

# FEDERAL PRACTICE & PROCEDURE

## What Your Library Should Contain

Below is a full listing of what should be shelved for the complete Treatise. The columns note volume numbers, the section numbers within each volume, the copyright date of the current volume, the volume's precise title and identified authors and, finally, whether that volume has a 2025 supplement.

<b>Vol.</b>	<b>Sections</b>	<b>©Date</b>	<b>Title &amp; Author</b>	<b>2025 Supplement</b>
<b>Criminal</b>				
1	1-140	2022	Criminal, 5 <sup>th</sup> Ed. [WRIGHT & LEIPOLD]	X
1A	141-240	2020	Criminal, 5 <sup>th</sup> Ed. [WRIGHT & LEIPOLD]	X
2	241-400	2009	Criminal, 4 <sup>th</sup> Ed. [WRIGHT & HENNING]	X
2A	401-510	2009	Criminal, 4 <sup>th</sup> Ed. [WRIGHT & HENNING]	X
3	511-650	2022	Criminal, 5 <sup>th</sup> Ed. [WRIGHT & WELLING]	X
3A	651-720	2010	Criminal, 4 <sup>th</sup> Ed. [WRIGHT & WELLING]	X
3B	721-1000	2013	Criminal, 4 <sup>th</sup> Ed. [WRIGHT & HENNING]	X
3C	Annual	2025	Criminal Appendix, Tables, Index	2025
3D	Annual	2025	Criminal Quick Reference Guide	2025
<b>Civil</b>				
4	1001-1068.1	2015	Civil, 4 <sup>th</sup> Ed. [WRIGHT, MILLER & STEINMAN]	X
4A	1069-1105	2015	Civil, 4 <sup>th</sup> Ed. [WRIGHT, MILLER & STEINMAN]	X
4B	1106-1180	2015	Civil, 4 <sup>th</sup> Ed. [WRIGHT, MILLER & STEINMAN]	X
5	1181-1290	2021	Civil, 4 <sup>th</sup> Ed. [WRIGHT, MILLER & SPENCER]	X
5A	1291-1340	2018	Civil, 4 <sup>th</sup> Ed. [WRIGHT, MILLER & SPENCER]	X
5B	1341-1358	2024	Civil, 4 <sup>th</sup> Ed. [WRIGHT, MILLER & SPENCER]	X
5C	1359-1400	2024	Civil, 3 <sup>rd</sup> Ed. (glossy softcover volume) [WRIGHT & MILLER]	X
6	1401-1490	2010	Civil, 3 <sup>rd</sup> Ed. [WRIGHT, MILLER & KANE]	X
6A	1491-1600	2010	Civil, 3 <sup>rd</sup> Ed. [WRIGHT, MILLER & KANE]	X
7	1601-1750	2019	Civil, 4 <sup>th</sup> Ed. [WRIGHT, MILLER & KANE]	X

<b>Vol.</b>	<b>Sections</b>	<b>©Date</b>	<b>Title &amp; Author</b>	<b>2025 Supplement</b>
7A	1751–1771	2021	Civil, 4 <sup>th</sup> Ed. [WRIGHT, MILLER & KANE]	X
7AA	1772-1790	2005	Civil, 3 <sup>rd</sup> Ed. [WRIGHT, MILLER & KANE]	X
7B	1791–1820	2005	Civil, 3 <sup>rd</sup> Ed. [WRIGHT, MILLER & KANE]	X
7C	1821–2000	2007	Civil, 3 <sup>rd</sup> Ed. [WRIGHT, MILLER & KANE]	X
8	2001–2028	2010	Civil, 3 <sup>rd</sup> Ed. [WRIGHT, MILLER & MARCUS]	X
8A	2029–2160	2010	Civil, 3 <sup>rd</sup> Ed. [WRIGHT, MILLER & MARCUS]	X
8B	2161–2300	2010	Civil, 3 <sup>rd</sup> Ed. [WRIGHT, MILLER & MARCUS]	X
9	2301–2380	2020	Civil, 4 <sup>th</sup> Ed. [WRIGHT & MILLER]	X
9A	2381–2470	2008	Civil, 3 <sup>rd</sup> Ed. [WRIGHT & MILLER]	X
9B	2471–2550	2008	Civil, 3 <sup>rd</sup> Ed. [WRIGHT & MILLER]	X
9C	2551–2650	2008	Civil, 3 <sup>rd</sup> Ed. [WRIGHT & MILLER]	X
10	2651–2680	2014	Civil, 4 <sup>th</sup> Ed. [WRIGHT, MILLER & KANE]	X
10A	2681–2729.1	2016	Civil, 4 <sup>th</sup> Ed. [WRIGHT, MILLER & KANE]	X
10B	2730–2780	2016	Civil, 4 <sup>th</sup> Ed. [WRIGHT, MILLER & KANE]	X
11	2781–2930	2012	Civil, 3 <sup>rd</sup> Ed. [WRIGHT, MILLER & KANE]	X
11A	2931–2980	2013	Civil, 3 <sup>rd</sup> Ed. [WRIGHT, MILLER & KANE]	X
12	2981–3500	2014	Civil, 3 <sup>rd</sup> Ed. [WRIGHT, MILLER & MARCUS]	X
12A	Annual	2025	Civil Appendix	2025
12B	Annual	2025	Civil Quick Reference Guide	2025
<b>Jurisdiction and Related Matters</b>				
13	3501–3530	2008	Juris. And Related Matters, 3 <sup>rd</sup> Ed. [WRIGHT, MILLER, COOPER & FREER]	X
13A	3531–3531.9.6	2008	Juris. And Related Matters, 3 <sup>rd</sup> Ed. [WRIGHT, MILLER & COOPER]	X
13B	3531.10– 3533.2.3	2008	Juris. And Related Matters, 3 <sup>rd</sup> Ed. [WRIGHT, MILLER & COOPER]	X
13C	3533.3–3535	2008	Juris. And Related Matters, 3 <sup>rd</sup> Ed. [WRIGHT, MILLER & COOPER]	X
13D	3536–3600	2008	Juris. And Related Matters, 3 <sup>rd</sup> Ed. [WRIGHT, MILLER, COOPER & FREER]	X
13E	3601–3622	2009	Juris. And Related Matters, 3 <sup>rd</sup> Ed. [WRIGHT, MILLER & COOPER]	X
13F	3623–3650	2009	Juris. And Related Matters, 3 <sup>rd</sup> Ed. [WRIGHT, MILLER & COOPER]	X
14	3651–3660.1	2015	Juris. And Related Matters, 4 <sup>th</sup> Ed. [WRIGHT, MILLER, COOPER & HERSHKOFF]	X
14A	3661–3675	2013	Juris. And Related Matters, 4 <sup>th</sup> Ed. [WRIGHT, MILLER & COOPER]	X
14B	3676–3720	2023	Juris. And Related Matters, 5 <sup>th</sup> Ed. [WRIGHT, MILLER & COOPER]	X

<b>Vol.</b>	<b>Sections</b>	<b>©Date</b>	<b>Title &amp; Author</b>	<b>2025 Supplement</b>
14C	3721–3800	2018	Juris. And Related Matters, Rev. 4 <sup>th</sup> Ed. [WRIGHT, MILLER, COOPER, STEINMAN & KANE]	X
14D	3801-3840	2013	Juris. And Related Matters, 4 <sup>th</sup> Ed. [WRIGHT, MILLER, COOPER & FREER]	X
15	3841-3900	2013	Juris. And Related Matters, 4 <sup>th</sup> Ed. [WRIGHT, MILLER, COOPER & FREER]	X
15A	3901–3914.14	2022	Juris. And Related Matters, 3 <sup>rd</sup> Ed. [WRIGHT, MILLER & COOPER]	X
15B	3914.15–3919	1992	Juris. And Related Matters, 2 <sup>nd</sup> Ed. [WRIGHT, MILLER & COOPER]	X
16	3920–3944	2012	Juris. And Related Matters, 3 <sup>rd</sup> Ed. [WRIGHT, MILLER & COOPER]	X
16A	3945–3960	2019	Juris. And Related Matters, 5 <sup>th</sup> Ed. [WRIGHT, MILLER, COOPER & STRUVE]	X
16AA	3961–4000	2020	Juris. And Related Matters, 5 <sup>th</sup> Ed. [WRIGHT, MILLER, COOPER & STRUVE]	X
16B	4001–4033	2012	Juris. And Related Matters, 3 <sup>rd</sup> Ed. [WRIGHT, MILLER & COOPER]	X
17	4034–4106	2007	Juris. And Related Matters, 3 <sup>rd</sup> Ed. [WRIGHT, MILLER, COOPER & AMAR]	X
17A	4107–4250	2007	Juris. And Related Matters, 3 <sup>rd</sup> Ed. [WRIGHT, MILLER, COOPER & AMAR]	X
17B	4251-4300	2007	Juris. And Related Matters, 3 <sup>rd</sup> Ed. [WRIGHT, MILLER, COOPER & AMAR]	X
18	4301–4426	2016	Juris. And Related Matters, 3 <sup>rd</sup> Ed. [WRIGHT, MILLER & COOPER]	X
18A	4427–4465.5	2017	Juris. And Related Matters, 3 <sup>rd</sup> Ed. [WRIGHT, MILLER & COOPER]	X
18B	4466–4500	2019	Juris. And Related Matters, 3 <sup>rd</sup> Ed. [WRIGHT, MILLER & COOPER]	X
19	4501–5000	2016	Juris. And Related Matters, 3 <sup>rd</sup> Ed. [WRIGHT, MILLER & COOPER]	X
19A	Annual	2025	Juris. And Related Matters Appendix	2025
<b>Federal Practice Deskbook</b>				
20	Deskbook	2011	Federal Practice Deskbook, 2 <sup>nd</sup> Ed. [WRIGHT & KANE]	X
<b>Evidence</b>				
21	5001–5050	2005	Evidence, 2 <sup>nd</sup> Ed. [WRIGHT & K. GRAHAM]	X
21A	5051–5100	2005	Evidence, 2 <sup>nd</sup> Ed. [WRIGHT & K. GRAHAM]	X
21B	5101–5160	2005	Evidence, 2 <sup>nd</sup> Ed. [WRIGHT & K. GRAHAM]	X
22	5161–5190	2012	Evidence, 2 <sup>nd</sup> Ed. [WRIGHT & K. GRAHAM]	X
22A	5191–5230	2014	Evidence 2 <sup>nd</sup> Ed. [WRIGHT & K. GRAHAM]	X

<b>Vol.</b>	<b>Sections</b>	<b>©Date</b>	<b>Title &amp; Author</b>	<b>2025 Supplement</b>
22B	5231–5270	2017	Evidence 2 <sup>nd</sup> Ed. [WRIGHT & K. GRAHAM]	X
23	5271–5420	2018	Evidence 2 <sup>nd</sup> Ed. [WRIGHT & GOLD]	X
23A	5421–5450	2018	Evidence (glossy softcover volume) [WRIGHT & K. GRAHAM]	X
24	5451–5520	1986	Evidence [WRIGHT & K. GRAHAM]	X
25	5521–5610	1989	Evidence [WRIGHT & K. GRAHAM]	X
26	5611–5672	1992	Evidence [WRIGHT & K. GRAHAM]	X
26A	5673–6000	1992	Evidence [WRIGHT & K. GRAHAM]	X
27	6001–6110	2007	Evidence, 2 <sup>nd</sup> Ed. [WRIGHT & GOLD]	X
28	6111–6230	2012	Evidence, 2 <sup>nd</sup> Ed. [WRIGHT & GOLD]	X
29	6231–6320	2016	Evidence, 2 <sup>nd</sup> Ed. [WRIGHT & GOLD]	X
30	6321–6700	2020	Evidence, 2 <sup>nd</sup> Ed. [WRIGHT & BLINKA]	X
30B	6701–7100	2017	Evidence [WRIGHT & BELLIN]	X
31	7101–8110	2021	Evidence, 2 <sup>nd</sup> Ed. [WRIGHT & GOLD]	X
31A	Annual	2025	Evidence Quick Reference Guide	2025
<b>Judicial Review of Administrative Action</b>				
32	8111-8300	2023	Judicial Review of Admin. Action, 2 <sup>nd</sup> Ed. [WRIGHT, KOCH & MURPHY]	X
33	8301-8500	2018	Judicial Review of Admin. Action, 2 <sup>nd</sup> Ed. [WRIGHT, KOCH & MURPHY]	X
33A	Annual	2025	Judicial Review of Admin. Action Appendix–Index	2025
<b>Index/Tables</b>				
	Annual	2025	Consolidated Index/Tables	2025

## Important: Filing Instructions

# Federal Practice and Procedure

## Civil, Jurisdiction and Evidence Units

### Volumes 4 to 33A

### 2025 Annual Upkeep

Enclosed is your 2025 Annual Upkeep for the units of Federal Practice and Procedure (FPP) that relate to the Civil Rules, Jurisdiction & Related Matters, the Evidence Rules, and Judicial Review of Administrative Action. This upkeep replaces the 2024 updates for Volumes 4 to 33A (issued June 2024) and should be received in two packages.

If you also subscribe to the Criminal unit of FPP (comprising Volumes 1 to 3D), please consult the separate filing instructions accompanying the 2025 upkeep to that unit.

## Highlights

Having been cited by courts thousands of times in published opinion, FPP is far and away the primary authority on federal practice for both judges and lawyers. “Federal Practice and Procedure is cited so often in part because it deals with procedure, and every litigated case potentially raises procedural issues. But the work is also cited so often because its persuasive authority is accepted, and because its explanations of complicated matters are so lucid.” 32 Tex. Int’l L.J. 367. This 2025 Upkeep continues to deliver clear, timely, and insightful analysis of the latest statutory, rule-based, and case law developments affecting the civil practitioner.

**This year’s upkeep includes:** coverage of recent court decisions throughout each unit of the Treatise; new and revised sections in volumes 5C, 6A, 11A, 15B, 16AA, 23A, 28, 29, 30, 30B and 33; and coverage of the 2024 amendments to the Federal Rules of Civil Procedure, Appellate Procedure, and Evidence, including Civil Rule 12.

**Stay current throughout the year:** The SUPPLEMENTAL SERVICE is provided in monthly cumulative installments to alert Federal Practice and Procedure users to the latest reported case law, legislation, rule amendments, journal articles, and other substantive developments affecting federal litigation. With the publication of the enclosed 2025 Supplements to your hardbound volumes, the Supplemental Service will now start a new annual cycle.

**Federal Practice Deskbook (Volume 20):** Described as “the best one-volume treatment on the law and practice of the federal courts that exists,” this volume is designed to act as a portable abridged version of the larger set, allowing ready access to its analysis from your briefcase or desk. This year’s upkeep includes new and revised sections on personal jurisdiction (§ 69.1), service of process (§§ 68 and 69) and arbitration (§§ 107.1 to 107.3).

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# Filing Instructions

**2025 Supplements for Hardbound Volumes:** New cumulative pocket parts have been prepared for volumes 4 to 5B, 6 to 9, 9B to 13, 13C, 13E to 14, 14B to 15A, 16 to 23, and 25 to 33. New cumulative softbound pamphlets update volumes 5C, 9A, 13A, 13B, 13D, 14A, 15B, 23A, and 24. These 2025 pocket parts/pamphlets should be placed with their respective bound volumes, and your 2024 pocket parts/pamphlets should be recycled.

**Replacement Appendix Pamphlets:** Three new appendix pamphlets, denominated Volumes 12A, 19A, and 33A, have been prepared. Replace your 2024 Editions of these pamphlets with the provided 2025 Editions.

**Replacement Quick Reference Guide Pamphlets:** New Quick Reference Guides have also been prepared for the Civil and Evidence Rules. These pamphlets are denominated Volumes 12B (Civil) and 31A (Evidence). Again, replace your 2024 Editions of these pamphlets with the provided 2025 Editions.

**General Index and Tables Pamphlet:** Replace the 2024 Edition of your General Index and Tables pamphlet with the provided 2025 Edition.

**Reminder:** A table is published immediately after the Table of Contents in each issue of the Supplemental Service. It identifies precisely what your library should contain and is updated throughout the year to reflect FPP's current components.

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**Federal Practice and Procedure**

**Volume 5B (4th Ed.)**

Replacing §§ 1341 to 1358

By A. Benjamin Spencer

**Volume 5C (2024 Pamphlets)**

Replacing §§ 1359 to 1400

By Arthur R. Miller and A. Benjamin Spencer

Enclosed is your subscription copy of new Volumes 5B and 5C of *Federal Practice and Procedure*. These volumes cover Federal Rule of Civil Procedure 12. The shipment of these materials represents the first step in an overhaul of Rule 12's coverage. Please note that, for ease of handling, the materials in this shipment may ship in more than one box.

The hardbound Fourth Edition of Volume 5B sets forth a revised analysis of Rule 12(a) and most of Rule 12(b). With the publication of this Fourth Edition volume, one section previously found in Volume 5C has been moved into the new Volume 5B. Therefore, in order to avoid duplication of content within your set, we are simultaneously providing Volume 5C's remaining content in softbound format, along with a new corresponding supplement pamphlet. Volume 5C's softbound pamphlet will hold the spot of Volume 5C on your shelf until a hardbound revision of its content is completed.

**Shelving Instructions**

- REMOVE and RECYCLE the Third Edition of Volume 5B (published in 2004, as identified on its copyright page), along with its 2023 Supplement pamphlet (Mat #43031955, issued April 2023), from your shelf.
- PLACE the new Fourth Edition of Volume 5B, as well as the new softbound Volume 5C and its 2024 Supplement pamphlet, immediately after Volume 5A on your shelf.

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## Federal Practice and Procedure

### Volume 14B (5th Ed.)

Revising §§ 3676 to 3720

By Prof. Arthur R. Miller

Enclosed is your subscription copy of new volume 14B of *Federal Practice and Procedure*. Please note that, in order to close a gap in volume numbering, this volume replaces the Fourth Edition of volume 14AA.

#### Shelving Instructions

- REMOVE and RECYCLE the Fourth Edition of volume 14AA (published in 2011, as identified on its copyright page), along with its 2023 Supplement, from your shelf.
- PLACE the enclosed Fifth Edition of volume 14B before volume 14C (Rev. 4th Ed.) on your shelf.

#### Highlights

The Fifth Edition of volume 14B primarily covers the status of amount-in-controversy requirements that must be satisfied to bring an action in federal court. The volume also updates the Treatise's coverage of admiralty jurisdiction, the District of Columbia's courts, and other miscellaneous bases of federal jurisdiction. In writing this edition, Professor Arthur Miller tracked down and distilled important case decisions that have shaped these areas of law over the past twelve years, added new commentary and insights to aid federal practitioners, and updated and reorganized the selections of illustrative cases found within the volume's footnotes. Please consult the updated analysis that can be found throughout the Fifth Edition and keep in mind that it can also be accessed, in searchable form, on Westlaw.

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## Federal Practice and Procedure

### Volume 14B (5th Ed.)

Revising §§ 3676 to 3720

By Prof. Arthur R. Miller

Enclosed is your subscription copy of new volume 14B of *Federal Practice and Procedure*. To close a gap in volume numbering, this volume replaces the Fourth Edition of volume 14AA.

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- PLACE the enclosed Fifth Edition of volume 14B before volume 14C (Rev. 4th Ed.) on your shelf.

#### Highlights

The Fifth Edition of volume 14B primarily covers the status of amount-in-controversy requirements that must be satisfied to bring an action in federal court. The volume also updates the Treatise's coverage of admiralty jurisdiction, the District of Columbia's courts, and other miscellaneous bases of federal jurisdiction. In writing this edition, Professor Arthur Miller tracked down and distilled important case decisions that have shaped these areas of law over the past twelve years, added new commentary and insights to aid federal practitioners, and updated and reorganized the selections of illustrative cases found within the volume's footnotes. Please consult the updated analysis that can be found throughout the Fifth Edition and keep in mind that it can also be accessed, in searchable form, on Westlaw.

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## **Federal Practice and Procedure**

### **Volume 32 (2nd Ed.)**

Revising §§ 8111 to 8300

By Prof. Richard Murphy

Enclosed is your subscription copy of the Second Edition of volume 32 of Federal Practice and Procedure (FPP).

#### **Shelving Instructions**

- REMOVE and RECYCLE the First Edition of volume 32 (published in 2006), along with its 2023 Supplement (Mat #43031625), from your shelf.
- PLACE the enclosed Second Edition of volume 32 immediately before volume 33 on your shelf.

#### **Highlights**

With this Second Edition of volume 32, Professor Richard Murphy has completed an extensive revision and reorganization of FPP's unit on Judicial Review of Administrative Action. The revised unit has been written and organized with the goal of enabling lawyers who are not deeply versed in administrative law to see the relationships among its various doctrines, understand their logic, and safely navigate among them in practice. In volume 32, Professor Murphy concentrates on explaining the constitutional requirements of separation of powers and due process in administrative law as well as on agency rulemaking, adjudication, and investigatory powers and procedures. These topics are now presented in a series of six new chapters at the beginning of the unit. Volume 33, which was revised and reissued in an earlier release, continues to focus on doctrines governing access to the courts and the scope of judicial review.

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## **Federal Practice and Procedure**

**Volume 15A (3rd Ed.)**

Revising §§ 3901 to 3914.14

By Prof. Edward H. Cooper

Enclosed is your subscription copy of new Volume 15A of *Federal Practice and Procedure*. This volume comprehensively updates Sections 3901 to 3914.14, which are located within the Jurisdiction and Related Matters unit of the Treatise.

### **Shelving Instructions**

- REMOVE and RECYCLE the Second Edition of Volume 15A (published in 1992, as identified on its copyright page), along with its 2022 Supplement pamphlet, from your shelf.
- PLACE the enclosed Third Edition of Volume 15A after Volume 15 (4th Ed.) on your shelf.

### **Highlights**

Volume 15A represents the first of two volumes within *Federal Practice and Procedure* covering the final-judgment rule and its impact on the jurisdiction of the United States Courts of Appeals. Since the publication of this volume's Second Edition, many court cases have further shaped the contours of the final-judgment rule, exploring both its breadth and its limits. Within this Third Edition, Professor Edward Cooper expertly distills the most important case decisions concerning the final-judgment rule and helpfully summarizes the important ways that they have influenced questions concerning the appealability of a district court's decision.

Keep in mind that all the important developments captured within the Third Edition of Volume 15A can be found on Westlaw now as well.

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Revising §§ 3901 to 3914.14

By Prof. Edward H. Cooper

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# Federal Practice and Procedure

## Volume 31 (2d Ed.)

Revising §§ 7101 to 8110

By Prof. Victor J. Gold

Enclosed is your subscription copy of new Volume 31 of *Federal Practice and Procedure*. This volume comprehensively updates sections 7101 to 8110, which appear within the Evidence unit of the Treatise.

### Filing Instructions

**REMOVE and RECYCLE** the First Edition of Volume 31 (published in 2000, as identified on its copyright page), along with its 2021 Supplement pamphlet, from your shelf.

**PLACE** the enclosed Second Edition of Volume 31 immediately after Volume 30B on your shelf.

### Highlights

Volume 31 addresses a variety of evidentiary issues that commonly arise in cases brought in federal court today. As such, we are delighted to release a new edition of this volume, which has been prepared by the veteran hands of Professor Victor J. Gold. Professor Gold was the driving force behind the First Edition of this volume and has been active in its supplementation ever since. He has now brought all of his accumulated experience and insight to bear on this revision, which represents a substantial refresh and consolidation of *Federal Practice and Procedure's* coverage of Federal Rules of Evidence 901 to 1103.

In recent years, modern technology has revolutionized both the manner in which information is stored and the ways in which that information can be compromised or even fabricated. The requirement of authentication and the best evidence doctrine, both addressed in Volume 31, are the mechanisms within the Federal Rules of Evidence aimed at dealing with problems of this nature.

This new edition of Volume 31 focuses on rule amendments and recent cases that attempt to adapt these ancient evidence law principles to the challenges posed by modern technology. Within its pages, subscribers will find:

- In depth analysis of Federal Rules of Evidence 902(13) and (14), which

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were added to the Rule in 2017. These subsections relate to data generated by or stored in electronic devices, the admissibility of which has become a major issue given the ubiquitous presence of such devices in modern society.

- Current analysis of Federal Rules of Evidence 902(11) and (12), relating to the admissibility of what is commonly referred to as business records. These provisions govern issues that arise in almost all civil cases.
- An integrated analysis of hundreds of new cases addressing the evolving threats posed by new technologies to the integrity of electronically stored information.

Keep in mind that all the important updates and developments captured within the Second Edition of Volume 31 can now also be found on Westlaw.

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## **Federal Practice and Procedure**

### **Volume 7A (4th Ed.)**

Revising §§ 1751 to 1771

By Prof. Mary Kay Kane

Enclosed is your subscription copy of a new edition of volume 7A of *Federal Practice and Procedure*. This volume comprehensively updates sections 1751 to 1771, which appear within the Civil unit of the Treatise.

#### **Shelving Instructions**

- REMOVE and RECYCLE the Third Edition of volume 7A (published in 2005, as identified on its copyright page), along with its 2021 Supplement (Mat #42737023), from your shelf.
- PLACE the enclosed Fourth Edition of volume 7A after volume 7 (4th Ed.) on your shelf.

#### **Highlights**

Volume 7A represents the first in a string of *Federal Practice and Procedure* volumes relating to class actions. The Fourth Edition of the volume includes: detailed coverage of the history and purpose of class actions; helpful explanations of how other legal concepts work in relation to class actions, such as subject-matter jurisdiction, personal jurisdiction, and venue; an introduction to the primary rule relating to class actions, which is Federal Rule of Civil Procedure 23; and a deep, insightful analysis of part (a) of Rule 23, which sets out the prerequisites for bringing a class action.

Please consult the updated analysis that can be found throughout the Fourth Edition and keep in mind that it can also be accessed, in searchable form, on Westlaw.

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# Federal Practice and Procedure

## Volume 5 (4th Ed.)

Revising §§ 1181 to 1290

By Prof. A. Benjamin Spencer

Enclosed is your subscription copy of new Volume 5 of *Federal Practice and Procedure*. This volume comprehensively updates sections 1181 to 1290, which appear within the Civil unit of the Treatise.

### Filing Instructions

**REMOVE and RECYCLE** the Third Edition of Volume 5 (published in 2004, as identified on its copyright page), along with its 20021 Supplement pamphlet, from your shelf.

**PLACE** the enclosed Fourth Edition of Volume 5 immediately after Volume 4B on your shelf.

### Highlights

Professor A. Benjamin Spencer has been involved in the upkeep of Volume 5 since the publication of its 2016 Supplement. Now, thanks to his great energy and efforts, we are pleased to publish a completely refreshed treatment of Rules 7, 7.1, and 8 of the Federal Rules of Civil Procedure, which address what pleadings are allowed, the form of motions, disclosure statements, and general rules of pleading.

Within the Fourth Edition of Volume 5, you will find:

- A current discussion of the plausibility pleading standard adopted by the United States Supreme Court's decisions in *Bell Atlantic Corp. v. Twombly* (2007) and *Ashcroft v. Iqbal* (2009), including an analysis of how courts have continued to work out the contours and reach of this changed standard as it applies to Rules 7, 7.1, and 8.
- A reduction in the number of cases cited, particularly older cases that are likely of diminished utility today due to recent changes in pleading standards under the Federal Rules of Civil Procedure, making the text of this new edition more navigable and useful overall.
- Updated text throughout the new edition that incorporates all amendments to the Federal Rules of Civil Procedure since 2004, including the restyling

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of the rules in 2007, which changed the wording and rearranged the subsections of many rules. As a result, you can be assured that all quotations and excerpts from the rules are current and accurate.

Keep in mind that all the important updates and developments captured within the Fourth Edition of Volume 5 can also be found on Westlaw.

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# Federal Practice and Procedure

## Volume 30 (2nd Ed.)

Evidence Chapter 9. The Confrontation Right  
By Prof. Daniel D. Blinka

Welcome to another Second Edition volume for the Evidence unit of *Federal Practice and Procedure*. The enclosed Volume 30 has been prepared by Daniel D. Blinka, as a successor to Kenneth W. Graham, Jr. Inspired by Professor Blinka's fresh vision, this new volume reframes and expands the Treatise's chapter covering the Sixth Amendment's Confrontation Clause. Organized and presented in an accessible manner that requires less space on your shelf, we are confident the expanded scope and new emphasis of Chapter 9 will add value to your subscription.

### Highlights

This Second Edition volume provides a comprehensive discussion of the doctrines and practices relating to the confrontation right under the Sixth Amendment's Confrontation Clause. According to Professor Blinka's preface, whereas our First Edition text focused heavily on the rule against hearsay:

This new volume considers all facets of the confrontation right under current doctrine. Discussed are the primacy of the defendant's physical presence in the trial courtroom, especially, his right to be face-to-face with the witnesses who testify against him. Closely related is the defendant's right to cross-examine those witnesses, whether to impeach their credibility or to elicit favorable testimony. Hearsay, however, has become the tail that wags the dog of the confrontation right, at least since the [Supreme] Court's seminal 2004 opinion in *Crawford v. Washington*. In so many ways, *Crawford* has pushed physical presence, face-to-face "confrontation," and cross-examination into the background while seemingly reducing all confrontation issues to a binary choice between testimonial and nontestimonial hearsay. This is unfortunate because it devalues the very core values – viva voce testimony and cross-examination – that *Crawford* purports to venerate.

In response, we have taken a comprehensive approach to the confrontation right that considers all facets: physical presence, face-to-face encounters

in the trial courtroom, cross-examination and impeachment, and, of course, the hearsay problem.

...  
In a book intended for practicing lawyers and courts who struggle with this doctrine on a daily basis, our intent is to underscore what is stable and unstable about the Confrontation Clause. Modest suggestions are offered where helpful and appropriate. But it is not our "primary purpose," to borrow from the *Crawford* cases, to reconstruct confrontation doctrine, a daunting task raising myriad issues of policy that is best left to the law reviews and ultimately the Supreme Court.

While further Supreme Court decisions will undoubtedly hone the contours of the Confrontation Clause, the Second Edition of Volume 30 is well-positioned to offer the background and underlying principles needed to achieve an effective understanding of current practice. As you explore all this volume has to offer, keep in mind that its contents can also be accessed, in searchable form, on Westlaw.

### Filing Instructions

On your shelf, **REPLACE** the First Edition of Volumes 30 and 30A (published in 1997 and 2000, respectively), including their 2020 Supplements, with the enclosed Second Edition of Volume 30.

**WHILE** the Second Edition of Chapter 9 offers an expanded and more complete coverage of all aspects of the Sixth Amendment confrontation right, the chapter's First Edition presents the historical roots of the rule against hearsay in greater depth. Therefore, although they will no longer be supplemented, subscribers who wish to retain Professor Graham's in-depth examination of hearsay's historical roots should archive the First Edition of Volumes 30 and 30A.

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