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CIVIL PROCEDURE  
Theory and Practice

*Fifth  
Edition*



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ASPEN CASEBOOK SERIES

# Civil Procedure Theory and Practice

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**Fifth Edition**

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# Civil Procedure

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To my father, Alfred Silberman (1914–1996), who made all things possible for me.  
I wish he could have seen this book.

—L. J. S.

To my father, Victor Stein, whose passion for justice and reverence for the rule of  
law drew all his children to follow his path.

—A. R. S.

To Samuel Emerson Wolff, born December 22, 2005, with the hope that fairness  
and justice will expand and thrive in the world he is entering.

—T. B. W.

# PREFACE TO THE FIFTH EDITION

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The Fifth Edition introduces *Daimler AG v. Bauman*, the Supreme Court's paradigm-shifting decision on general jurisdiction, and Chapter 2 is substantially revised and reorganized to accommodate the impact of *Daimler*, which is now the principal case in the general jurisdiction section. The notes that follow highlight and explore some of the important questions in the aftermath of that decision. Chapter 3 has been trimmed to some extent and some details of the diversity jurisdiction are now explained in text rather than through principal cases. Throughout both chapters, we build on the robust treatment of doctrine and theory that has always been the book's organizing principle. Chapter 5 introduces a new principal case for Rule 11, *Christian v. Mattel, Inc.*, which offers a more recent and factually rich dispute for examination of that provision. The Fifth Edition also includes substantial updates to class action doctrine in Chapter 8, foregrounding *Wal-Mart Stores v. Dukes* and exploring developments in the standards for class certification in the aftermath of that major ruling while restructuring and streamlining the chapter to make room for the new materials. Chapter 10 presents *AT&T Mobility v. Concepcion* as a principal case and explores recent developments in the Court's interpretation of the Federal Arbitration Act including a substantial treatment of *American Express v. Italian Colors*. And the Fifth Edition continues to provide an up-to-date comparative and international perspective in discrete, concise sections that adopters can assign or not as befits their approach to the course.



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# Civil Procedure

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