

# Lawsuits – college essay



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What are the six procedural steps to any lawsuit?

A law suit refers to a request to the court to determine a dispute. It generally involves the following steps; Rejection of any efforts for alternative solution to the dispute from the defendant by the plaintiff. This is followed by filing a complaint in the requisite court of law. Here the court opens a file and puts a schedule. After the filing and scheduling, the court then serves the defendant or defendants. The defendant may respond with a demurrer contesting the plaintiff's action of seeking redress in the selected court as opposed to other avenues of seeking solution. This is then followed by filing of a counterclaim by the defendant if he so chooses to. Next will be depositions and fact findings by both the defendant's and plaintiff's sides. This is then followed by motions to court to either gag further discovery or to compel a party to present their evidence. Next step would be pre trial hearings. These hearings could seek to settle the case out of court, referral to arbitration or preliminary motions seeking the exclusion or inclusion of particular evidence during the full hearing. In case the two parties do not agree to settle the issue out of court; the next point would be a full trial with the presence of a judge and jury. Here, the evidence is explored and discussed at length. There after, the jury or the judge reads out the verdict. This may be followed by post trial motions such as motion for mistrial or motion for reconsideration. In the event that either side feels wrongly implicated, their next move would be to file an appeal

In a lawsuit, who is the plaintiff and who is the defendant?

The plaintiff is the one who initiates the lawsuit. It refers to the aggrieved party that is seeking legal redress to a dispute. On the other hand, the defendant is the accused party that caused the dispute.

After receipt of a complaint who is the first people you should contact?

The first people to contact are personal lawyer; immediate family members close friends and off course the plaintiff to see if you can settle the issue out of court. It is crucial to do this in consultation with your personal lawyer.

Who else should you talk too?

The other people to talk to are your potential witnesses, possible financiers, other friends and workmates.

What are pleadings?

These refer to formal written statements to the court by both the defendant and plaintiff stating the issues before a court. They show the claims and defenses from both sides.

What do pleadings accomplish?

Pleadings seek to show the issues to be determined by the court of law hearing the case.

What are interrogatories?

These are basically formal requests by one litigant which have to be answered by the opponent. Interrogatories mainly aim to gather more relevant information on the case.

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What are depositions and what do depositions accomplish?

This refers to the oral testimonies of witnesses that are recorded for either discovery purposes in the case or for later use in the hearings.

What do depositions accomplish?

Depositions help in capturing evidence when they are still fresh. It also guarantees the availability of information even in the unfortunate event of a witness' death.

What does “ voir dire” mean?

It is a legal term for what is right and honest.

When an appellate court reviews a decision what does it use as the basis for its decision?

It relies on the proceedings of the lower court and also draws from opinions on similar cases that were determined in the past.