

PREFACE

Our Introduction explains the genesis, purpose, and major themes of this book, so little is required here. This book provides “local knowledge” to understanding American civil procedure and civil litigation. It is neither a civil procedure casebook nor a civil procedure treatise. It is background reading for law students, lawyers, and judges from other countries; beginning American law students; undergraduates interested in law; and others who want to learn about our civil litigation system, including the procedures that judges and lawyers use in such litigation. We present American civil procedure from several vantage points: the procedural doctrine that has evolved over time; the practical implications of that doctrine; the social context in which the doctrine grew, is used and abused; the recent efforts to contain procedure, and the global context of how other systems may have made different choices. We hope we have captured the character of American civil litigation and procedure at this very critical juncture of retrenchment.

We thank Professor Jiang Wei of Renmin University, Beijing, China, whose wisdom and courage have provided insight and inspiration – and his students and colleagues, who asked such probing questions. We thank literally dozens of Northeastern University School of Law students (especially Ethan Eddy) and the school’s librarians who during all stages of this book have provided countless hours of much appreciated help. We are grateful to the Dean, Emily Spieler, for granting research funds and giving encouragement.

We also thank the many at Aspen Publishers who have aided and guided us throughout, including Jessica Barmack, Melody Davies, Eric Holt, and Dana Wilson. We hope Carol McGeehan at Aspen knows that we know that she made this book happen; we truly appreciate her combination of energy, intelligence, experience, humor, and graciousness.

We learned so much writing this book, and thank each other for pushing the other on. Our ever-changing civil litigation system is markedly different from, and yet similar to, those in the rest of the world. We sincerely hope that we have been able to describe accurately American institutions, values, lawyers, procedure, and litigation to students and lawyers from other countries, undergraduates, and novice American law students trying to make sense of litigating in America.

Please write Steve at s.subrin@neu.edu or Margaret at m.woo@neu.edu with corrections and ideas for improving this book.

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Boston, January, 2006