

Civil Procedure (LAW 112-001)

George Mason University Antonin Scalia Law School – Spring Semester 2026

Prof. Lael Weinberger

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Class time: Mon./Wed. 9:40–11:40am

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Course description

This course in civil procedure is about how a civil lawsuit operates and about much more. Broadly, it is about how the American legal system functions. It explores how disputes are initiated, managed, resolved, and channeled by the legal system and institutional design; how courts function; and how rules can structure incentives and allocate institutional authority. For litigators, the topics covered in this course will be foundational. But the topics in this course are also important for many other paths in legal practice. Transactional lawyers think about litigation risk and shape deals with an eye to forum selection, choice of law, discovery costs, and other procedural considerations. Lawyers practicing in the criminal system will find significant conceptual overlap (pleading standards, jurisdiction, and discovery rules, for instance). Most areas of law today require lawyers to think about the interplay of rule systems, like the Federal Rules of Civil Procedure (FRCP), and common law. Nearly every lawyer (including those who never want to set foot in a courtroom) works in the shadow of civil process. Wherever your career takes you, the ideas you will encounter in civil procedure are going to matter.

Required Materials

The casebook for this class is Glannon, Perlman, Raven-Hansen, *Civil Procedure: A Coursebook* (5th Edition). Sometimes we may supplement this text with additional readings posted online; those will appear on the course Canvas site.

We will regularly look at the Federal Rules of Civil Procedure (FRCP) and some of the fundamental procedural statutes. These are freely available online. You may also wish to purchase a printed copy, such as the edition published by Carolina Academic Press, to that you can easily reference during class or while studying.

Learning Outcomes

Objectives of this course include familiarity with the general approaches to the study of law and legal reasoning, and the ability to identify and understand key concepts in substantive law, legal theory, and procedure. In particular, you will learn the FRCP and associated statutes and case law; learn the federal court structure and system; apply the FRCP to fact patterns; and understand the reasoning behind the FRCP and statutes.

Evaluations and Exam

Students' grades will be based on an in-class final exam (no internet or computer file access, but you will be permitted to access the textbook and the FRCP). During the semester, I will call on members of the class randomly to discuss issues raised in the reading. I will also seek out volunteers or ask you to talk in groups or participate in various other exercises. All students get two days of "immunity" from being called on over the course of the semester, but to use it, you must give notice that you are using an immunity before the start of class that day. I will take into account whether you are consistently prepared and willing to participate as part of your final grade; this may affect a grade by a single increment (e.g., from B to B+).

Laptop Policy

Laptops are permitted in the classroom but I encourage you to think carefully about how you use them. Research suggests that there are learning upsides to handwriting notes. (If you haven't read on the topic, you may want to start with this *Scientific American* article summarizing some recent studies: [Why Writing by Hand Is Better for Memory and Learning](#).) But there are tradeoffs with every approach and I let you make the decision of what is best for your learning. If you use a laptop, do so in a way that is respectful (and not distracting) to your classmates.

Online Option and Makeups

This class meets in person. It is designed to be interactive; successful learning is dependent upon preparation and class participation. If we have to meet remotely due to extenuating circumstances (e.g., weather), I will provide you with a Zoom link. I will have regular office hours that I will post via Canvas (and if on occasion I need to reschedule the regular office hours, I'll announce in advance via Canvas).

Miscellaneous Policies

AI: Use of generative artificial intelligence is prohibited in drafting or writing coursework or examinations. For Scalia Law's policy, see [Academic Regulation 4-3](#).

Integrity: Students must adhere to the Scalia Law School Honor Code, which prohibits lying, cheating, or stealing. This includes an obligation to never represent the work of another as their own, and to never provide or accept unauthorized assistance on any school related assignment.

Accommodations: If you are seeking accommodations for this class, please visit [Disability Services](#) for information about the Disabilities Registration Process. Faculty may not receive or respond to requests for an accommodation; requests must be handled by the office of Disability Services. You may contact Disability

Services via ods@gmu.edu or (703) 993-2474. For questions about accommodations at Scalia Law, contact the Assistant Dean, Student Academic Affairs.

Email: Use GMU email addresses or Canvas for communicating.

More: Title IX resources are available online at [GMU Common Course Policies](#).

Reading Schedule

Assignments for this class will be stated in a reading schedule, published along with this syllabus. Please note that all assignments are subject to revision, depending on our progress.

Reading Schedule

Class 1 – Wednesday, January 14

Chapter 1 – An Introduction to American Courts (pp. 3-19)

Chapter 2 – A Description of the Litigation Process and Sources of Procedural Law (pp. 21-40)

Class 2 – Wednesday, January 21

Chapter 3 – Diversity Jurisdiction in the Federal Courts (pp. 43-92)

Class 3 – Monday, January 26

Chapter 4 – Federal Question Jurisdiction (pp. 93-127)

Chapter 5 – Removal of Cases from State to Federal Court (pp. 129-145)

Class 4 – Wednesday, January 28

Chapter 6 – The Evolution of Personal Jurisdiction (pp. 149-180)

Class 5 – Monday, February 2

Chapter 7 – Specific In Personam Jurisdiction (pp. 181-254)

Class 6 – Wednesday, February 4

Chapter 8 – Other Constitutional Bases for Personal Jurisdiction (pp. 255-297)

Class 7 – Monday, February 9

Chapter 9 – Long Arm Statutes (pp. 299-316)

Chapter 10 – The Constitutional Requirement of Notice and Methods of Service of Process (pp. 317-351)

Class 8 – Wednesday, February 11

Chapter 11 – Basic Venue: Statutory Allocation of Cases Within a Court System (pp. 355-371)

Chapter 12 – Challenges to Venue: Transfers and Dismissals (pp. 373-401)

Class 9 – Monday, February 16

Chapter 13 – Basic Pleading (pp. 405-452)

Class 10 – Wednesday, February 18

Chapter 14 – Responding to the Complaint (or Not?) (pp. 453-497)

Class 11 – Monday, February 23

Chapter 15 – Care and Candor in Pleading (pp. 499-523)

Class 12 – Wednesday, February 25

Chapter 16 – Amending Pleadings (pp. 525-564)

Class 13 – Monday, March 2

Chapter 17 – Joinder of Claims and Parties (pp. 567-605)

Chapter 18 – Complex Joinder: Intervention, Interpleader and Required Parties
(pp. 607-634)

Class 14 – Wednesday, March 4

Chapter 20 – Supplemental Jurisdiction in the Federal Courts (pp. 671-705)

Class 15 – Monday, March 16

Chapter 21 – Informal Investigation and Scope of Discovery (pp. 709-750)

Class 16 – Wednesday, March 18

Chapter 22 – Discovery Tools (pp. 751-788)

Chapter 23 – Discovery Control and Abuse (pp. 789-807)

Class 17 – Monday, March 23

Chapter 24 – State Law in Federal Courts: The *Erie* Doctrine (pp. 811-850)

Class 18 – Wednesday, March 25

Chapter 25 – Substance and Procedure Under the *Erie* Doctrine (pp. 851-890)

Class 19 – Monday, March 30

Chapter 26 – Pretrial Case Management (pp. 893-917)

Chapter 27 – Dispositions Without Trial (pp. 919-967)

Class 20- Wednesday, April 1

Chapter 28 – The Right to Jury Trial (pp. 969-1002)

Class 21 – Monday, April 6

Chapter 29 – Judgment as a Matter of Law (Directed Verdict and JNOV) (pp. 1003-1030)

Class 22 – Wednesday, April 8

Chapter 30 – Jury Instructions and Verdicts (pp. 1031-1055)

Class 23 – Monday, April 13

Chapter 31 – New Trial and Relief from Judgment (pp. 1057 - 1086)

Class 24 – Wednesday, April 15

Chapter 32 – Appeals (pp. 1089-1131)

Class 25 – Monday, April 20

Chapter 33 – Claim Preclusion (pages 1133-1165)

Class 26 – Wednesday, April 22

Chapter 34 – Issue Preclusion: Further Limits to Relitigation (pages 1167-1207)