

**Civil Procedure**  
**Law 112-003**  
**Spring 2026**  
**Monday & Wednesday - 9:40 am - 11:40 am**  
**Professor Daniel Hamilton**  
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Welcome to Civil Procedure. This course focuses on the rules, practices, and procedures that our legal system uses to resolve disputes. The subject allows us to study various sources of law, including the United States Constitution, the Federal Rules of Civil Procedure, federal and state statutes, and case law of federal and state courts.

The subject is called *civil* procedure because it examines the procedures governing *civil*, as opposed to criminal, matters within the legal system. Civil actions can be brought to address a broad range of conflicts—among many others, these include disputes about property, car accidents, defective products, landlord-tenant, medical malpractice, contracts, infringements of intellectual property, securities, employment, environmental harms, fraud, civil rights, and constitutional violations.

It is called civil *procedure* because our task in this course is not to decide the *substance* of those disputes, but to study the rules and processes that determine where, when, and how they are resolved. In addition to learning what procedure is and how it works, we will examine the ways in which procedural doctrines implement various values, policies, and conceptions of justice—and the ways in which these underlying considerations can affect the outcome of cases. We will also consider the contrasting roles and functions of the lawyer in the legal process.

### **Required Texts**

1. STEPHEN N. SUBRIN ET AL., CIVIL PROCEDURE: DOCTRINE, PRACTICE, AND CONTEXT, SEVENTH EDITION (Aspen 2024). ISBN No. 978-8-8890-6179-3. In this syllabus, this book is referred to as “the casebook,” or “CB.” Because this is a substantial revision of the sixth edition, I would recommend against using an old edition; you’ll miss too much.
2. FEDERAL RULES OF CIVIL PROCEDURE WITH STUDY RESOURCES 2026-2026 (Aspen 2026). ISBN 979-8-8941-0374-7. This is a supplement that aggregates key primary materials like rules and statutes. Whenever the casebook or this syllabus references a Federal Rule of Civil Procedure (“FRCP” or “Fed. R. Civ. P.” or “Federal Rule *x*”), a provision of the Constitution, a Federal Rule, or a section of Title 28 of the U.S. Code, it is your responsibility to find that provision/rule/section in your rules supplement, and familiarize yourself with that provision/rule/section. At the end of this supplement are some checklists and guides that you might find helpful.

## **Class Meetings**

We meet on Monday and Wednesday mornings from 9:40 am to 11:40 am.

Attendance is mandatory, and anyone missing more than 20% of class meetings may be disenrolled from the class. Because law school is a collaborative learning experience, attendance in class benefits all students. Further, the course material is cumulative, meaning that each successive class builds upon material previously covered. Students who fail to attend class meetings will be at a disadvantage. Students are responsible for obtaining from a student-colleague all information given, materials distributed, and assignments made during missed classes. Occasionally, personal commitments can make attendance (or adequate preparation) impossible. You need not explain or justify these situations to me before or after the absence.

## **Learning Outcomes**

Students who complete this course will be able to demonstrate skills, knowledge, and values from the following Boyd learning outcomes:

**Legal Knowledge.** Students will learn procedural doctrines that are grounded in the U.S. Constitution, federal and state statutes, the common law, and the Federal Rules of Civil Procedure. These doctrines are studied in the context of the stages of civil litigation that include pleadings, motions, jurisdiction, discovery, and trial.

**Analysis and Decision-Making.** Students will learn to recognize, analyze, and evaluate the doctrines that constrain and introduce strategic choices. This is explored both in the context of reviewing court opinions and in simulations.

**Policy Evaluation.** Students will learn to identify and understand the various forces involved in and policies influencing procedural doctrines. Many doctrines involve trade-offs between admirable ends.

**Professional Identity.** Students will identify professional and ethical challenges that inhere in civil litigation. The resolution of these problems requires students to engage procedural rules, rules of professional responsibility, and general principles of ethics.

**Oral Communication.** Students will enhance their oral communication skills through interactions in class discussions and in-class group exercises. Exercises include simulations of client interviews, law firm strategy meetings, and motion sessions.

## **Preparing for Class**

I expect you to come to class fully prepared to participate knowledgeably. I will call on students randomly throughout the semester.

### **Classroom Discussion**

Preparing for class will allow you to participate meaningfully. You are fully engaged when you are actively listening to your colleagues and offering relevant comments, critiques, or perspectives. The touchstones of participation are precision (in both listening and speaking), clarity, and respect. Don't be afraid to be wrong—articulate a position and practice the art of advocacy, the only way it can be learned: by doing. Participation deepens comprehension and makes higher grades more likely.

### **Grading/Participation/Exams**

Your grade will be based on an exam at the end of the semester. The final exam will be based on the required reading and class discussion. That exam will be a set of essay questions. It will be an open-book(s), open-notes examination. The date and the specific format of the final exam will be announced later.

I may bump up a small number of grades based on class participation. To receive an upward grade bump, you must have (1) consistently attended class and participated at a level demonstrating a high level of preparation; *and* (2) earned a score on the written exam that is near the borderline between the assigned (anonymous) grade and the next higher grade.

### **Office Hours and Contact Information**

I am available for office hours both before and after our class meetings. My office is in Hazel Hall 311.

If you cannot attend office hours and would like to meet, either individually or in a small group, I will be happy to schedule an appointment on other days and times. These meetings could be in person or on Zoom.

You should also feel free to email me with questions. I will answer your email questions by email or in class.

### **Honor Code**

Students are directed to review the applicable institutional rules governing their conduct.

### **Assignments**

You are expected to complete all of the assignments before the class session. During class, we will discuss the assigned work. Our tentative schedule for the semester follows. If substantial adjustments are required, I will print a revised syllabus with a new version number. I discourage you from reading more than a week ahead.

January 14, 2026	<b>Power and Limits of Courts</b> CB 1-24
January 19, 2026	<b>No Class – Martin Luther King Jr Day</b>
January 21, 2026	<b>Due Process</b> CB 24-45 U.S. Const. amends. V & XIV, § 1 <sup>1</sup>
January 26, 2026	<b>Elements and Causes of Action; Complaints I</b> CB 219-253 FRCP 1-4, 7, 8(a), 10, 12(b)(6), 17
January 28, 2026	<b>Complaints II</b> CB 253-277 FRCP 9, 12(e)
February 2, 2026	<b>Answers, Defenses, Motions</b> CB 283-292 FRCP 6, 8, 12, 55
February 4, 2026	<b>Amendments</b> CB 292-314 FRCP 15
February 9, 2026	<b>Sanctions; Simple Joinder</b> CB 339-359 FRCP 11, 18, 20, 21, 42
February 11, 2026	<b>Ancillary Claims (Counter-, Cross-, and Third Party)</b> CB 360-370 FRCP 13, 14
February 16, 2026	<b>Discovery I</b> CB 391-417 (For examples of various techniques, skim some of the <i>Carpenter</i> discovery in the Case Files at CB 1168-1199) FRCP 26-37
February 18, 2026	<b>Discovery II</b> CB 417-436, 452-455
February 23, 2026	<b>Discovery III</b> CB 436-452, 456-457

February 25, 2026	<b>Jury Trials; Summary Judgment I</b> CB 471-474, 477-487 & 511-524 FRCP 16, 38-39, 52, 56
March 2, 2026	<b>Summary Judgment II</b> CB 525-548
March 4, 2026	<b>Directed Verdicts and JNOVs</b> CB 549-574 FRCP 50 <b>Review Session</b>
March 9-13, 2026	<b>Spring Break – No Classes</b>
March 16, 2026	<b>Alternative Dispute Resolution</b> CB 601-641 FRCP 16, 41
March 18, 2026	<b>Personal Jurisdiction I</b> CB 647-676
March 23, 2026	<b>Personal Jurisdiction II</b> CB 677-706 FRCP 4(k)
March 25, 2026	<b>Personal Jurisdiction III</b> CB 706-737
March 30, 2026	<b>Personal Jurisdiction IV</b> CB 737-767
April 1, 2026	<b>Personal Jurisdiction V</b> CB 767-798
April 6, 2026	<b>Personal Jurisdiction VI</b> CB 798-828
April 8, 2026	<b>Personal Jurisdiction VII; Notice (Service of Process)</b> CB 828-851 FRCP 4

April 13, 2026

**Venue**

CB 851-860

28 U.S.C. §§ 1391, 1404, 1406

April 15, 2026

**Subject Matter Jurisdiction I**

CB 863-896

U.S. Const. art. III

28 U.S.C. §§ 1331, 1332

April 20, 2026

**Subject Matter Jurisdiction II**

CB 897-926

28 U.S.C. §§ 1367, 1441, 1446-1448

April 22, 2026

**Review Session**

No assigned reading