

## WHAT'S NEW 2026 Edition

The new 2026 Edition of *Summary Judgment: Federal Law and Practice* addresses several important developments in Rule 56 practice:

- *Updated case citations.* Numerous new citations provide up-to-date and in-depth coverage of summary judgment doctrine across numerous topics.
- *Appellate Review of Summary Judgment:* Coverage of the Supreme Court's 2023 decision in *Dupree v. Younger* on the relationship between Fed. R. Civ. P. 50 and post-trial appeals of summary judgment denials. In addition, clear discussion of the methods for obtaining review of non-final summary judgment orders provides essential information and guidance.
- *Recurring Issues in Civil Rights and Employment Cases.* Continued attention to factual issues in civil rights cases, particularly with respect to the qualified immunity defense and burden shifting.
- *Timing and Evidentiary Material:* These core chapters on summary judgment practice are organized for the purpose of increasing the utility of these sections for practitioners.
- *Constitutionality of summary judgment:* Comprehensive discussion of the reasons why (and extent to which) summary judgment is constitutional despite assertions of critics.
- *Patent Cases:* Detailed assessment of summary judgment issues in patent cases, including the important issue of obviousness after the *Alice* decision.
- *The Impact of Video and Other "Objective" Evidence on the Summary Judgment Standard:* Up to date coverage of how courts address the impact of evidence—such as video, audio, or other objective forms of evidence—that may “blatantly contradict” one party's factual allegations.

These and other developments receive full treatment in the text of this edition. As always, this treatise seeks (1) to present a thorough grounding in the basic principles, policies, and doctrines of federal summary judgment and (2) to provide an accurate and up-to-date account of issues that arise in Rule 56 practice.