

Civil Procedure
Law 112-003
Spring 2026

Monday & Wednesday - 9:40 am - 11:40 am

Professor Daniel Hamilton

Email: dhamil2@gmu.edu

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

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