr., *Persons and Masks of the Law: Cardozo, Holmes, Jefferson, and Wythe as Makers of the Masks* at xi (1976); Carrie Menkel-Meadow, *Foreword—Telling Stories in School: Using Case Studies and Stories to Teach Legal Ethics*, 69 Fordham L. Rev. 787, 788, 793 (2000). As a former student put it in a recent e-mail to me: "I remember one story in particular that you told in class [*Erie*] that affected me. Somehow the way you told it made the importance of civil procedure hit home for me—I remember thinking what bad luck for this poor guy that they happened to decide this rule in his case. Then when you told us no one could ever find him again I imagined the loss of that judgment must have ruined his life, leaving him homeless and wandering or some such thing. Of course I am embellishing the story a bit. But I do think the stories behind the rules help us understand the impact."

[25] *See* Vogel, *supra* note 23, at 792–95.

[26] *See* Debora L. Threedy, *A Fish Story*: Alaska Packers' Association v. Domenico, 2000 Utah L. Rev. 185, 186–87.

[27] *E.g.*, Simpson, *supra* note 1; Symposium, *Case Studies in Legal Ethics*, 69 Fordham L. Rev. 787–1203 (2000); Symposium, *Teaching Contracts*, 44 St. Louis U. L.J. 1195, 1443–533 (2000); Symposium, 2000 Utah L. Rev. 183–303. The interest seems to have recently increased, but the interest is not new. *See, e.g.*, Richard Danzig, *The Capability Problem in Contract Law: Further Readings on Well-Known Cases* (1978); Noonan, *supra* note 24.

[28] Owen M. Fiss & Judith Resnik, *Adjudication and Its Alternatives* (2003).

[29] 397 U.S. 254 (1970), *treated in* Fiss & Resnik, *supra* note 28, at 54–115.

cases to pause on in a leisurely manner and which to pass through quickly. Selectivity is a necessary aspect of the enriched case method.

At any rate, one cannot expect many other casebook editors to rush to assist in one's pursuit of the enriched case method. Casebook editors have regrettably powerful reasons not to fill the need. Case studies entail a lot of work to prepare. They add many pages to a casebook, and fear of length plagues every casebook editor. They provide little professional reward if published in a new edition of a going casebook. Indeed, they risk alienating prior users of the casebook, who might not want to spend class time on pursuing the particular cases elaborated.

This is not to say that casebook editors will not, or should not, take minor steps toward enriching their presentation of cases. A little case background and follow-up go a long way in making the presentation more interesting and more effective. A productive route in that direction was recently mapped by Professor Robert A. Hillman, who suggested that casebook editors contact the lawyers who litigated the more recent cases included in their casebook, asking the lawyers to share material from their case files.[30] This practice would facilitate introducing into the casebook excerpts of briefs and other court documents, as well as the lawyers' letters and other work product.

Incidentally, proposing improvements of this sort is not a dig at casebook editors for their close editing of cases.[31] Some teachers do complain that the cases in modern casebooks are too closely edited, so that their students get neither the full flavor of the opinions nor, more importantly in these teachers' view, the experience of reading and dissecting cases in their native state. Yet casebook pages are just too precious to expend on loose editing. In the first place, assignments can be only so long before exhausting students' diligence and patience. Moreover, students' pre-class preparation should comprise focused work. Finally, loose editing accomplishes little: it does not directly serve the purpose of schema-building, which calls for the addition of relevant detail and perspective, not for additional irrelevancies; nor is it essential to students' training, because they should get plenty of practice in dissecting unedited cases elsewhere in their law-school experience.

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[30] Hillman, *supra* note 21 (describing his contracts casebook). Another interesting route is the teaching technique proposed by Patricia D. White, *Afterword and Response: What Digging Does and Does Not Do*, 2000 Utah L. Rev. 301, 302–03 (assigning her first-year tort students to pick a case and prepare a full case study covering the record and the context).

[31] I would be more prepared to criticize the editorial practice of adding after cases all those countless, cryptic notes on vaguely related issues. *See* Leslie, *supra* note 16, at 1300–03.

Parallel Case. The more reliable route to follow, then, is to supplement the chosen casebook. Some teachers create their own running exemplar from a real or imagined case, providing a fact pattern and sample documents and referring to the case throughout the course.[32] Many more teachers use one of the excellent paperback books that similarly provide a single case as an illustrative long-term parallel.[33] Two recent ones, for superb examples, employ *A Civil Action*[34] and President Clinton's sex litigation.[35]

Such a supplementary approach can be very productive for certain purposes. I have used, and still use, one or another of these supplemental books in my own first-year class. But this approach does not by itself achieve all the ends of the enriched case method, notably because that method depends on multiple exemplars. Moreover, this supplemental approach can have some problems, because the supplemental book can be hard to integrate with the casebook. My own consequent difficulty is that I tend to lapse, especially after using the same supplemental book for a few years, into leaving it mainly to the students' independent reading, thereby defeating some of its purposes.

Case Studies. The more effective way to achieve the ends of the enriched case method, therefore, is to supplement intermittently as the class reaches key cases in the casebook. All teachers do this to some degree in the classroom, by injecting contextual information orally that

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[32] *See, e.g.*, E-mail from Rogelio Lasso, Professor, Washburn University School of Law, to Civil Procedure Listserve, civpro@law.wisc.edu (June 11, 2002) ("I found that using *A Civil Action* or other materials was too time demanding so for the past couple of years designed my own 'class case,' which is usually an amalgam of several complex cases, usually tort cases. The class case is usually two or three single space pages that include names of injured parties, potential wrongdoers, and detailed accounts of 'what happened.' We begin the semester by meeting the injured parties and one or more defendant as potential 'clients' and we refer to the class case from the beginning, to determine if we should take the case, to using the class case facts and the rules to draft simple complaints, discuss how we can attack a complaint, figure out a discovery plan, etc.").

[33] *E.g.*, David Crump & Jeffrey B. Berman, *The Story of a Civil Case* (3d ed. 2001); Marc A. Franklin, *The Biography of a Legal Dispute* (1968); Joseph W. Glannon, *Civil Procedure: Examples and Explanations* 523–630 (4th ed. 2001); Samuel Mermin, *Law and the Legal System* (2d ed. 1982); Peter N. Simon, *The Anatomy of a Lawsuit* (rev. ed. 1996); Gerald M. Stern, *The Buffalo Creek Disaster* (1976) (related film clips available at http://ns.appalshop.org/film/buffalo/), *discussed in* Lawrence M. Grosberg, The Buffalo Creek Disaster*: An Effective Supplement to a Conventional Civil Procedure Course*, 37 J. Legal Educ. 378 (1987); Barry Werth, *Damages: One Family's Legal Struggles in the World of Medicine* (1998); William Zelermyer, *The Legal System in Operation* (1977).

[34] Lewis A. Grossman & Robert G. Vaughn, *A Documentary Companion to* A Civil Action *with Notes, Comments, and Questions* (rev. ed. 2002) (treating Jonathan Harr, *A Civil Action* (1995)) (related videotapes available at http://www.law.seattleu.edu/woburn).

[35] Nan D. Hunter, *The Power of Procedure: The Litigation of* Jones v. Clinton (2002) (treating Clinton v. Jones, 520 U.S. 681 (1997)).

they may have acquired by their own research, by word-of-mouth over the years, or by gleaning it from the teacher's manual for the casebook. Indeed, casebook editors frequently convey the juicy stuff privately in their manual, with the intent of enabling the teachers to jazz up their class by springing the information on the students. But such intent and means are hardly conducive to providing the real enrichment needed.

Because a quick aside by the teacher is unlikely to work, assigned reading (of moderate length, of course) on multiple cases is the optimal way to go. Basically, the extra assignment will compel the students to ponder the key case, examining it from various angles and milking it for multifold lessons—this is, after all, the method of the enriched case method. The reading encourages the students to build a solid schema, as they incorporate more information into their schema and make new connections within their schema. They will, at the least, realize that their study is supposed to involve more than unearthing the case's holding. Incidentally, the very act of assigning extra reading for the particular day forces the teacher to pause on the elaborated case. And specific case-oriented supplementation is easy to integrate with any civil procedure casebook.

This approach of intermittent supplementation by assigned readings might depend on the teacher's compiling a personal collection of readings, drawn from the existing but scattered books and articles treating the landmark cases of civil procedure.[36] An easier way would be to assign a pre-existing collection. The fine *Civil Procedure Anthology*[37] moved toward opening this option. Its last section presents four articles constituting case studies of *Pennoyer*,[38] *World-Wide Volkswagen*,[39] *Erie*,[40] and

[36] *E.g.*, George Dargo, *Public Power and Privatization* 114–70 (1980), *revised in* George Dargo, *Law in the New Republic* 107–36 (1983) (treating Livingston v. Jefferson, 15 F. Cas. 660 (C.C.D. Va. 1811) (No. 8411)); Ronan E. Degnan, Livingston v. Jefferson—*A Freestanding Footnote*, 75 Cal. L. Rev. 115 (1987) (same); Alan F. Westin & Barry Mahoney, *The Trial of Martin Luther King* (1974) (treating Walker v. City of Birmingham, 388 U.S. 307 (1967)); C. Michael Abbott & Donald C. Peters, Fuentes v. Shevin*: A Narrative of Federal Test Litigation in the Legal Services Program*, 57 Iowa L. Rev. 955 (1972) (treating Fuentes v. Shevin, 407 U.S. 67 (1972)); Christopher D. Cameron & Kevin R. Johnson, *Death of a Salesman? Forum Shopping and Outcome Determination Under* International Shoe, 28 U.C. Davis L. Rev. 769 (1995) (treating International Shoe Co. v. Washington, 326 U.S. 310 (1945)); Benjamin Kaplan, *The Great Civil Rights Case of* Hague v. CIO*: Notes of a Survivor*, 25 Suffolk U. L. Rev. 913 (1991) (treating Hague v. CIO, 307 U.S. 496 (1939)).

[37] David I. Levine, Donald L. Doernberg & Melissa L. Nelken, *Civil Procedure Anthology* 541–76 (1998).

[38] Pennoyer v. Neff, 95 U.S. 714 (1878), *treated in* Wendy C. Perdue, *Sin, Scandal, and Substantive Due Process: Personal Jurisdiction and* Pennoyer *Reconsidered*, 62 Wash. L. Rev. 479 (1987).

[39] World-Wide Volkswagen Corp. v. Woodson, 444 U.S. 286 (1980), *treated in* Charles W. Adams, World-Wide Volkswagen v. Woodson—*The Rest of the Story*, 72 Neb. L. Rev.