This is your Release #7 (July 2015)

Sinclair on Federal Civil Practice

Fifth Edition

by
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This seventh supplement to the fifth edition of Sinclair on Federal Civil Practice updates the treatise with the latest developments in the field, including hundreds of courts of appeals decisions on the full range of federal procedure issues, and new discussion of several key developments on an important range of issues in federal practice:

Cooperative Role of Court and Counsel. In 2015, the Supreme Court amended Rule 1 of the Federal Rules of Civil Procedure to emphasize counsel’s responsibility to properly implement federal procedure and practice. See § 1:2.2.

Example “Forms” for Pleadings and Other Illustrative or Model Papers in Federal Practice. The Federal Rules of Procedure have long included model pleading forms. However, owing to the requirements of modern factual pleading and following the recommendation of the rules drafting committees of the Judicial Conference of the United States, the Supreme Court in 2015 abolished the use of the model forms. See § 1:2.2.

Grappling with the “New Era” in Federal Pleading. New § 4:4.1 contains an extensive discussion of some of the effects of new pleading standards after Twombly and Iqbal, particularly with respect to increased use of the motion to dismiss for failure to state a claim. Factual insufficiency, legal insufficiency, and frivolous claims are discussed in detail.

Adapting Rule 16 to the Modern Era of “Proportional” Preparation and Discovery. Among the changes made by the Supreme Court to the Federal Rules of Procedure in 2015 were changes to Rule 16 regarding pretrial conferences and case management. The amendments focus on increasing the involvement of the court in case management

(continued on reverse)
and expanding the topics to be discussed in pretrial conferences. See § 7:1.1.

**Plenary Amendments to the Federal Rules of Procedure.** See chapter 9 for extensive discussion of changes to Rules 1, 26, 30, 31, 33, and 34, among others. See also new § 9:11.10 on Rule 37 and **Failure to Preserve Electronically Stored Information.**

In addition to these and many other enhancements, author Kent Sinclair has updated the chronological, circuit-by-circuit **Compendium of Recent Authorities**, significantly expanding it with scores of new cases, organized to correspond section by section with the main treatise text. This invaluable citator enables you to find the latest cases in your jurisdiction and to understand a circuit’s particular “local spin” on the rules of procedure for federal litigation.

PLI is proud to publish **Sinclair on Federal Civil Practice**. If you have any comments or questions, please contact us (see “**QUESTIONS ABOUT THIS BOOK?**” on the page following the title page).
FILING INSTRUCTIONS

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Remove Old Pages Numbered:

Volume One

☐ Title page to 5-117
☐ 7-1 to C1-183

Volume Two

☐ Title page to 12-28
☐ 15-1 to 15-88
☐ 17-1 to 17-25
☐ 19-1 to I-77

Insert New Pages Numbered:

Volume One

☐ Title page to 5-119
☐ 7-1 to C1-173

Volume Two

☐ Title page to 12-32
☐ 15-1 to 15-88
☐ 17-1 to 17-25
☐ 19-1 to I-77

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