Litigating in Federal Court
Litigating in Federal Court
A Guide to the Rules
SECOND EDITION

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CAROLINA ACADEMIC PRESS
Durham, North Carolina
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Preface

After working with the Federal Rules of Civil Procedure for many years—as a federal district court judicial law clerk, a commercial and employment litigator in the Washington, D.C. office of a national law firm, a Litigation Section Chief for the Civil Rights Division of the Arizona Attorney General’s Office, and a long-time Civil Procedure and Pre-trial Advocacy professor—I have developed some expertise in understanding and explaining the interrelationships of the applicable rules for each stage of federal court litigation. The Federal Rules of Civil Procedure (FRCP) are not sufficiently organized or cross-referenced to allow law students or litigators to easily understand the relationships between them or to make sure that all relevant rules have been consulted. However, based upon my experience and my “big picture” view of the procedural rules, I have drafted the charts and checklists in this book in an attempt to help remedy these deficiencies. This extremely practical, yet analytically complex, guide to federal court litigation is designed to help solve the puzzle that the rules present to many law students and litigators.

As in the first edition, Litigating in Federal Court is divided into two parts. The first part of the book covers all of the stages of federal court litigation, including a short narrative discussion of each stage and one or more charts showing the applicable rules and their relationship to each other. (There are a total of 36 charts in this section.) The second part of the book contains 21 checklists for drafting most of the documents used in the pretrial process (which include citations of the basic relevant rules). The charts and checklists contained in this book also include references to some sources other than the FRCP—including federal statutes and case law. The second edition of this book includes all of the updates to the Federal Rules of Civil Procedure that have occurred since the last edition was published, as well as some additional material on changing litigation trends such as automatic disclosures and e-discovery, and information on joinder analysis and analyzing the appropriateness of discovery requests.
I would like to thank all of my Civil Procedure and Pretrial Advocacy students at The University of Akron School of Law and the Phoenix School of Law who motivated me to think about how to explain the relationships between the applicable rules—and particularly those students at Akron who encouraged me to write a book such as this one. I also would like to thank two research assistants at the Phoenix School of Law, Jeff Hall and Rachael Whitaker, for their assistance in creating this second edition.

Ann E. Woodley
2014
About the Author

As this book goes to press, Ann E. Woodley is on leave from her former position as Associate Dean of Teaching and Learning and Professor of Law at Arizona Summit Law School and currently serving as the Executive-in-Residence at InfiLaw, the parent company of three law schools, including Arizona Summit. Professor Woodley has taught Civil Procedure and Pretrial Advocacy for approximately 15 years, and in her more than twenty years as a law professor she also has taught Mediation Skills, Alternative Dispute Resolution, Mediation Advocacy, Interviewing and Counseling, and Employment Discrimination.

Professor Woodley’s career includes being a law professor at three different law schools—the Phoenix School of Law (where she also served as the Associate Dean for Academic Affairs for four years), the Arizona State University Sandra Day O’Connor School of Law, and The University of Akron School of Law. Her practice experience includes service as a judicial law clerk for the Honorable Carl A. Muecke, (then) Chief Judge of the United States District Court for the District of Arizona; a commercial and employment litigator in the Washington, D.C. office of Winston & Strawn; and the Litigation Section Chief for the Civil Rights Division of the Arizona Attorney General’s Office.