

# CIVIL PROCEDURE



## PERSONAL JURISDICTION

### BASIS

- Court has the power to enforce judgments on involved parties.
- Plaintiff submits to jurisdiction by seeking relief, while defendant is subject to rules of resident state.
- Corporations subject to jurisdiction under laws of incorporation.

### SERVICE OF PROCESS

- Local statutes determine the type authorized.
- Federal Rule 4 governs how federal process is served.
- Federal courts may use applicable state law methods.
- Service involves in-hand delivery of the summons and complaint.
- May be substituted by notification without personal delivery.
- Plaintiff must include acknowledgment form in a postage prepaid return envelope.
- Constructive service by publication, where defendant's location is unknown.
- Means cannot cause defendant to accept service, nor can it invite defendant into the jurisdiction for sole purpose of service to state.
- Those deemed immune include participants involved in proceedings, reporters, parties, witnesses in uninitiated action, and persons in the state discussing out-of-court settlements.

### STATE STATUTES

- Long-arm statutes must meet constitutional requirements.
- Assertion of jurisdiction whenever defendant has required minimum contacts with state.

### CONSTITUTIONAL CONSTRAINTS

- Divorce suit for violation of due process and right to be heard.
- Individual notice must be sent when the identity and location of the defendant is known.
- Flaw in formalities of how notice is given will not trigger a violation of constitutional rights.
- Court has the power to ensure the defendant that judgment is final and no further liability will be incurred in another court.
- Absent parties cannot be bound by judgment out of jurisdiction.
- Limitation on the exercise of a state's supplemental jurisdiction.

### FEDERAL COURTS

- Without federal legislation, each federal court must refer to state's laws governing out of state service.
- Procedures part of specific federal causes of action.
- Federal courts may use long-arm statutes.
- Federal Rule 4(g) allows service of process within 100 miles of federal courthouse for specific additional parties to action.

## STANDARDS

### SOVEREIGNTY

- In personam** State has exclusive power over all people within its borders.
  - Court may render binding judgments in any suit. • Defendant must have been present in the state at the time. • Defendant does not have to be a citizen.
- In rem** State has exclusive power over all in-state property. • Court may render judgments concerning ownership.
- Quasi in rem** State property may be used to reach the defendant. • May be used to secure a preexisting claim to property. • Involves an uninvolved to property.
- Attachment** Validates the state's claim of power. • Ensures that enforcement of any judgment is fulfilled.

### REASONABLE

- Location, determining factor of state power.
- Example: stocks exist wherever the stock certificates are located.

### CONTACT

- At any time, party may accede to a court's binding authority.

### EXTRINSIC DECISIONS

- Jurisdiction depends on something that does not, and may never, exist.

### MINIMUM CONTACT

- International Shoe case underlines due process approach to its personal jurisdiction.
- Defendant should have ample minimum contact with the state so that justice would not be precluded in the assertion of jurisdiction.
- Court must be fair to state so that defendant may be heard.
- Overlapping and independent requirements.
- Continuous and systematic activities involving the state.
- Worldwide Volkswagen case states that deliberate activity out of state that is aimed at obtaining benefit, direct or indirect, from that forum will be enough.
- Butler Court states mere presence of property in forum is not sufficient to confer jurisdiction.

## JUDGMENTS AND VERDICTS

### RELIANCE

- Principles** Party may seek to set aside judgment and obtain a new trial.
- Procedures** Timing restrictions may vary. • Right to due process.
- Grounds** Independent action on grounds of equity.
- Federal Rule 60(b)** • Party moves within one year to show that evidence exists, or fraud occurred, or judgment may be deemed void or set aside. • Circumstances may have changed.

### REPRESENTS

- General** Judge instructs jury on the law, which is applied to facts. • Choose which party wins and what relief will be awarded. • Minimal jury control.
- Special** Court requests specific findings of fact. • Trial process is more precise. • Jury cannot act on law or ignore the law.
- Interrogatories** Judge instructs jury on law and requests a general verdict. • Specific non-check questions are submitted. • Ensure that the law was applied properly.
- Impeachment** Jury did not function properly. • Judgment must be set aside. • Parties may have been deprived of right to impartial jury.

### REQUIREMENT

- Want prevent the defendant from hiding or moving assets in order to prevent further suits.
- Procedure pointing of bond to prevent frivolous cases that would only serve to clog the court system.

# Municipal Office Procedure Study Guide For Test

**Michael Rajnik**



**Municipal Office Procedure Study Guide For Test:**

The book delves into Municipal Office Procedure Study Guide For Test. Municipal Office Procedure Study Guide For Test is a vital topic that must be grasped by everyone, ranging from students and scholars to the general public. The book will furnish comprehensive and in-depth insights into Municipal Office Procedure Study Guide For Test, encompassing both the fundamentals and more intricate discussions.

1. The book is structured into several chapters, namely:
    - Chapter 1: Introduction to Municipal Office Procedure Study Guide For Test
    - Chapter 2: Essential Elements of Municipal Office Procedure Study Guide For Test
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  5. In chapter 4, this book will scrutinize the relevance of Municipal Office Procedure Study Guide For Test in specific contexts. This chapter will explore how Municipal Office Procedure Study Guide For Test is applied in specialized fields, such as education, business, and technology.
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