

The Rutter Group Practice Guide: Federal Civil Procedure Before Trial

What's New or Updated 2026

For the 2026 Edition of *Federal Civil Procedure Before Trial*, the authors have added new material and/or updated existing material based on new case law and statutory developments, including, but not limited to, the following subjects:

- Express and implied federal preemption of state law
- Determining amount in controversy in declaratory relief actions, petitions to confirm or vacate arbitration awards, and CAFA actions
- Whether court may take judicial notice of a party's citizenship
- Effect of postremoval stipulation to dismiss federal claims with prejudice on subject matter jurisdiction
- Remand based on lack of equitable jurisdiction and declaratory relief abstention
- Latest case law on plaintiff's standing to sue, including establishing injury in fact, causation, and redressability, and cases with multiple plaintiffs
- Mootness based on statutory changes and public officials leaving office
- Ripeness concerns in First Amendment challenges
- Standard of review under Administrative Procedure Act and limited deference to agency's interpretations of regulations
- Latest case law on minimum contacts doctrine, including through online activity
- Constitutional notice requirements for service of process and effect of mailed notice returned undelivered
- New Supreme Court decision on timeliness of FRCP 60(b)(4) motion to void judgment
- Pleading standards regarding disproving statutory exemptions/affirmative defenses, complaints with multiple claims/defenses, and securities fraud actions
- Latest case law on discovery, including expedited discovery, discovery by foreign litigants, sanctions for spoliation of evidence, and sanctions for failure to comply with discovery orders
- AI use by attorneys, including Rule 11 considerations and grounds for sanctions
- New Supreme Court case limiting universal injunctions
- New FRCP 16.1 scheduling conference rules
- New Supreme Court case law on whether FRCP 41(a) voluntary dismissal qualifies as a final judgment under FRCP 60(b)

Please refer to the "Update highlights and filing (PDF)" for a more comprehensive summary of the most significant developments in this edition.