

Content Outline for Intro 1/Module 2

Procedural Issues That Might Come Up Before Trial

Do you have authority to hear this kind of case? MR#1 Subject-matter jurisdiction

- Is it a small claims case? ___ Remedy is money, recovery of property, or SE
 ___ Not available if value exceeds \$10K
 ___ At least one defendant must reside in county

Do you have authority over this defendant? MR#2 Personal jurisdiction

- Has the defendant been served? ___ Check back of summons for return of service.
 ___ Usually sheriff, but also by certified mail/UPS, etc
 ___ No service? Allow t π to continue unless π wants
 voluntary dismissal

OR

Has the defendant voluntarily appeared? Usually by showing up, but may also be other action, such as filing answer, counterclaim, or motion for a continuance.

Have any other documents been filed with the clerk?

NOTE that motion challenging jurisdiction or venue filed prior to day of trial requires hearing by DCJ.

Before You Begin Hearing Evidence

Who will present the case for π and Δ ? MR#3 Only party or att'y unless exception applies.

Special rule for SE (agent with personal knowledge)

Special rule for limited liability entities: may be represented by agent

Someone missing?

No plaintiff (or authorized representative) and defendant is present? Dismiss with prejudice.

No defendant? Try case as usual

Neither party appears? Follow local practice.