

The field of Civil Procedure has continued to evolve since we went to press with the Seventh Edition. The Supreme Court has been very active in procedure, and we appear to be on the verge of a technological revolution in alternative dispute resolution and litigation that will affect everything from remote court appearances to discovery in high stakes litigation, small claims cases, and the use of online platforms to settle disputes. Access to justice in the twenty-first century is taking on new meanings with uncertain consequences for ordinary people who find themselves before the courts, as well as for lawyers, judges, juries, arbitrators, and mediators. What it means to “file” and “decide” a case may change radically. This edition reflects these developments and examines how they reshape the framework through which civil justice is understood and administered.

In the context of civil litigation, one of the first questions that must be answered is whether the court’s exercise of power over the parties to a case is consistent with the constitutional guarantee of due process. A notable area of change has been the Supreme Court’s continued focus on this issue, called personal jurisdiction. Recent decisions in *Ford Motor Co. v. Montana* and *Mallory v. Norfolk Southern* have clarified and redefined the standards by which courts may assert personal jurisdiction over parties in the context of interstate litigation. After decades of limiting courts’ power over out of state litigants in sharply divided cases, *Ford Motor* and *Mallory* are clarifying, but many questions remain unanswered. In light of this complexity and the sheer number of cases, we begin as always with an introduction to the principles of due process to help you understand the complementarity and tension in making procedural rules that are fair, accurate, and efficient. This edition also streamlines the materials on due process in personal jurisdiction analysis, focusing on more recent developments and providing context on the doctrinal evolution and practical implications of these decisions.

The years following the global pandemic have also witnessed the legal system’s continuing adaptation to remote court proceedings. What began as a set of emergency measures has, in many jurisdictions, become a permanent feature of the civil justice system. This is true not only of civil cases in state courts but of administrative proceedings at the state and federal level. While virtual hearings and remote depositions have improved access to justice in some respects, they have also raised new challenges regarding procedural fairness, technological access, and advocacy techniques. As these innovations become more common, this edition offers insights and materials for thoughtful engagement in the debate over what it means for parties to have their “day in court.”

The years since 2021 have also seen a resurgence in conversations about access to justice, driven by a growing awareness of the widening gap between the legal needs of the public and the availability of affordable legal services. Lawyerless and even judgeless courts are trends that have been receiving greater scrutiny as their

role expands. These systems aim to simplify procedures for pro se litigants, yet they raise critical questions about due process, equity, privacy, the role of the judiciary in ensuring fair outcomes, and a new form of “code as law” that shifts legal authority from courts and parties to software designers and algorithm engineers. Relatedly, the continuing impact of heightened pleading standards, limited discovery, and mandatory arbitration clauses remain a focal point of debates over access to justice, as they shape both plaintiffs’ ability to seek redress and defendants’ capacity to avoid legal accountability. This edition features richer and more current discussions of each of these procedural innovations.

Legal ethics have also taken on new urgency in today’s polarized political climate. Lawyers now face heightened scrutiny over their role in both upholding and challenging the rule of law. Building on existing materials that connect procedure to ethics and professional identity, this edition invites more nuanced discussion of the ethical responsibilities of lawyers in an era where misinformation, media scrutiny, non-disclosure agreements, and public opinion can shape the contours and the impact of civil litigation.

As always, the book offers a comprehensive introduction to the enduring principles of civil procedure and a critical lens through which to view the dynamic forces currently shaping the landscape of civil litigation and dispute resolution.

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