

Civil Procedure

Fall 2026 Course Information and Syllabus

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Office Hours

Thursdays, 15:30 – 16:30

COURSE INFORMATION

Introduction

Civil Procedure is the field of law that governs how civil cases are brought, advanced, and resolved in court. But it is much more than the study of technical rules. Civil Procedure is a window into the fundamental values that underlie our system of civil justice, raising some of the law's most interesting issues about government power, democracy, and social policy. Our procedural rules—both code and common law—make deliberate choices that tell us much about what our procedural system deems just. These rules aim to balance efficiency with fairness, access to court with finality, and flexibility with certainty. They attempt to juggle the competing interests of litigants, courts, and society at large. Accordingly, we will not only study the rules and their content, but also assess their underlying choices with a critical eye.

Civil Procedure is as practical as it is intellectually rigorous. For the strategists among us, few courses offer as concrete an opportunity to put on a lawyer's hat and try one's hand at the craft. Aspiring litigators will have a chance to consider how to frame disputes for court, choose among alternative procedural paths, and use procedural devices to drive substantive results for their clients. Future transactional lawyers will see what happens when transactions go wrong, and how negotiated choices can affect procedural avenues when the parties end up in court. Through practice problems, hypotheticals, and class discussion, we will put our study of Civil Procedure into a richer practice context.

Civil Procedure will teach you not just about lawyering but also how law works. The law in this field consists of constitutional doctrines, judge-made common law tests, federal statutes, and the Federal Rules of Civil Procedure themselves. Each works in tandem with the other, requiring you to sort out the complex relationships among these sources and the governmental bodies that generate them. From a skills perspective, you'll learn how to interpret statutes and rules, which is a different exercise than interpreting cases. You'll practice interpreting cases as well, and work at synthesizing common-law tests that have evolved over time, developing critical analytical skills that will serve you well in law school and practice. You'll begin to see how stories, legal elements, and procedural rules are entwined. And you will learn about courts and their relationships, along with the vocabulary of procedure. These will be excellent tools for reading cases in all of your courses. In these ways, Civil Procedure is a basic building block of your legal education.

And finally, Civil Procedure is an ever-changing body of law. We will see how recent developments in pleading requirements, jurisdiction, and the explosion of electronic discovery have changed the litigation landscape. It is an exciting time to study the field.

Required Materials

Hardcover casebook: Stephen Yeazell, *Civil Procedure*, 12th edition, Aspen Casebook Series. A physical copy of the latest edition of the casebook is REQUIRED. NOTE: I do not support students using e-books, mostly because they will not be able to access e-books during the final exam.

The Federal Rules of Civil Procedure (2026 edition): You may use any version of the Rules you wish, as long as they reflect all rules changes through December 1, 2025.

I have uploaded in “Files - Canvas” a pdf version of the most recent rules; feel free to use those.

Finally, if you prefer to simply pull up the rules online, you may access the rules from a trustworthy online source, such as Cornell’s Legal Information Institute (<http://www.law.cornell.edu/rules/frcp/>).

Office Hours

My office hours are Thursdays from 15:30 – 16:30. Feel free to drop by my office located at Advocacy Center Room A227A during this period. Otherwise, please email me if you’d like to schedule a time to meet.

Class Meetings, Cancellations, and Makeups

Civil Procedure (LAW5300-03) meets on Mondays, Wednesdays, and Thursdays in Classroom 208 from 13:40 – 14:55. For cancellations and makeups, see the Syllabus below.

Attendance Policy

Given the discussion-oriented nature of this course, attendance is vital (and required by ABA, Law School and University Rules). Attendance may be excused for good reasons, which include documented illness, deaths in the family and other documented crises, call to active military duty or jury duty, religious holy days, and official University activities. These absences will be accommodated in a way that does not arbitrarily penalize students who have a valid written excuse. Consideration will also be given to students whose dependent children experience serious illness. For an absence to be excused, I must know about it in advance (barring an unforeseen emergency). **Unexcused absences will negatively affect your grade. The grade deduction depends on the severity of the problem.**

Canvas

Canvas is our online course platform. We will mainly use two content areas: (1) Syllabus and (2) Modules. The Syllabus content area contains this Syllabus. The Modules section will include our weekly Class Questions document (see below), PowerPoint slides from completed classes, and any other materials related to specific class sessions.

Teaching Methodology

I will use the following teaching methods to engage as many of you as possible in a meaningful way on a regular basis:

- *In-Class Q&A*: All students are “on-call” each class period and are expected to be prepared

for every class. That is because vibrant classroom discussion is essential to vetting the doctrine and the policy themes in this course and to unearthing multiple viewpoints. I will cold call and take volunteers. See the section on “Assessment” for how this affects your participation assessment.

- *Posted Class Questions and hypotheticals:* My end of the bargain is to prepare a list of questions and hypotheticals each week to allow you to anticipate the lines of questioning. These questions and hypos will be “jumping off” points rather than a comprehensive list of queries. **They will be housed in a document called “Class Questions” posted on Canvas in the Modules area every Friday afternoon.**

Assessment

I will assess class participation on a daily basis. After the exams are graded, I will factor in participation assessments. If, based on your exam, you are on the margin between two grades, and your participation has been regular and robust, I will move you up to the next grade level.

The final exam is the only graded assignment in the course. It will be an in-person, open-book, secured mode, single device exam, that does not have access to the internet, WHICH MEANS STUDENTS WILL NOT BE ABLE TO ACCESS E-BOOKS DURING THE EXAM. The final exam has a time limit – 4 hours with a timer. In classes and during a review session, I will explain how I assess exams, so that you know what will be expected of you.

Classroom and Exam Policies for AI Generative Tools

Learning to use technology appropriately is important for lawyers. Generative AI tools can be invaluable for generating ideas, identifying sources, synthesizing text, and starting to understand what is essential about a topic. But YOU must guide, verify and craft your work product; do not just cut and paste without understanding.

In particular, I want to warn you about the limits of tools like ChatGPT and Claude:

- If you provide minimum effort prompts, you will get low quality results. You will need to refine your prompts in order to get good outcomes. This will take work.
- Don’t trust anything it says. If it gives you a number or fact, assume it is wrong unless you either know the answer or can check in with another source. You will be responsible for any errors or omissions provided by the tool. It works best for topics you understand.
- AI is a tool, but one that you need to acknowledge using. Often that means a citation explaining what tool you used and how you used it that follows immediately after its use. Using these tools without proper citation constitutes plagiarism.

By saying all that, students are NOT allowed to use any alternative generation tool for their final exam submission in this course. Every final exam submission should be an original composition that the students themselves wholly created for this course. I reserve the right to use AI detection software to find instances of AI-generated writing in student final exam submissions.

The findings are binding and can be subject to student code of conduct, academic dishonesty, and plagiarism policies in the course.

University Policies

University Attendance Policy:

Excused absences include documented illness, deaths in the family, and other documented crises, call to active military duty or jury duty, religious holy days, and official University activities. These absences will be accommodated in a way that does not arbitrarily penalize students who have a valid written excuse. Consideration will also be given to students whose dependent children experience serious illness.

Academic Honor Policy:

The Florida State University Academic Honor Policy outlines the University's expectations for the integrity of student's academic work, the procedures for resolving alleged violations of those expectations, and the rights and responsibilities of students and faculty members throughout the process. Students are responsible for reading the Academic Honor Policy and for living up to their pledge to ". . . be honest and truthful and . . . [to] strive for personal and institutional integrity at Florida State University." (Florida State University Academic Honor Policy, found at <http://fda.fsu.edu/academic-resources/academic-integrity-and-grievances/academic-honor-policy>).

Americans With Disabilities Act:

FSU is committed to providing reasonable accommodation for all persons with disabilities in a manner that is consistent with the academic standards of the course while empowering the student to meet the integral requirements of the course. Students with disabilities needing academic accommodation should: (1) register with and provide documentation to the Office of Accessibility Services; and (2) request a letter from the Office of Accessibility Services to be sent to Student Advancement indicating the need for accommodation and what type. Following initial registration with the Office of Accessibility Services and submission of eligibility letters to Student Advancement, each student will meet with Student Advancement to review approved accommodations. Please note that instructors are not allowed to provide classroom accommodations to a student until appropriate verification from the Office of Accessibility Services has been provided. This syllabus and other class materials are available in an alternative format upon request. For the latest version of this statement and more information about services available to FSU students with disabilities, contact the:

Office of Accessibility Services
874 Traditions Way
108 Student Services Building
Florida State University
Tallahassee, FL 32306-4167
(850) 644-9566 (voice)
(850) 644-8504 (TDD)
oas@fsu.edu
<https://dsst.fsu.edu/oas>

Academic Success:

Your academic success is a top priority for Florida State University. University resources to help you succeed include tutoring centers, computer labs, counseling and health services, and services for designated groups, such as veterans and students with disabilities. The following information is not exhaustive, so please check with your advisor or the Department of Student Support and Transitions to learn more.

Confidential Campus Resources:

Various centers and programs are available to assist students with navigating stressors that might impact academic success. These include the following:

Victim Advocate Program

University Center A, Rm. 4100

(850) 644-7161

Available 24/7/365

Office Hours: M-F 8-5

<https://dsst.fsu.edu/vap>

Counseling and Psychological Services (CAPS)

Florida State University's Counseling and Psychological Services (CAPS) primary mission is to address psychological needs and personal concerns, which may interfere with students' academic progress, social development, and emotional well-being. The following in-person and virtual (tele-mental health) services are available to all enrolled students residing in the state of Florida:

1. Individual therapy
 2. Group therapy
 3. Crisis Intervention
 4. Psychoeducational and outreach programming
 5. After hours crisis-hotline
 6. Access to community providers for specialized treatment
- Call 850-644-TALK (8255) for more information on how to initiate services.

Counseling and Psychological Services

250 Askew Student Life Center

942 Learning Way

(850) 644-TALK (8255)

Walk-in and Appointment Hours:

M-F 8 am – 4 pm

<https://counseling.fsu.edu/>

Services at UHS are available to all enrolled students residing in Florida

The mission of University Health Services (UHS) is to promote and improve the overall health and well-being of FSU students. UHS provides a coordinated continuum of care through prevention, intervention, and treatment. Services include general medical care, priority care, gynecological services, physicals, allergy injection clinic, immunizations, diagnostic imaging, physical therapy, and a medical response unit. The Center for Health Advocacy and Wellness

(CHAW) assists students in their academic success through individual, group, and population-based health and wellness initiatives. Topics include wellness, alcohol and other drugs, hazing prevention, nutrition and body image, sexual health, and power based personal violence prevention. For more information, go to uhs.fsu.edu.

University Health Services

Health and Wellness Center

960 Learning Way

Tallahassee, FL 32306

Hours: M-F, 8 am – 4 pm

(850) 644-6230

<https://uhs.fsu.edu/>

SYLLABUS

Below is the course syllabus. At times, due to questions or particular difficulty with a topic, we may not complete all of the anticipated material for a particular class. Unless otherwise directed, you are expected to be prepared to discuss **both** the assigned reading and exercise for the particular day and any remaining reading or exercise not covered in the previous class. The assignments are subject to change at any point due to force majeure or schedule adjustment in need.

COURSE TOPICS AND ASSIGNMENTS

CB=Casebook
FRCP=Federal Rules of Civil Procedure

Date/General Subject of Class/List of Principal Cases	Assignment
Mon., 8/24 WARM-UP CLASS	Case posted on Canvas: <i>Lopez v. City of Irvington</i>
Wed., 8/26 INTRODUCTION TO CIVIL PROCEDURE STAGE 1: PLEADING—THE COMPLAINT <i>Haddle v. Garrison complaint analysis</i>	[Skimming Only]: CB, pp. 1-5, 281-285, 321-330 CB, pp. 349-359 FRCP 7, 8(a), 10, 12(b)(6)
Thu., 8/27 STAGE 1: PLEADING—THE COMPLAINT <i>Haddle v. Garrison opinions</i>	CB, pp. 359-371 (end before note 5) FRCP 8(e)
Mon., 8/31 STAGE 1: PLEADING—THE COMPLAINT <i>Ashcroft v. Iqbal</i>	CB, pp. 372-380 Note: We'll take 2-3 days to cover this case.

Wed., 9/2 STAGE 1: PLEADING—THE COMPLAINT <i>Ashcroft v. Iqbal, cont'd</i>	CB, pp. 381-384
Thu., 9/3 STAGE 1: PLEADING—THE COMPLAINT <i>Ashcroft v. Iqbal, cont'd</i> <i>McCleary-Evans v. Maryland Department of Transportation, State Highway Administration</i>	CB, pp. 384-387 Complaint in <i>Swierkiewicz v. Sorema N.A</i> (skim – posted on Canvas). Be prepared to discuss whether this Complaint would survive post-Twombly and Iqbal.
Wed., 9/9 STAGE 1: PLEADING—SPECIFICITY IN PLEADING <i>Stradford v. Zurich Insurance Co.</i>	CB, pp. 387-390 (end with note 2.b.ii.) FRCP 9(b)
Thu., 9/10 STAGE 1: PLEADING—ETHICAL LIMITS <i>Christian v. Mattell</i> <i>Trump v. Clinton</i>	CB, pp. 397-405 <i>Trump v. Clinton</i> opinion posted on Canvas. FRCP 11
Mon., 9/14 STAGE 1: PLEADING—RESPONDING TO THE COMPLAINT (MOTIONS OR ANSWER)	CB, pp. 405-410 FRCP 4 (a)-(d), (m) (skim – you won't be tested on this rule) FRCP 12(a), (b)(1)-(7), (c), (e), (f), (g), (h), (i) There are no assigned cases to read, but be aware that close reading and careful translation of these FRCP will be time-consuming.

Wed., 9/16 STAGE 1: PLEADING—RESPONDING TO THE COMPLAINT (MOTIONS OR ANSWER) <i>Zielinski v. Philadelphia Piers</i>	CB, pp. 410-416 (end before “Affirmative Defenses”) FRCP 8(b)
Thu., 9/17 STAGE 1: PLEADING—SPOTLIGHT ON AFFIRMATIVE DEFENSES <i>Jones v. Bock</i>	CB, 391-397 (this is intentionally out of order), pp. 416-417 FRCP 8(c) Skim <i>Leland v. Oregon</i> opinion posted on Canvas. Skim summary of <i>Kahler v. Kansas</i> posted on Canvas.
Mon., 9/21 STAGE 1: PLEADING—AMENDMENTS <i>Beeck v. Aquaslide</i>	CB, pp. 419-425 FRCP 15(a)
Wed., 9/23 STAGE 1: PLEADING—AMENDMENTS <i>Moore v. Baker</i> <i>Bonerb v. Richard J. Caron Foundation</i>	CB, pp. 426-432 (end before “Assessment Questions”) FRCP 15(c)
Thu., 9/24 STAGE 2: DISCOVERY—SEQUENCING	CB, pp. 435-436 (end before “Discovery Before Discovery”), 441-454 (end before “The Scope of Discovery”) FRCP 16 FRCP 26(a)(1), (d), (e), (f) There are no cases to read for today, but be aware that close reading and careful translation of these FRCP will be time-consuming.

Mon., 9/28 STAGE 2: DISCOVERY—TOOLS AND RELEVANCE <i>Favale v. Roman Catholic Diocese of Bridgeport</i>	CB, pp. 454-459 FRCP 30, 33, 34, 36 FRCP 26(b)(1)
Wed., 9/30 STAGE 2: DISCOVERY—PROPORTIONALITY AND PRIVACY <i>Cerrato v. Nutribullet</i> <i>Wagoner v. Lewis Gale Med. Ctr.</i> <i>Rengifo v. Erevos Enterprises</i>	CB, pp. 459-468 FRCP 26(b)(1) & (2) FRCP 26(c)
Thu., 10/1 STAGE 2: DISCOVERY—PRIVILEGE AND TRIAL PREPARATION MATERIALS <i>Hickman v. Taylor</i>	CB, pp. 468-476 FRCP 26(b)(3), 26(b)(5)
Mon., 10/5 STAGE 2: DISCOVERY—OBLIGATIONS, SPOILIATION AND REMEDIES <i>Mueller v. Swift</i> <i>Security National Bank of Sioux City v. Abbott Laboratories</i>	CB, pp. 482-493 FRCP 26(g) FRCP 37
Wed., 10/7 STAGE 3: RESOLUTION WITHOUT TRIAL —SUMMARY JUDGMENT <i>Celotex Corp. v. Catrett</i>	CB, pp. 497-498 (end before “The Pressure to Choose Adjudication or An Alternative”), 537-546 (end with note 5) FRCP 56

Thu., 10/8 STAGE 3: RESOLUTION WITHOUT TRIAL —SUMMARY JUDGMENT <i>Tolan v. Cotton</i> <i>Scott v. Harris</i>	CB, pp. 546-558
Mon., 10/12 STAGE 4: TRIAL AND POST-TRIAL ADJUDICATION—JMOL <i>Conte v. Emmons</i> <i>Unitherm Food Systems, Inc. v. Swift-Eckrich, Inc.</i> (skim only)	CB, pp. 563-564, 596-609 (end before “Notes and Problems”) FRCP 50
Wed., 10/14 STAGE 4: TRIAL AND POST-TRIAL ADJUDICATION—NEW TRIAL <i>Lind v. Schenley Industries</i>	Continue discussing JMOL if needed. CB, pp. 610-617 FCRP 59
Thu., 10/15 INTRODUCTION TO PERSONAL JURISDICTION PERSONAL JURISDICTION: SPECIFIC JURISDICTION <i>Worldwide Volkswagen Corp. v. Woodson</i>	Read <i>Pennoyer v. Neff</i> and the Law of Personal Jurisdiction Through <i>International Shoe</i>, posted on Canvas. CB, pp. 88-98 FRCP 4(k)
Mon., 10/19 PERSONAL JURISDICTION: SPECIFIC JURISDICTION <i>Burger King v. Rudzewicz</i> <i>J. McIntyre Machinery v. Nicastro</i>	Read <i>Burger King v. Rudzewicz</i> opinion posted on Canvas. CB, pp. 98-108

Wed., 10/21 PERSONAL JURISDICTION: SPECIFIC JURISDICTION, CONT'D <i>J. McIntyre Machinery v. Nicastro</i> <i>Asahi Metal Industries vs. Superior Court (1987)</i>	Continue discussing <i>Nicastro</i>. Read summary of <i>Asahi Metal Industries vs. Superior Court</i> posted on Canvas.
Thu., 10/22 PERSONAL JURISDICTION: SPECIFIC JURISDICTION, CONT'D <i>Abdouch v. Lopez</i>	Read <i>Abdouch v. Lopez</i> opinion posted on Canvas. CB, pp. 134-135 Skim <i>Briskin v Shopify Inc (en banc)</i> opinion posted on Canvas. Skim <i>Burdick v Superior Court</i> posted on Canvas.
Mon., 10/26 PERSONAL JURISDICTION: GENERAL JURISDICTION <i>Goodyear Dunlop Tires Operations, S.A. v. Brown</i> (skim only) <i>Daimler A.G. v. Bauman</i> <i>Mallory v. Norfolk Southern RR</i> <i>Bristol-Meyers Squibb v. Sup. Ct. of Cal.</i>	CB, pp. 108-128 Read <i>Mallory</i> opinion posted on Canvas.
Wed., 10/28 PERSONAL JURISDICTION: GATEWAY CASES <i>Bristol-Meyers Squibb v. Sup. Ct. of Cal., cont'd</i> <i>Ford Motor Co. v. Montana Eighth Judicial Dist. Court</i>	Continue discussing <i>Bristol-Meyers Squibb v. Sup. Ct. of Cal.</i> CB, pp. 128-134

Thu., 10/29 PERSONAL JURISDICTION: EVOLVED INTERPRETATION OF GENERAL JURISDICTION <i>Burnham v. Superior Court</i>	CB, pp. 135-144
Mon., 11/2 SELF-IMPOSED RESTRAINTS ON JURISDICTIONAL POWER: LONG-ARM STATUTES <i>Gibbons v. Brown</i>	CB, pp. 171-175
Wed., 11/4 SELF-IMPOSED RESTRAINTS ON JURISDICTIONAL POWER: VENUE <i>Thompson v. Greyhound Lines</i>	CB, pp. 175-180 28 U.S.C. § 1391 (available at https://www.law.cornell.edu/uscode/text/28/1391)
Thu., 11/5 SELF-IMPOSED RESTRAINTS ON JURISDICTIONAL POWER: FORUM NON CONVENIENS <i>Piper Aircraft v. Reyno</i> <i>Atlantic Marine Construction Co. v. United States District Court</i> (skim only)	CB, pp. 181-192 (end with note 4.b.ii.)
Mon., 11/9 SUBJECT MATTER JURISDICTION: FEDERAL QUESTION <i>Louisville & Nashville RR v. Mottley</i>	CB, pp. 199-209 U.S. Const., Art. III, § 2 (available at http://www.law.cornell.edu/constitution/articleiii) 28 U.S.C. § 1331 (available at http://www.law.cornell.edu/uscode/text/28/1331)

Thu., 11/12 SUBJECT MATTER JURISDICTION: DIVERSITY JURISDICTION <i>Redner v. Sanders</i> <i>Hertz Corp. v. Friend</i>	CB, pp. 209-221 28 U.S.C. § 1332(a), (b), (c) (available at http://www.law.cornell.edu/uscode/text/28/1332)
Mon., 11/16 SUBJECT MATTER JURISDICTION: SUPPLEMENTAL JURISDICTION <i>In re Ameriquest Mortgage Co.</i> <i>Szendrey-Ramos v. First Bancorp</i>	CB, pp. 221-229 28 U.S.C. § 1367 (available at https://www.law.cornell.edu/uscode/text/28/1367)
Wed., 11/18 SUBJECT MATTER JURISDICTION: REMOVAL JURISDICTION <i>Keller Logistics Group, Inc. v.</i> <i>Navistar, Inc.</i>	CB, pp. 231-239 28 U.S.C. §1441(a)-(c), 1446(a)-(d), 1447 (available at http://www.law.cornell.edu/uscode/text/28/1441 ; click “next” to review the subsequent sections)
Thu., 11/19 CHOICE OF LAW IN DIVERSITY JURISDICTION CASES <i>Erie Railroad v. Tompkins</i>	CB, pp. 245-254 (SKIP Note/Problem 3) 28 U.S.C. §1652 (available at http://www.law.cornell.edu/uscode/text/28/1652) 28 U.S.C. §§2071, 2072, 2073 (available at http://www.law.cornell.edu/uscode/text/28/2071)
Mon., 11/23 CHOICE OF LAW IN DIVERSITY JURISDICTION CASES, CONT'D <i>Guaranty Trust Co. v. York</i> <i>Byrd v. Blue Ridge Rural Electric Coop</i>	CB, pp. 255-260

Tue., 11/24 CHOICE OF LAW: CONFLICTS WITH THE FEDERAL RULES & INTERPRETING STATE LAW <i>Hanna v. Plumer</i> <i>Mckesson v. Doe</i> (skim only)	CB, pp. 260-274
Tue., 11/24 Professor Review Session	TBD