

Preface to the Fifth Edition

This Fifth Edition is the first revision of the Alabama Rules of Civil Procedure Annotated since 2004. It aims to remain the definitive Treatise on the Alabama Rules of Civil Procedure and to remain the first resource for real-world advice to the practitioner in the trenches. In addition to building upon the groundbreaking work of Justice Champ Lyons, this Edition makes significant improvements to account for the important changes in the Rules over the almost 15 years since the last hardcopy Edition. For instance, this Edition:

- Reorganizes and revises the Author's Comments under Rule 4 (Service) to reflect the rewrite of this key Rule.
- Rewrites the Author's Comments for personal jurisdiction under Rule 4.2 to reflect the substantial change in the United State Supreme Court precedent
- Updates the Author's Comments to a number of Rules to reflect the electronic State Judicial Information System (including Rule 54 regarding what constitutes entry of a judgment or order; Rule 5 and 6 regarding time computations; and the discovery rules regarding service of discovery).
- Adds an extraordinarily helpful checklist for Affirmative Defenses
- Adds a new and significant discussion of motions to compel arbitration which have become far more important over time (under Rule 12)
- Rewrites substantially the Author's Comments under Rule 23 to indicate the major changes in Class Action law in Alabama including Ala.Code § 6-5-640, et seq.
- Adds important new discussions regarding ESI in the Author's Comments for the discovery rules (Rules 26-37, 45)
- Adds a new discussion in the Author's Comments on the proper scope of protective orders under Rule 26
- Adds a substantial discussion on what costs can be recovered under Rule 54

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- Rewrites and updates the discussion under Rule 56 for (1) Rule 56(f), (2) the notary requirement for affidavits, (3) motions to strike
 - Updates the Author's Comments under the post-trial rules (50, 52, 59)
 - Rewrites substantially the Author's Comments under Rule 82 because of the major changes in venue law (both statutorily and caselaw) over the last three decades
- This Fifth Edition of the Alabama Rules of Civil Procedure Annotated is current through decisions issued on or before March 31, 2018.

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