Professor Coyne – Civil Procedure Overview

Subject Matter
Jurisdiction
Personal Jurisdiction
Venue

Joining parties Rules 19, 20, 21
Class actions Rule 23
Interpleader Rule 22
Verified Complaints/Affidavits are Required for Injunctive Relief

Rule 8(c) Affirmative Defenses
9 Capacity
10 Form
11 Signing of Pleadings Requires Good Faith
12 Permitted Defenses
13 Counterclaims and Crossclaims

Complaint
Rule 38 Demand Jury Trial Right
Clear and Concise Statements of Fact Not Conclusions of Law Rule

Service Rule 4
Due Process

Motion to Dismiss
Rule 12(b)(6) Tests
Complaint On Its Face
If Matters Outside
Complaint Are Looked At Treated as SJ (56)

Answer

Interrogatories
Rule 33 (Parties Only)

Production of Documents
Rule 34 Parties Only

Physical or Mental Exams
Rule 35 Parties or Agents of a Party

Requests for Admissions
Rule 36 Limited to Parties Only

Depositions, Rule 30
Also 27, 28, 29, 31

Discovery Scope Rule 26

Summary Judgment
Rule 56 – No Material Facts in Dispute Therefore Judge Determines How Law is Applied

Sanctions
Rule 37 For Failing to Cooperate In Discovery Including Judgment

Rule 50 Judgment as Matter of Law Prior To Jury Verdict

Rule 50 Judgment as a Matter of Law After Verdict is Rendered

Rule 48 – Unanimous Jury Or Majority (MA 5/6 Civil Action)

Rule 49 Jury Ints or Special Verdicts

Trials
Plaintiffs Production of Proof Liability and Damages Preponderance of Evidence/ Clear and Convincing Evidence/ Beyond a Reasonable Doubt

G.L. c. 234 § 34A
Civil Jury Verdict Needed Rules 17-25 Parties
Not be Unanimous Rules 26-37 Discovery

JUDGMENT OR DISMISSAL

G.L. c. 234 § 34A
Rules 1-16 Pleadings Rules 38-53 Trials

© Preponderance of the Evidence – More Likely than not what the plaintiff is saying is true.