

Author's Introduction to the 2026 Edition

This is a book for lawyers and judges. It has a specific mission—to provide concise and easy-to-find answers to the types of procedural questions that come up every day in federal-court litigation. But it is not a simplified “nutshell” level resource. The coverage ranges from basic questions for those new to the area to advanced issues that only seasoned litigators might know even exist.

This book is designed to be one that you keep on your desk and look to first. Users from the bench and the bar repeatedly tell me that, most of the time, it gives them the answer they need for the task at hand. And when the task requires more, they have the foundation they need to know what to look for and where to look for it. Think of this book as your go-to resource whether you need a quick answer to a specific question or a starting point to orient yourself and figure out what questions you should be asking.

The heart and soul of this book is its comprehensive coverage of what is happening at the circuit and district court levels. Every year I read thousands of lower court cases looking for new developments, noteworthy trends, and key cases that clarify or better illustrate a practical issue important to lawyers and judges. I track these developments for all of the rules.

I pay special attention to the developments affecting the rules governing pleadings, discovery, and dispositive-motion practice. Those are the rules that dominate what lawyers and judges do on a day-to-day basis. Well over half of this book is devoted to them to give you detailed and thorough guidance on the issues you confront the most.

The 2026 Edition brings the rules and the caselaw interpreting them up to date through the December 1, 2025, amendment cycle.

About the New Commentary Structure

Twenty years ago, I set out to write the procedure book I wished had been available when I was practicing—a clear and straightforward guide to the Federal Rules of Civil Procedure that I could consult whether I needed a big-picture overview of a topic, the answer to a specific question, or just something to help me peek

around corners to see what issues I should be exploring. In every annual edition since then, my focus has been to refine the content and add coverage of emerging developments.

In time, I came to regret one choice I'd made about the structure of the book—that the format we opted to use didn't have numbered sections. That format provided a lot of flexibility, allowing the book to evolve to its current scope and coverage. But it also meant that we never generated a table of contents that captured all the topic headings to facilitate browsing and navigation, especially in the online versions of this treatise.

A year ago, I decided it was time to fix that. For the 2025 edition, we reformatted the book into numbered sections and Thomson Reuters has generated detailed tables of contents for the Commentary to each Rule. The moment we started to see the results, we knew it was a major enhancement well worth all the effort.

On that effort, we could have just coded a program that collected the existing topic headings into a de facto table of contents. But the whole point of reformatting the book was to make it even easier to use. And the key to making a book like this easy to use is to get its organization just right. Put the contents in the right order and label them clearly, and you can't help but have a product that users can navigate quickly and easily. It's really as simple as that. So, I spent most of the last year revisiting the content and organizing every line of the book (spanning over 3,000 pages) to make sure it was all in the right place and in the right order.

I am more convinced than ever that this is the book I wished had been on my desk when I was practicing. It's the one I think you'll reach for time and time again. Give it a look and see for yourself.

Steven S. Gensler
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