

Index

ABOLITION OF WRITS

Applicability of Rules, this index

ABSENCE

Necessary party, answer raising absence of, § 19:7

Official record, proving absence of, § 44:4; § 44:10

Record on appeal, settlement and statement of proceedings in absence of transcript, § A5:5

ADMINISTRATIVE COURT

Generally, § 0:32

Appeals to superior Court, § 0:17; § 0:19

Appeals to Supreme Court, § 0:10

Final agency action, defined, § 0:16

Jurisdiction and venue, § 0:32

ADMINISTRATIVE INSPECTION WARRANTS

Generally, **CivilProc Rule 80E**; § 80E:1 et seq.

Comparison with

criminal rule, § 80E:3

Federal Rule, § 80E:4

Criminal rule compared, § 80E:3

Federal Rule compared, § 80E:4

Who may obtain, § 80E:2

ADMINISTRATIVE OFFICE OF THE COURTS

Generally, § 0:2

ADMISSION AND ADMISSIBILITY

Discovery, this index

ADR

Alternative Dispute Resolution (ADR), this index

ADVISORY COMMITTEE'S NOTES

Rules of civil procedure, aid in interpretation, § 1:5

ADVISORY JURY

Generally, § 39:2; § 39:5

ADVISORY OPINIONS

Generally, § 0:3

AFFIDAVITS

Assignment of cases for trial and continuances, § 40:4

Evidence of motions as testimony at trial, § 43:5

Military persons, § 55:5

AFFIDAVITS—Cont'd

- Service by publication (alternate means), supporting motion for, § 4:12
- Settlement of claims of minor plaintiffs, § 17A:2
- Summary Judgment, this index
- Writ of attachment, § 4A:2

AFFIRMATION

- Trustee Process, this index

AFFIRMATIVE DEFENSES

- Pleadings and Motions, this index

AGENCIES

- Final Agency Action Review, this index

AGENTS AND AGENCY

- Process and Service of Process and Papers, this index

AGREED STATEMENTS

- Claims for relief, § 8:21
- Record on appeal, § A5:7
- Summary judgment motions, § 12:13

ALLOWED PLEADINGS

- Pleadings and Motions, this index

ALTERNATIVE DISPUTE RESOLUTION (ADR)

- Generally, **CivilProc Rule 16B; § 0:2; § 16B:1 et seq.**
- Attendance, § 16B:5; § 16B:6
- Case management standard scheduling order, § 16:2
- Comparison with Federal Rule, § 16B:9
- Conclusion of, § 16B:7
- Conference
 - conclusion, § 16B:7
- Confidentiality, § 16B:8; § 92:7
- Court Alternative Dispute Resolution Service (CADRS)
 - generally, **CivilProc Rule 92; § 0:2; § 16B:3; § 92:1 et seq.**
 - ADR in civil cases, generally, § 92:3
 - confidentiality in mediation, § 92:7
 - designation of neutral from roster, § 16B:4
 - family court matters, mediation in, § 92:4
 - forcible entry and detainer, mediation in, § 92:5
 - function of Maine Court Alternative Dispute Resolution Service, § 92:2
 - purpose of rule, § 92:1
 - scope of rule, § 92:1
 - small claims, mediation in, § 92:5
- Family court matters, mediation in, § 92:4
- Federal Rule compared, § 16B:9
- Fees and expenses, § 16B:3
- Forcible entry and detainer, mediation in, § 92:5
- History of development of program, § 1:1

INDEX

ALTERNATIVE DISPUTE RESOLUTION (ADR)—Cont'd

- In forma pauperis status, § **16B:3**
- Land use violations, § **80K:5**
- Neutral, selecting, § **16B:4**
- Pro bono neutral, § **16B:4**
- Sanctions, § **16B:6**
- Scheduling requirements, § **16B:2**; § **16:2**
- Selecting neutral, § **16B:4**
- Small claims, mediation in, § **92:5**

AMENDMENT

- Judgment, this index
- Pleadings and Motions, this index

ANIMAL WELFARE ACTIONS

- Jurisdiction, § **0:24**

ANSWERS

- Discovery, this index
- Pleadings and Motions, this index

APPEAL AND REVIEW

- Applicability of rules, § **81:7**
- Attachment, § **4A:2**
- Board of environmental protection, review of orders of, § **0:10**; § **0:11**
- Crimes, appellate review of, § **0:17**
- Declaratory judgments, review of, § **57:6**
- Discovery, in camera review of privileged matter, § **26:4**
- Discovery, this index
- Family division orders, § **0:31**
- Final Agency Action Review, this index
- Governmental Action Review, this index
- Injunctive order, § **65:9**
- Jury Trial De Novo in Small Claims Appeals to Superior Court, § **80L**
- Jury Trial De Novo in Small Claims Appeals to Superior Court, this index
- Land use violations, § **80K:4**
- Motion, new trials and amendment of judgments, review of action on motion, § **59:5**
- Probate matters, § **0:7**; § **0:8**; § **0:11**; § **0:17**; § **7:5**
- Relief from judgment after appeal, § **60:12**
- Removal and Appeal from District Court to Superior Court or Law Court, this index
- Rules of Appellate Procedure, this index
- Special Appeal Proceedings, this index
- Summary judgment, § **56:12**
- Superior Court, this index
- Time for
 - generally, **2B:1**
- Trials, this index

APPEAL AND REVIEW—Cont'd

Withdrawal of Attorneys; visiting lawyers, Temporary Practice
Legal Services Organizations, **AppellateProc Rule 89**
Workers' compensation board and hearing officers decisions, review of. Special
Appeal Proceedings, this index

APPEARANCE

Pleadings and Motions, this index

APPENDIX TO BRIEFS

Rules of Appellate Procedure, this index

APPLICABILITY OF RULES

Generally, **CivilProc Rule 81; § 81:1 et seq.**
Abolition of writs
 generally, **§ 81:8 to 81:13**
 writ of certiorari, **§ 81:11**
 writ of mandamus, **§ 81:9**
 writ of prohibition, **§ 81:10**
 writ of quo warranto, **§ 81:12**
 writ of scire facias, **§ 81:8**
Appeal, review by, **§ 81:7**
Certiorari writ abolished, **§ 81:11**
Comparison with Federal Rule, **§ 81:16**
District Court exceptions, **§ 81:14**
Exceptions in District Court, **§ 81:14**
Family Division Rules, Uniform Act on Paternity and, **§ 81:6**
Federal Rule compared, **§ 81:16**
Full applicability of rules, **§ 81:1**
Habeas corpus, **§ 81:4**
Limited applicability, generally, **§ 81:2**
Mandamus writ abolished, **§ 81:9**
Paternity, Uniform Act on Paternity and Family Division Rules, **§ 81:6**
Postconviction relief, **§ 81:3**
Prohibition writ abolished, **§ 81:10**
Quo warranto writ abolished, **§ 81:12**
Replevying a person, **§ 81:5**
Review by appeal, **§ 81:7**
Scire facias writ abolished, **§ 81:8**
Terminology, **§ 81:15**
Uniform Act on Paternity and Family Division Rules, **§ 81:6**
Writ of certiorari abolished, **§ 81:11**
Writ of mandamus abolished, **§ 81:9**
Writ of prohibition abolished, **§ 81:10**
Writ of quo warranto abolished, **§ 81:12**
Writ of scire facias abolished, **§ 81:8**

APPOINTMENTS

Trials, this index

INDEX

APPORTIONMENT CHALLENGES, LEGISLATIVE

Jurisdiction over, § 0:5

ARGUMENT OF COUNSEL AND INSTRUCTIONS TO JURY

Trials, this index

ARREST

Execution on judgment, arrest of debtor, § 69:1

ASSIGNMENT

Attorneys, of, **CivilProc Rule 88; § 88:1; § 88:2**

Cases for trial, of. Trials, this index

Docket number, of, § 10:1

Real party in interest, assignees, § 17:2

Trustee process, § 4B:11

ASSOCIATIONS

Parties, this index

ATTACHMENT

Generally, **CivilProc Rule 4A; § 4A:1 et seq.**

Amendment of writ of attachment, § 4:17

Availability, § 4A:2

Calculating amount of attachment order, § 8:3

Comparison with Federal Rule, § 4A:7

Constitutionality, § 4A:1

Continuance of attachments, § 62:6

Entry of judgment, effect of, § 58:1

Federal Rule, compared, § 4A:7

Form, writ of attachment, § 4A:3; § 4A:8

Issuance of writ of attachment, generally, § 4A:3

Jurisdiction based on attachment, § 4A:6

Manner of attachment, § 4A:2

Purpose of writ of attachment, § 4A:1

Reviewability, § 4A:2

Service of writ of attachment, generally, § 4A:3

Subsequent attachment, § 4A:5

Trustee process as form of, § 4B:1; § 4B:6

Venue

District court, § 0:29

Superior court, § 0:21

ATTENDANCE

Discovery, this index

ATTESTATION

Discovery before action or pending appeal, perpetuating testimony by verification of facts attested, § 27:2

Official record, proof of

generally, § 44:1

absence of record, proving, § 44:4; § 44:10

ATTESTATION—Cont'd

Official record, proof of—Cont'd
domestic, form, § 44:6; § 44:7
foreign, form, § 44:8; § 44:9

ATTORNEY-CLIENT PRIVILEGE

Generally, § 26:6

ATTORNEYS

Admission to practice, regulating, § 0:2; § 0:4; § 0:5
Adoption of Bar rules and ethics rules, § 1:1
Appearance
generally, § 12:2
limited appearance, below
Assignment of counsel, **CivilProc Rule 88; § 88:1; § 88:2**
Board of Bar Examiners, creation of, § 0:2; § 0:5
Compensating court-appointed counsel, § 0:2
Ethics, § 0:2; § 0:4; § 0:5; § 1:1
Fee awards, claims for, § 54:4
Law students assistance, **CivilProc Rule 90; § 90:1 to 90:2**
Legal assistance by law students, **CivilProc Rule 90; § 90:1 to 90:2**
Legal services organizations, temporary practice with, **CivilProc Rule 89; § 89:1 to 89:3**
Limited appearance
generally, § 12:2
quasi-in-rem cases, § 12:3
scope of, § 11:3
service and filing of papers, § 5:2
signing of pleadings and motions, § 11:3
Out-of-state service lawyers, § 89:2
Signing of pleadings and motions, § 11:1 et seq.
Other Written Requests for Relief, **CivilProc Rule 11**
Temporary practice with legal services organizations, **CivilProc Rule 89; § 89:1 to 89:3**
Thought processes and mental impressions, discovery of, § 26:6 et seq.
Trial management conference, § 16:4
Trials, this index
Visiting lawyers, **CivilProc Rule 89; § 89:1 to 89:3**
Withdrawal of attorneys
generally, **CivilProc Rule 89; § 89:1 to 89:3**
comparison with Federal Rule, § 89:3
limited appearance, § 11:3
out-of-state service lawyers, § 89:2
scope, purpose, and validity of rule, § 89:1
Work product rule, § 26:6 et seq.

ATTORNEY'S FEES

Claims for, § 54:4

INDEX

AVOIDANCES

Pleadings and Motions, this index

BAIL

Jurisdiction, appeal, § 0:17

BALLOT DISPUTES

Administering, § 0:3

BCD

Business and Consumer Court Docket (BCD), this index

BOARD OF ENVIRONMENTAL PROTECTION

Review of orders of, § 0:10; § 0:11

BOND

Attachment, § 4A:2

Injunctions, bond requirement, § 65:5

Probate bonds, real party in interest, § 17:3

Replevin bond, § 64:5

Venue for action on sheriff's bond, § 0:21

BOOKS AND RECORDS

Records and Recording, this index

BRIEFS

Federal Rules Compared, this index

Removal and Appeal from District Court to Superior Court or Law Court, this index

Rules of Appellate Procedure, this index

BUDGET OF JUDICIAL DEPARTMENT

Generally, § 0:2

BURDEN OF PROOF

Affirmative defense, § 8:5; § 8:6

Contempt Proceedings, this index

Declaratory judgments, § 57:4

Judgment as matter of law, § 50:2 to 50:5

New trials and amendment of judgments, § 59:1

Trustee process, § 4B:2

BUSINESS AND CONSUMER DOCKET (BCD)

Generally, **CivilProc Rule 130 et seq.**; § 0:34

Case filing, transfer, and identification, **CivilProc Rule 131**

Case management, **CivilProc Rule 132**

conference, § 132:1

existing scheduling order, § 132:3

federal rule, comparison, § 132:4

scheduling order, § 132:2

Cases eligible for transfer, § 130:2

Discovery, **CivilProc Rule 133**

confidentiality orders, § 133:3

BUSINESS AND CONSUMER DOCKET (BCD)—Cont'd

- Discovery, **CivilProc Rule 133**—Cont'd
 - dispute conference request, § 133:2
 - presumptive limits, § 133:1
- Electronic communication, **CivilProc Rule 138**; § 138:1; § 138:2
- Electronic filings, **CivilProc Rule 139**
 - federal rule, comparison, 139:4
 - how filing accomplished, 139:1
 - simultaneous electronic service, 139:2
 - time periods, calculation, 139:3
- Electronic service, **CivilProc Rule 140**
 - alternative service with court approval, 140:2
 - federal rule, comparison, 140:5
 - time periods, calculation, 140:4
 - undeliverable, when returned, 140:3
 - when required, 140:1
- Enlargement of deadlines, unopposed motions, § 134:3
- Federal rule, comparison
 - case filing, transfer, and identification, § 131:4
 - case management, § 132:4
 - joint final pretrial statement, § 135:3
 - motion practice, § 134:4
 - purpose and scope, § 130:4
- History of rules of procedure, § 1:1
- Jurisdiction and venue, § 0:34
- Management, § 130:1
- Motion practice, **CivilProc Rule 134**
 - enlargement of deadlines, unopposed, § 134:3
 - federal rule, comparison, § 134:4
 - hearings, § 134:1
 - summary judgment, § 134:2
- Objection to transfer, § 131:2
- Other rules, effect, § 130:3
- Plaintiff's counsel, pretrial statement responsibility of, § 135:2
- Pretrial conference, **CivilProc Rule 136**
 - federal rule, comparison, § 136:3
 - mandatory attendance, § 136:2
 - scheduling and agenda, § 136:1
- Pretrial statement, **CivilProc Rule 135**; § 135:1
- Purpose, scope, and other matters, **CivilProc Rule 130**; § 130:1
- Retransfer to originating court, § 131:3
- Summary judgment, § 134:2
- Transfer to business and consumer docket, § 131:1
- Trial, **CivilProc Rule 137**; § 137:1; § 137:2

CALENDAR OF COURT

- Scheduling and Docketing, this index

INDEX

CAPTION

Title, this index

CERTIFICATION

Appeal questions. Special Appeal Proceedings, this index

Class actions, § 23:1 et seq.

Declaratory judgment proceeding, pleadings by agreement as alternative to certification of, § 8:21

Deposition, certification by officer

oral examination, depositions upon, § 30:11

written examination, depositions upon, § 31:2

Jurisdiction as law court, certification of questions of state law by federal courts, § 0:9

Official record, proof of, § 44:1; § 44:7; § 44:9

Service by certified mail, § 4:11

CHANGES

Amendment, above

CHIEF JUDGE OR JUSTICE

Appointment and powers, § 0:2

CHILDREN AND MINORS

Child protection proceedings, jurisdiction, § 0:26

Consent to minor's abortion, jurisdiction, § 0:24; § 0:25

Parties, this index

Support guidelines, administering, § 0:3

Termination of parental rights, jurisdiction, § 0:26

CIVIL VIOLATIONS

Generally, § 80H

CIVIL VIOLATIONS OTHER THAN TRAFFIC

Generally, **CivilProc Rule 80H; § 80H:1 et seq.**

Appeal, § 80H:4

Commencement of action, § 80H:2

Comparison with Federal Rule, § 80H:6

Federal Rule compared, § 80H:6

Judgment, § 80H:4

Judgments, notice of, § 80H:5

Notice of orders or judgments, § 80H:5

Orders or judgments, notice of, § 80H:5

Proceedings, § 80H:3

Purpose and scope of rule, § 80H:1

Validity of rule, § 80H:1

CLAIMS

No just reason for delay

Judgment as to fewer than all claims and parties, **54:3.50**

CLASS ACTIONS

Parties, this index

CLERK OF COURT

Court Clerks, this index

COLLATERAL ESTOPPEL DOCTRINE

Pleadings and motions, § 8:17; § 13:3

COLLATERAL ORDERS

Final judgment rule exception, rules of appellate procedure, § A2C:2; § A3:2

**COLLECTIVE BARGAINING RIGHTS AND PROCEDURES FOR
JUDICIAL DEPARTMENT**

Generally, § 0:2

COMMENCEMENT OF ACTION

Generally, **CivilProc Rule 3; § 3:1 et seq.**

Comparison with Federal Rule, § 3:4

Delayed service of process as causing dismissal, § 3:3

Failure to timely file return of service, § 3:3

Federal Rule, comparison with, § 3:4

General procedure at outset of action, § 3:1; § 4:1

Land use violations, § 80K:2

Limitation of actions, § 3:2

Limits on time, § 3:3

Outset of action, general procedure at, § 3:1

Purpose of rules, § 3:2

Statute of limitations, § 3:2

Steps in commencing an action, § 3:1

Untimely service of process as causing dismissal, § 3:3

Writ of attachment, by, § 4A:1

COMPARATIVE NEGLIGENCE

Pleadings, § 8:9; § 8:10

Special verdicts and interrogatories, § 49:1

COMPLAINTS

Pleadings and Motions, this index

COMPULSORY COUNTERCLAIMS

Counterclaim and Cross-claims, this index

CONDEMNATIONS APPEALS

Jurisdiction, § 0:15

Venue, § 0:22

CONFERENCE

Alternative Dispute Resolution (ADR), this index

District court pretrial procedure, § 16A:3; § 16A:4

Superior court pretrial procedure, § 16:4

Trials, this index

CONFIDENTIALITY

Alternative dispute resolution (ADR), § 16B:8; § 92:7

Discovery in business and consumer docket, § 133:3

INDEX

CONFIDENTIALITY—Cont'd

Residential mortgage foreclosure mediation, § 93:3

CONSIDERATION

Affirmative defenses, failure of consideration, § 8:13

Equity, forum non conveniens considerations, § 4:19

Resubmitting verdict form to jury for reconsideration, § 49:1; § 49:3

Rules of Appellate Procedure, this index

CONSOLIDATION OF TRIALS

Trials, this index

CONSTITUTIONAL MATTERS

Attachment, § 4A:1

Jurisdiction and venue, § 0:1

Jury size and unanimity in verdict, § 48:1

Jury trial of right, superior court, source, § 38:1

Trustee process, § 4B:1

CONSUMERS

Business and Consumer Court Docket (BCD), this index

Venue for action against, § 0:21

CONTEMPT PROCEEDINGS

Generally, **CivilProc Rule 66; § 66:1 et seq.**

Burden of proof

generally, § 66:1

punitive sanctions, § 66:3

remedial sanctions, § 66:4

Comparison with Federal Rule, § 66:5

Criminal, § 66:1

Definition of contempt, § 66:1

Discovery noncompliance, § 37:3

Federal Rule compared, § 66:5

How used, § 66:1

Injunctions, enforcement of, § 65:10

Oath, § 66:1

Plenary proceedings

punitive sanctions, § 66:3

remedial sanctions, § 66:4

Punitive sanctions, § 66:1; § 66:3

Refusal to testify, § 66:1

Remedial sanctions, § 66:4

Subpoena noncompliance, § 45:3

Summary proceedings, § 66:2

CONTINUANCES

Attachments, § 4A:2; § 62:6

Motion for, § 7:2

Oral argument in Supreme Court, § 11:1

Trials, this index

CORPORATIONS

- Derivative actions by members of unincorporated associations. Parties, this index
- Service of process and papers, § 4:7; § 4:8
- Trial testimony, copies of corporate votes and records, § 43:7

COSTS AND FEES

- Generally, **CivilProc Rule 54**
- Appeal, waiver of payment of fees or costs, § 91:2
- Attorney's fees award, claims for, § 54:4
- Court administration, funding, § 0:4
- Court-appointed counsel, compensating, § 0:2
- Demand for judgment, § 8:3
- Discovery, this index
- Dismissal of actions, costs of previously dismissed action, § 41:4
- Judgment, demand for, § 54:7
- Judgment, this index
- Jury trial demand, superior court, § 38:3
- Recordings, waiver of payment of fees or costs, § 91:2
- Rules of Appellate Procedure, this index
- Service and filing of papers
 - Form of documents, § 5:7
 - subpoena, § 45:2
- Transcripts, waiver of payment of fees or costs, § 91:2
- Trustee process, costs sanctions, § 4B:14
- Waiver of payment of fees or costs
 - generally, **CivilProc Rule 91; § 91:1 to 91:3**
 - appeal, fees on, § 91:2
 - comparison with Federal Rule, § 91:3
 - recordings, § 91:2
 - scope and purpose of rule, § 91:1
 - transcripts, § 91:2

COUNTERCLAIM AND CROSS-CLAIMS

- Generally, **CivilProc Rule 13; § 7:1; § 13:1 et seq.**
- Additional parties, § 13:11; § 13:17
- Affirmative judgment for counterclaimant, § 13:7
- Amendment of answer, raising by, § 13:8
- Attachment, writ of, § 4A:4
- Collateral estoppel doctrine, § 13:3
- Comparison with Federal Rule, § 13:14
- Compulsory counterclaims
 - generally, § 13:1 et seq.
 - default, inapplicability in case of, § 13:3
 - exceptions, § 13:2
 - inapplicability in case of default, § 13:3
 - jurisdiction and venue problems, § 13:4
 - parties applicable to, § 13:5
 - venue problems, § 13:4

INDEX

COUNTERCLAIM AND CROSS-CLAIMS—Cont'd

- Cross-claims, generally, § 13:10
- Damages, assessing, § 13:7
- Default
 - availability, § 55:8
 - compulsory counterclaims, § 13:3
- Defense, counterclaim presented as, § 8:5
- Dismissal of action
 - generally, § 41:3
 - effect on counterclaim, § 41:1
- Exceptions, compulsory counterclaims, § 13:2
- Execution, stay of, § 62:7
- Federal Rule compared, § 13:14
- Forms
 - generally, § 13:15 to 13:17
 - additional party to counterclaim under Rule 13(h), § 13:17
 - motion under Rule 13(f) for omitted counterclaim, § 13:16
 - omitted counterclaim, motion under Rule 13(f) for, § 13:16
 - Rule 13(h), additional party to counterclaim under, § 13:17
 - Rule 13(f) for omitted counterclaim, motion under, § 13:16
- Issuance, § 13:15
- Judgment on fewer than all claims, § 54:3; § 62:7
- Jurisdiction
 - compulsory counterclaims, § 13:4
 - permissive counterclaims, § 13:6
- Jury trial, right to, § 38:2; § 39:3
- Labeling, § 13:15
- Motion under Rule 13(f) for omitted counterclaim, form, § 13:16
- Omitted counterclaims
 - generally, § 13:8
 - motion under Rule 13(f) for omitted counterclaim, form, § 13:16
- Parties
 - additional party to counterclaim, § 13:11; § 13:17
 - applicability, § 13:5
- Permissive counterclaims, § 13:6
- Pleading, generally, § 7:1; § 8:5
- Removed actions, § 13:13; § 13:14
- Reply, § 13:15
- Res judicata doctrine, § 13:3
- Right to jury trial, § 38:2; § 39:3
- Rule 13(h), additional party to counterclaim under, form, § 13:17
- Rule 13(f) for omitted counterclaim, motion under, form, § 13:16
- Separate judgment, § 13:12
- Separate trial, § 13:10; § 13:12
- Service of process, § 13:10; § 13:15
- Statutes of limitations, § 13:9
- Stay of execution, § 62:7

COUNTERCLAIM AND CROSS-CLAIMS—Cont'd

- Subsequently arising and omitted counterclaims, § 13:8
- Third-party practice, pleadings and motions, § 14:2; § 14:5
- Trial of cross-claims, § 13:10
- Trustee process, § 4B:6
- Venue problems, compulsory counterclaims, § 13:4

COUNTY LAW LIBRARY

- Generally, § 0:2

COURT ALTERNATIVE DISPUTE RESOLUTION SERVICE

- Alternative Dispute Resolution (ADR), this index

COURT CLERKS

- Generally, **CivilProc Rule 77; § 77:1 et seq.**
- Action by clerk, § 77:3
- Appellate court. Rules of Appellate Procedure, this index
- Assignment of docket number, § 10:1
- Books and records kept by clerk
 - generally, **CivilProc Rule 79; § 79:1 to 79:3**
 - civil docket, § 79:1
 - comparison with Federal Rule, § 79:3
 - other records, § 79:2
 - responsibility of clerks, § 79:2
- Civil docket, § 79:1
- Comparison with Federal Rule, § 77:6; § 79:3
- Conduct of business, § 77:1
- Default and default judgment, duties, § 55:1; § 55:3
- Docket
 - generally, § 79:1
 - number, assignment of, § 10:1
- Facsimile signature of clerk, § 77:5
- Federal Rule compared, § 77:6; § 79:3
- Hearings
 - open hearings, § 77:2
 - recording of hearings, § 77:2
- Hours, § 77:1
- Judgments, notice of, § 77:4
- Law court's clerk of court. Rules of Appellate Procedure, this index
- Notice of orders or judgments, § 58:5; § 77:4
- Open hearings, § 77:2
- Open hours, § 77:1
- Orders, notice of, § 77:4
- Recording of hearings, § 77:2
- Records. Books and records kept by clerk, above
- Responsibility of clerks, § 79:2
- Signature of clerk, facsimile, § 77:5
- Subpoenas, issuance of, § 45:1
- Superior and District Courts always open, § 77:1

INDEX

COURT FEES

Costs and Fees, this index

COURT OF LAW

Law Court, this index

CRIMES

Administrative inspection warrants, comparison with criminal rule, § 80E:3

Arrest of debtor, execution on judgment, § 69:1

Prison inmate, deposing, § 30:2

Superior court jurisdiction, appeal of criminal cases, § 0:17

Trials, argument of counsel and instructions to jury, § 51:2; § 51:5

CROSS-APPEALS, SUPREME COURT

Filing cross-appeals, § A2C:12

Oral argument, § A11:1

DAMAGES

Amendment of judgment grounds, excessive or inadequate damages, § 59:1;
§ 59:2

Counterclaim and cross-claims, assessing damages, § 13:7

Definitions, special and general damages, § 9:6

New trial grounds, excessive or inadequate damages, § 59:1; § 59:2

Pleading, § 9:6; § 14:2

Third-party practice, § 14:2

Trials, bifurcation of liability and damages issues, § 42:5

DANGEROUS DOGS

Jurisdiction, § 0:24

DAY-TO-DAY OPERATIONS OF THE COURTS

Generally, § 0:2

DEATH

Appellate procedure, death knell exception, final judgment rule, § A2C:3

Complaint by executor in death action, form, § 8:24

Judge, inability of judge to proceed. Judgment, this index

Real actions to quiet title, death of party, § 80A:5

Substitution of parties, § 25:1; § 25:4

Trustee process, death of trustee, § 4B:19

DECLARATORY JUDGMENTS

Generally, **CivilProc Rule 57**; § 57:1 et seq.

Availability of action, § 57:1; § 57:3; § 57:5

Burden of proof, § 57:4

Comparison with Federal Rule, § 57:7

Discretion of court, § 57:6

Evidence, burden of proof, § 57:4

Federal Rule compared, § 57:7

Interaction between Uniform Declaratory Judgment Act and rules, § 57:2; § 57:3

Pleadings by agreement as alternative to certification of declaratory judgment proceeding, § 8:21

DECLARATORY JUDGMENTS—Cont'd

- Purpose of rule, § 57:1
- Refusal, § 57:6
- Review of, § 57:6
- Rule 57, interaction between Uniform Declaratory Judgments Act and, § 57:3
- Scope of rule, § 57:1
- Standing, establishing, § 0:19
- Uniform Declaratory Judgments Act, interaction with other rules, § 57:2; § 57:3

DEEDS

- Registry of deeds, perpetuating discovery testimony, § 27:7
- Trials, taking of testimony, copies of deeds, § 43:6

DEFAULT AND DEFAULT JUDGMENT

- Generally, **CivilProc Rule 55; § 55:1 et seq.**
- Amount of judgment, § 55:3; § 55:4
- Availability, § 55:8
- Clerk's duties, § 55:1; § 55:3
- Collateral estoppel doctrine, § 13:3
- Comparison with Federal Rule, § 55:10
- Compulsory counterclaim inapplicability, § 13:3
- Court, default judgment entered by, § 55:4
- Court clerk, default judgment entered by, § 55:1; § 55:3
- Demand for judgment, § 54:5
- Distinguishing "entry" from "judgment" of default, § 55:1
- Duties of clerk of court clerk, § 55:3
- Effect, § 55:6
- Enforcement of judgment, stay of proceedings for, § 62:5
- Entry of default, § 55:1
- Entry of default judgment, § 55:2 to 55:6
- Execution on judgment, immediate, § 55:4; § 62:5
- Federal Rule, comparison with, § 55:10
- Foreclosures, real estate mortgage, § 55:1; § 55:9
- Immediate execution on judgment, § 55:4; § 62:5
- Interest on money, computing, § 55:3
- Judgment by default, generally, § 54:5; § 55:2 to 55:6
- Military service, persons in, § 55:5
- Multiple claims and claimants, availability to, § 13:3; § 14:5; § 55:8
- Real estate mortgage foreclosures, § 55:1; § 55:9
- Res judicata doctrine, § 13:3
- Setting aside default or default judgment, § 55:7
- Stay of proceedings to enforce judgment, § 62:5
- Subpoena noncompliance grounds, § 45:3
- Third-party practice, § 14:5; § 55:8

DEFAULT LIMIT ON RECOVERY

- Expedited track, § 16C:4

DEFENSES

- Pleadings and Motions, this index

INDEX

DEFINITIONS

- Generally, **CivilProc Rule 83; § 83:1; § 83:2**
- Agency, § **0:16**
- Comparison with Federal Rule, § **83:2**
- Contempt, § **66:1**
- Damages, special and general, § **9:6**
- Denial, § **54:2**
- Disability of judge, § **63:1**
- Equitable claims, § **38:2**
- Final agency action, § **0:16**
- Final judgment, § **A2C:1**
- General verdict, § **49:1**
- Jurisdiction, § **0:19**
- Legal claim, § **38:2**
- Official record, § **44:2**
- Personal jurisdiction, § **0:19**
- Rebuttable presumption, § **8:5**
- Rules of Appellate Procedure, this index
- Standing doctrine, § **0:19**
- Subject matter jurisdiction, § **0:19**
- Supplemental complaint, § **15:7**

DEMAND FOR JUDGMENT

- Generally, § **8:3; § 54:5**
- Pleading, § **8:3**
- Right to jury trial, effect on, § **54:6**

DEMURRERS

- Abolished, § **7:4**

DEPOSIT IN COURT

- Generally, **CivilProc Rule 67; § 67:1; § 67:2**
- Comparison with Federal Rule, § **67:2**

DEPOSITIONS

- Discovery, this index

DERIVATIVE ACTIONS

- Parties, this index

DETAINER

- Forcible Entry and Detainer, this index

DISABILITY OF JUDGE

- Judgment, this index

DISCLOSURE OF TRUSTEE UNDER OATH

- Trustee Process, this index

DISCOVERY

- Generally, **CivilProc Rule 26 et seq.; § 26:1 et seq.**

DISCOVERY—Cont'd

Admission and admissibility

objections, § 32:3

requests for admission, below

Answers

failure to make discovery, § 37:2; § 37:6

requests for admission, § 36:2

Appeal pending. Before action or pending appeal, perpetuating testimony, below

Attendance

failure to make discovery, § 37:6

oral examination, depositions upon, § 30:12

Attorney work product. Trial preparation, scope of discovery, below

Authority of court to entertain action to perpetuate testimony, § 27:8

Availability of interrogatories, § 33:2

Before action or pending appeal, perpetuating testimony

generally, **CivilProc Rule 27; § 27:1 et seq.**

action to perpetuate testimony, § 27:8

authority of court to entertain action to perpetuate testimony, § 27:8

comparison with Federal Rule, § 27:9

content of motion, § 27:6

content of order, § 27:4

content of petition, § 27:2

court order granting petition, contents of, § 27:4

court-appointed attorney, § 27:3

Federal Rule compared, § 27:9

filing of petition, § 27:2

format and content of petition, § 27:2

hearing, § 27:3

limitations imposed by rule on court's authority, § 27:8

motion pending appeal, § 27:6

notice, § 27:3; § 27:6

order, § 27:2 to 27:4; § 27:6

overview of rule, § 27:1

pending appeal, generally, § 27:6

petition, § 27:2; § 27:3; § 27:7

procedure for perpetuation before commencement of action, § 27:2 et seq.

procedure for perpetuation pending appeal, § 27:6

purpose of rule, § 27:1

recording in registry of deeds, § 27:7

service of petition, § 27:3

use of depositions, § 27:5; § 27:6

venue, § 27:2

verification of facts attested, § 27:2

Business and Consumer Docket (BCD)

generally, **CivilProc Rule 133**

confidentiality orders, § 133:3

dispute conference request, § 133:2

INDEX

DISCOVERY—Cont'd

- Business and Consumer Docket (BCD)—Cont'd
 - presumptive limits, § 133:1
 - proceedings, § 0:34
- Business records, option to produce, interrogatories, § 33:4
- Certification of deposition by officer
 - oral examination, depositions upon, § 30:11
 - written examination, depositions upon, § 31:2
- Changes, submission of deposition transcript to witness for, § 30:10
- Commencement of action, § 27:2
- Completion, effect of errors as to, § 32:6
- Compliance with order, failure to make discovery, § 37:3; § 37:4
- Contempt for failure to comply with order, § 37:3; § 37:4
- Copies, depositions upon oral examination, § 30:11
- Costs. Expenses and fees, below
- Court in camera review of privileged matter, § 26:4
- Court order granting petition, § 27:4
- Court proceedings, use of depositions in
 - generally, **CivilProc Rule 32; § 30:10; § 32:1 et seq.**
 - admissibility, objections to, § 32:3
 - comparison to Federal Rule, § 32:7
 - completion, effect of errors as to, § 32:6
 - errors and irregularities in depositions, effect of, § 32:5
 - errors as to completion and return of deposition, effect of, § 32:6
 - Federal Rule compared, § 32:7
 - notice, § 32:2
 - objections to admissibility, § 32:3; § 32:5; § 32:6
 - overview of rule, § 32:1
 - part of deposition, § 32:2
 - party's own deposition, § 32:2
 - redacted portions, using, § 32:4
 - return of deposition, effect of errors as to, § 32:6
 - service of objections to admissibility, § 32:5
 - substitution of party, effect of, § 32:2
 - time, motion to suppress deposition, § 32:6
 - transcript of deposition, provision to court, § 32:4
 - use of depositions, generally, § 30:10; § 32:2
 - videotaped depositions, using, § 32:4
- Court proceedings, use of interrogatories in, **CivilProc Rule 33; § 33:1 et seq.**
- Court-ordered physical and mental examination of persons, timing, § 35:2
- Cross-examination of witness, depositions upon oral examination, § 30:8
- Depositions
 - before action or pending appeal, perpetuating testimony, above
 - oral examination, depositions upon, below
 - persons before whom depositions may be taken, below
 - written questions, depositions upon, below
- Dispute resolution process. Failure to make discovery, below

DISCOVERY—Cont'd

Disqualification for interest, persons before whom depositions may be taken,

§ 28:4

Documents. Production of documents and things and entry upon land for inspection and other purposes, below

Electronic sound recording

perpetuating testimony, recording deposition, § 27:7

telephone, deposition, § 30:7

videotaped deposition, below

Electronically stored information

failure to make discovery, § 37:7

interrogatory response designating, § 33:4

production of documents and things and entry upon land for inspection and other purposes, § 34:2; § 34:3

Entry upon land. Production of documents and things and entry upon land for inspection and other purposes, below

Errors and irregularities in depositions, effect of, § 32:5

Errors as to completion and return of deposition, effect of, § 32:6

Examinations

before action or pending appeal, perpetuating testimony, above

oral examination, depositions upon, below

physical and mental examination of persons, below

Exhibits

depositions upon oral examination, § 30:11

Expedited track, § 16C:2

Expenses and fees

expert witnesses, § 54:7

oral examination, depositions upon, § 30:9; § 30:12

refusal to admit, § 37:5

refusal to answer, § 37:2

taxable costs, § 54:7

Experts

compensation for expert witnesses who testify, § 54:7

physical and mental examination of persons, below

scope of discovery, § 26:8

supplementation of discovery responses, § 26:10

Failure to make discovery

generally, **CivilProc Rule 37; § 37:1 et seq.**

answer, failure to, § 37:2

answers, failure of party to serve, § 37:6

attendance at deposition, failure of, § 30:12; § 37:6

comparison with Federal Rule, § 37:8

compliance with order, § 37:3

contempt for failure to comply with order, § 37:3

electronically stored information, § 37:7

expenses on refusal to admit, § 37:5

failure of party to attend deposition or serve answers, § 37:6

Federal Rule compared, § 37:8

INDEX

DISCOVERY—Cont'd

- Failure to make discovery—Cont'd
 - service of answers, failure of, § 37:6
- Federal Rule compared
 - Interrogatories to parties, § 33:5
- Filing
 - generally, § 26:11
 - notice of, § 31:3
- Financial interest in action as disqualification for administering deposition, § 28:4
- Foreign jurisdictions
 - letter rogatory, § 28:3
 - oral examination, depositions upon, § 30:13
 - persons before whom depositions may be taken, § 28:3
 - written questions, depositions upon, § 31:4
- General provisions governing discovery, **CivilProc Rule 26; § 26:1 et seq.**
- Hearing
 - before action or pending appeal, perpetuating testimony, § 27:3
- In camera review of privileged matter, § 26:4
- Inspection. Production of documents and things and entry upon land for inspection and other purposes, below
- Insurance agreements, scope of discovery, § 26:5
- Interests, persons before whom depositions may be taken, § 28:4
- Interrogatories to parties
 - generally, **CivilProc Rule 33; § 33:1 et seq.**
 - availability of interrogatories, § 33:2
 - business records, option to produce, § 33:4
 - comparison to Federal Rule, § 33:5
 - compelling responses, motion, § 33:2
 - contention interrogatories, § 33:3
 - discretion of court as to trial use, § 33:3
 - dispute procedure, compliance with, § 33:2
 - electronically stored information, response designating, § 33:4
 - failure to respond, § 33:2
 - Federal Rule compared, § 33:5
 - number of, § 33:2
 - objections, § 33:2
 - option to produce business records, § 33:4
 - overview of rule, § 33:1
 - privilege claims, § 33:2
 - procedures for use, § 33:2
 - production of business records, option for, § 33:4
 - refusal to answer, § 33:2
 - sanctions, § 33:2
 - scope of interrogatories, § 33:3
 - separate answers, § 33:2
 - service of interrogatories or objections, § 33:2
 - signatures, § 33:2

DISCOVERY—Cont'd

Interrogatories to parties—Cont'd

time issues, § 33:2

trial, use at, § 33:3

use at trial, § 33:3

Judicial intervention, limitation of discovery, § 26:9

Letter rogatory, foreign jurisdictions, § 28:3

Liberal discovery, § 29:1

Limitations

judicial intervention, § 26:9

perpetuate testimony, court's authority to entertain action to, § 27:8

privileged matter, § 26:4

protective order method, § 26:9

trial preparation work product, § 26:6

Mental examinations. Physical and mental examination of persons, below

Methods of discovery, § 26:2

Modification of procedure by stipulation, § 29:1

Motions for discovery, § 26:12

Nonparties

serving requests for production on, § 34:4

Notice

generally, § 27:3; § 45:5

depositions taken outside of state of Maine, § 28:3

oral examination, depositions upon, § 30:3; § 30:5; § 30:12; § 30:14

written questions, depositions upon, § 31:1; § 31:3

Number of

depositions upon oral examination, § 30:2; § 30:14

interrogatories to parties, § 33:2

Oath, depositions upon oral examination, § 30:9

Objections

admissibility of deposition use in court, § 32:3

depositions upon oral examination, § 30:8

depositions used in court, § 32:5

oral examination, depositions upon, § 30:4; § 30:5; § 30:8

privileged matter, § 26:4

production of documents and things and entry upon land for inspection and

other purposes, § 34:3

requests for admission, § 36:2

Option to produce business records, interrogatories, § 33:4

Oral examination, depositions upon

generally, **CivilProc Rule 30; § 30:1 et seq.**

attendance

failure of party noticing deposition to attend, § 30:12

sanctions, failure to attend, § 37:6

witness, § 30:2; § 30:12

attorneys working together, § 30:1

canceling deposition, § 30:8

certification of deposition by officer, § 30:11

INDEX

DISCOVERY—Cont'd

- Oral examination, depositions upon—Cont'd
 - changes, submission of deposition transcript to witness for, § 30:10
 - comparison with Federal Rule, § 30:14
 - consulting with opposing counsel as to deposition timing and format, § 30:1
 - copies, § 30:11
 - costs of transcription, § 30:9; § 30:11
 - cross-examination of witness, § 30:8
 - delivery of original or copy of deposition, § 30:11
 - enlarging time for taking, § 30:3
 - errors and irregularities in deposition process, effect of, § 32:5; § 32:6
 - examination of witness, generally, § 30:8
 - exhibits, § 30:11
 - expenses, recovery of, § 30:9; § 30:12
 - failure of party noticing deposition to attend or to serve subpoena and recovery of related expenses, § 30:12; § 37:6
 - failure to answer, dispute resolution options, § 37:2
 - Federal Rule compared, § 30:14
 - foreign jurisdictions, depositions for use in, § 30:13
 - hours of testimony, § 30:8
 - instructing deponent not to answer, § 30:8
 - leave of court, § 30:2; § 30:3
 - limiting scope of deposition testimony, § 30:8
 - method of recording deposition, § 30:4
 - motion to cease taking deposition, § 30:8
 - notice and special notice of examination, § 30:2; § 30:3; § 30:5; § 30:12; § 30:14
 - number limitation, § 30:2; § 30:14
 - oath, § 30:9
 - objections, § 30:4; § 30:5; § 30:8
 - organization, deposition of, § 30:6
 - overview of rule, § 30:1
 - prison inmate, deposing, § 30:2
 - production of documents and things, § 30:5
 - record of examination, § 30:9
 - recording deposition, § 30:4; § 30:11
 - recovery of related expenses, § 30:12
 - sanctions, § 30:4 to § 30:6; § 30:8; § 37:2
 - service of objections to taking deposition, § 30:4
 - service of subpoena
 - duces tecum, § 30:3
 - failure of party noticing deposition to serve, § 30:12
 - shortening time for taking, § 30:3
 - shorthand writing recording, § 30:4
 - signature, submission of deposition transcript to witness for, § 30:10
 - special notice of examination, § 30:3
 - stenotype machine recording, § 30:4

DISCOVERY—Cont’d

Oral examination, depositions upon—Cont’d

submission of deposition transcript to witness for changes and signature,
§ 30:10

subpoena for depositions upon oral examination, below
suspending the deposition, **§ 30:8**

tape recording, **§ 30:4**

telephone, deposition by, **§ 30:7**

timing

generally, **§ 30:2; § 30:3**

hours of testimony, **§ 30:8**

objections, **§ 30:4; § 30:5**

signing transcript, **§ 30:10**

transcript

generally, **§ 30:9**

redacted portions, using in court, **§ 32:4**

submission to witness for changes and signature, **§ 30:10**

unrepresented party, **§ 30:3**

using at trial, **§ 30:10**

video recording, **§ 30:4; § 32:3; § 32:4**

waiver of leave of court, **§ 30:3**

when depositions may be taken, **§ 30:2; § 30:3**

witness “coaching,” **§ 30:8**

Organization, depositions of upon oral examination, **§ 30:6**

Outside of state of Maine, persons before whom depositions may be taken,
§ 28:3

Pending appeal. Before action or pending appeal, perpetuating testimony, above

Permissible requests, production of documents and things and entry upon land
for inspection and other purposes, **§ 34:2**

Perpetuation of testimony. Before action or pending appeal, perpetuating
testimony, above

Persons before whom depositions may be taken

generally, **CivilProc Rule 28; § 28:1 et seq.**

certification of deposition by officer, **§ 30:11; § 31:2**

comparison with Federal Rule, **§ 28:5**

disqualification for interest, **§ 28:4**

Federal Rule compared, **§ 28:5**

interest, disqualification for, **§ 28:4**

outside of state of Maine, **§ 28:3**

overview of rule, **§ 28:1**

within state of Maine, **§ 28:2**

written stipulation of parties, **§ 29:1**

Petition, service of, **§ 27:3**

Physical and mental examination of persons

generally, **CivilProc Rule 35; § 35:1 et seq.**

agreement, examinations by, **§ 35:3**

appointment of guardian, **§ 35:2**

before action or pending appeal, perpetuating testimony, above

INDEX

DISCOVERY—Cont'd

- Physical and mental examination of persons—Cont'd
 - comparison with Fed. R. Civ. P. 35, § **35:4**
 - court-ordered examinations, timing, § **35:2**
 - delivery of report of examining physician or psychologist, § **35:3**
 - deposing examiner, right of examinee, § **35:1**; § **35:3**
 - entitlement to receive reports, § **35:1**
 - exchange of reports, § **35:1**
 - Fed. R. Civ. P. 35 compared, § **35:4**
 - notice, § **35:2**
 - obligations arising from the ordered examination, § **35:1**
 - obtaining report, § **35:3**
 - party's choice of examiner, § **35:1**
 - preconditions, § **35:2**
 - presence of persons at examination, § **35:2**
 - privilege, § **35:3**
 - privilege, examined person's waiver of, § **35:1**
 - procedure, § **35:2**
 - qualifications of examiner, § **35:2**
 - report of examining physician or psychologist, § **35:3**
 - sanctions, failure to comply with order, § **35:1**
 - timing, court-ordered examinations, § **35:2**
 - treating physician restriction, § **35:2**
 - videotaped depositions of physicians, using in court, § **32:4**
- Physicians. Physical and mental examination of persons, above
- Preparation for trial, scope of discovery, § **26:6 et seq.**
- Privilege matters
 - generally, § **26:4**
 - interrogatories, § **33:2**
 - physical and mental examination of persons, § **35:1**; § **35:3**
 - scope of discovery, § **26:3 et seq.**; § **26:4**
- Process and service of process and papers
 - failure to make discovery, failure of service of answers, § **37:6**
 - oral examination, failure of party noticing deposition to serve subpoena, § **30:12**
 - petition, service of, § **27:3**
 - production of documents and things and entry upon land for inspection,
 - requests for production on nonparties, § **34:4**
 - requests for admission, § **36:2**
 - subpoena as to deposition, § **30:2**; § **30:3**; § **30:12**
 - written questions, depositions upon, § **31:1**
- Production and Inspection of documents and things and entry upon land for inspection and other purposes
 - generally, **CivilProc Rule 34**
- Production of documents and things and entry upon land for inspection and other purposes
 - generally, § **34:1 et seq.**
 - before action or pending appeal, perpetuating testimony, above

DISCOVERY—Cont'd

- Production of documents and things and entry upon land for inspection and other purposes—Cont'd
 - comparison to Federal Rule, § 34:5
 - electronically stored information, § 34:2; § 34:3
 - Federal Rule compared, § 34:5
 - interrogatories, production of business records, § 33:4
 - making request, procedure for, § 34:3
 - nonparties, serving requests for production on, § 34:4
 - objecting to request, procedure for, § 34:3
 - oral examination, depositions upon, § 30:5
 - permissible requests, scope of, § 34:2
 - procedure for making, objecting, and responding to request, § 34:3
 - purpose, § 34:2
 - reasonable, § 34:3
 - responding to request, procedure for, § 34:3
 - scope of permissible requests, § 34:2
 - serving requests for production on nonparties, § 34:4
 - third party possession of records, § 34:3
 - time issues, § 34:3
- Production of trial preparation materials, § 26:7; § 26:8
- Protective orders, § 26:9
- Psychologists. Physical and mental examination of persons, below
- Purposes of discovery, § 26:1
- Records and recording
 - oral examination, depositions upon, § 30:4; § 30:9
 - perpetuation of testimony, § 27:7
 - production of documents and things and entry upon land for inspection and other purposes, above
 - registry of deeds, § 27:7
 - written questions, depositions upon, § 31:2
- Recovery of related expenses, depositions upon oral examination, § 30:12
- Registry of deeds, perpetuating testimony recorded in, § 27:7
- Relative of deponent disqualified from administering deposition, § 28:4
- Report of examining physician or psychologist, physical and mental examination of persons, § 35:3
- Requests
 - admission. Requests for admission, below
 - production of documents and things and entry upon land for inspection and other purposes, above
- Requests for admission
 - generally, **CivilProc Rule 36; § 36:1 et seq.**
 - amendment of response, § 36:3
 - answering, § 36:2; § 37:2
 - comparison with Fed. R. Civ. P. 36, § 36:4
 - deemed admissions, § 36:3
 - discretion of court, § 36:3
 - effect of admission, § 36:1; § 36:3

INDEX

DISCOVERY—Cont'd

Requests for admission—Cont'd

- expenses, award of, § 36:2
- extrinsic documents, involving, § 36:2
- failure to answer, § 37:2
- Fed. R. Civ. P. 36 compared, § 36:4
- format of request, § 36:2
- limited purpose, § 36:2
- motion to determine sufficiency of answer or objection, § 36:2
- objections, § 36:2
- partial denial, § 36:2
- service of, § 36:2
- time issues, § 36:2
- withdrawal of response, § 36:3

Responding to request, production of documents and things and entry upon land for inspection and other purposes, § 34:3

Return of deposition, effect of errors as to, § 32:6

Sanctions. Failure to make discovery, above

Scheduling

- order, pretrial procedure, § 16:2

Scope of discovery

- generally, § 26:3 et seq.
- insurance agreements, § 26:5
- privileged matter, § 26:4
- protective order, § 26:9
- trial preparation, § 26:6 et seq.

Service of process. Process and service of process and papers, above

Signatures

- interrogatories to parties, § 33:2
- submission of deposition transcript to witness for, § 30:10

Special notice of examination, depositions upon oral examination, § 30:3

Stipulations regarding discovery procedure

- generally, **CivilProc Rule 29; § 29:1; § 29:2**
- comparison with Federal Rule, § 29:2
- Federal Rule compared, § 29:2
- purpose and scope of rule, § 29:1

Submission of deposition transcript to witness for changes and signature, § 30:10

Subpoena

- duces tecum, § 30:3; § 45:4
- form, § 45:9
- sanctions, § 45:3
- service of, § 45:2
- subpoena for depositions upon oral examination, below
- taking deposition, generally, § 45:5; § 45:9

Subpoena for depositions upon oral examination

- generally, § 45:5; § 45:9
- compelling witness to attend deposition, § 30:2
- duces tecum, § 30:3; § 45:4

DISCOVERY—Cont'd

Subpoena for depositions upon oral examination—Cont'd

failure of party noticing deposition to serve, § 30:12

foreign jurisdiction, § 30:13

form, § 45:9

Supplementation of discovery responses, § 26:10

Telephone, deposition by, § 30:7

Time

court-ordered physical and mental examination of persons, § 35:2

oral examination, depositions upon, § 30:2

Transcript

submission to witness for changes and signature, depositions upon oral examination, § 30:10

using deposition transcript in court, § 32:4

Trial, use of interrogatories at, § 33:3

Trial preparation, scope of discovery

experts, § 26:8

materials protected, § 26:6

production of materials, § 26:7

Videotaped depositions

Generally, § 30:4; § 32:3

using in court, § 32:4

Within state of Maine, persons before whom depositions may be taken, § 28:2

Witnesses

compensation for expert witnesses who testify, § 54:7

depositions, § 30:8; § 30:10

supplementation of discovery responses, § 26:10

Written questions, depositions upon

generally, **CivilProc Rule 31; § 31:1 et seq.**

advantages, § 31:1

attendance, § 31:1

certification, § 31:2

comparison with Federal Rule, § 31:5

cross questions, procedure, § 31:1

delivery, § 31:2

enlargement of time, § 31:1

Federal Rule compared, § 31:5

filing, § 31:2

filing, notice of, § 31:3

follow-up questions, procedure, § 31:1

foreign jurisdictions, use of depositions in, § 31:4

notice of filing, § 31:3

notice required, § 31:1

officer designated to take deposition, obligations, § 31:2

preserving identity of deponent, § 31:1

purpose, § 31:1

record, preparing, § 31:2

redirect and recross questions, procedure, § 31:1

INDEX

DISCOVERY—Cont'd

- Written questions, depositions upon—Cont'd
 - service of questions, § 31:1
 - shortening of time, § 31:1
 - subpoena, § 31:1
 - taking responses to questions, § 31:2
 - time, § 31:1
 - use in foreign jurisdictions, § 31:4
- Written questions, interrogatories. Interrogatories to parties, above
- Written stipulations. Stipulations regarding discovery procedure, above

DISMISSAL

- Derivative actions by shareholders, **CivilProc Rule 23A**

DISMISSAL OF ACTIONS

- Amendment of complaint after dismissal of complaint for failure to state claim, § 15:3
- Appeals. Rules of Appellate Procedure, this index
- Converting a Rule 12(b)(6) motion to summary judgment, § 12:13
- De novo review of dismissal for failure to state a claim, § 12:11
- Delayed or untimely service of process when commencing action, § 3:3
- Failure to state a claim, § 12:11; § 15:3
- Forum non conveniens grounds, § 4:18; § 4:19
- Laches basis, § 12:12
- No jurisdiction over subject matter, § 12:7
- Pretrial procedure noncompliance sanctions, § 16:5
- Statute of limitations basis, § 12:12
- Subpoena noncompliance grounds, § 45:3
- Trials, this index

DISTRICT COURT

- Administrative Court absorbed by, § 0:32
- Always open, § 77:1
- Annulment proceedings under Title 19-A, jurisdiction, § 0:26
- Appeals
 - generally, § 0:7; § 0:17; § 0:24
 - family division orders, § 0:31
- Attachment actions, venue, § 0:29
- Business and Consumer Court Docket (BCD), transfer to, § 0:34
- Case management officers, Family Division, § 0:31
- Child protection proceedings, jurisdiction, § 0:26
- Civil Violations Other Than Traffic, this index
- Conferences, pretrial procedure, § 16A:3; § 16A:4
- Court Clerks, this index
- Demand for jury trial, § 38:3
- Divorce proceedings under Title 19-A, jurisdiction, § 0:26
- Equitable relief, jurisdiction, § 0:25
- Family Division
 - generally, § 0:31

DISTRICT COURT—Cont'd

Family Division—Cont'd

history of rule of procedure, § 1:1

Jurisdiction

generally, § 0:24 et seq.

annulment proceedings under Title 19-A, § 0:26

appeals, § 0:7; § 0:17

child protection proceedings, § 0:26

concurrent with Probate Court, § 0:33

concurrent with superior Court, § 0:24; § 0:25

divorce proceedings under Title 19-A, § 0:26

equitable relief, § 0:25

Family Division, § 0:31

separation proceedings under Title 19-A, § 0:26

small claims actions, § 0:27

Title 19-A proceedings, § 0:26

Jury trial demand, § 38:3

Justifiability of appeals, § 0:24

Local actions, venue, § 0:30

Orders after conference, § 16A:4

Orders prior to trial, § 16A:2

Pretrial procedure

generally, **CivilProc Rule 16A; § 16A:1 et seq.**

comparison with Federal Rule, § 16A:6

conferences, § 16A:3; § 16A:4

court calendar, use of, § 16A:4

Federal Rule compared, § 16A:6

modification of pretrial order, § 16A:4

noncompliance sanctions, § 16A:5

orders after conference, § 16A:4

orders prior to trial, § 16A:2

Pleadings and Motions, this index

pretrial conferences, § 16A:3

sanctions, § 16A:5

scheduling orders, § 16A:2

Removal and Appeal from District Court to Superior Court or Law Court, this index

Sanctions, pretrial procedure, § 16A:5

Scheduling orders prior to trial, § 16A:2

Separation proceedings under Title 19-A, jurisdiction, § 0:26

Small claims actions, jurisdiction, § 0:27

Title 19-A proceedings, jurisdiction, § 0:26

Traffic Infractions, this index

Transfer of venue, § 0:28

Transfer to Business and Consumer Court Docket (BCD), § 0:34

Trustee process actions, venue, § 0:29

Venue

generally, § 0:28

INDEX

DISTRICT COURT—Cont'd

Venue—Cont'd

- attachment, actions involving, § 0:29
- Family Division, § 0:31
- forcible entry and detainer, § 0:30
- local actions, § 0:30
- replevin, § 0:30
- transfer, § 0:28
- trustee process, actions involving, § 0:29
- waiver, § 0:28

Waiver, venue, § 0:28

DIVORCE ACTIONS

- District court jurisdiction under Title 19-A, § 0:24; § 0:26
- Judgment, this index
- Standing to appeal, § 0:11
- Superior Court jurisdiction, appeal, § 0:18
- Venue, § 0:21
- Verification of pleadings, § 11:1

DOCKETING

- Scheduling and Docketing, this index

DOCUMENTS

- Records and Recording, this index

DRUGS AND NARCOTICS

- Search Warrants for Schedule Z Drugs, this index

EFFECTIVE DATE

- Generally, **CivilProc Rule 86; § 86:1 et seq.**
- Abrogation of District Court civil rules, § 86:2
- Application of amendments to pending cases, § 86:3
- Application of original rules, § 86:1
- Comparison with Federal Rule, § 86:4
- District Court civil rules, abrogation of, § 86:2
- Federal Rule compared, § 86:4
- Original rules, application of, § 86:1
- Pending cases, application of amendments to, § 86:3

ELECTRONIC COMMUNICATION

- Business and Consumer Docket (BCD), **CivilProc Rule 138; § 138:1; § 138:2**

ELECTRONIC FILINGS

- Generally, § 5:8
- Appellate brief, § A7:4; § A12A:2
- Business and Consumer Docket (BCD), **CivilProc Rule 139**
 - federal rule, comparison, **139:4**
 - how filing accomplished, **139:1**
 - simultaneous electronic service, **139:2**
 - time periods, calculation, **139:3**

ELECTRONIC FILINGS—Cont'd

Law court, § **A12A:2**; § **A12A:4**

ELECTRONIC SERVICE

Business and Consumer Docket (BCD), **CivilProc Rule 140**

alternative service with court approval, **140:2**

federal rule, comparison, **140:5**

time periods, calculation, **140:4**

undeliverable, when returned, **140:3**

when required, **140:1**

ELECTRONIC SOUND RECORDING

Generally, **CivilProc Rule 76H**; § **76H:1** to **76H:5**

Comparison with Federal Rule, § **76H:5**

Court clerks, recording of hearings, § **77:2**

Deposition

perpetuating testimony, § **27:7**

telephone, by, § **30:7**

videotaped. Discovery, this index

Federal Rule compared, § **76H:5**

Independent recordings, § **76H:3**

Recordings by the court, § **76H:2**

Removal and Appeal from District Court to Superior Court or Law Court, this index

Transcripts of electronic recordings on appeal, § **76H:4**

ELECTRONICALLY STORED INFORMATION

Discovery, this index

E-MAIL AND OTHER ELECTRONIC MEANS

Service by, § **4:12**

methods of filing, § **5:8**

EMINENT DOMAIN, SUPERIOR COURT APPEALS

Jurisdiction, § **0:15**

Venue, § **0:22**

ENFORCEMENT

Judgment, this index

ENLARGEMENT OF TIME

Additional provisions for enlargement, § **6:5**

Affidavits, filing, § **6:5**

Business and Consumer Docket (BCD), motion practice, § **134:3**

Court order, generally, § **6:2 et seq.**

Deposition, taking

oral deposition, § **30:3**

written deposition, § **31:1**

Discretion of court, § **6:2**

Exceptions to enlargement, § **6:4**

Excusable neglect standard, § **6:2**

INDEX

ENLARGEMENT OF TIME—Cont'd

- Federal Rule compared, § 6:8
- Finality of judgment exceptions to enlargement, § 6:4
- Forms
 - motion for enlargement of time, § 6:9
 - order enlarging time, § 6:11
 - stipulation of enlargement of time, § 6:10
- Holidays, § 6:1; § 6:8
- Judgment-related actions, § 6:4; § 6:6
- Motion for enlargement of time
 - generally, § 7:2
 - form, § 6:9
- Order enlarging time, form, § 6:11
- Restraining orders, § 6:4
- Return of service of complaint or summons, filing, § 3:3
- Saturday or sunday, § 6:1; § 6:8
- Service by mail, additional time after, § 6:7; § 6:8
- Stipulations, § 6:3; § 6:5; § 6:10

ENTRY OF JUDGMENT

- Judgment, this index

ENTRY UPON LAND

- Discovery, this index

ENVIRONMENT

- Board of Environmental Protection, review of orders of, § 0:10; § 0:11
- Jurisdiction, § 0:25

EQUITY

- Determining whether claim is legal or equitable, § 38:2; § 39:3
- District court jurisdiction, equitable relief, § 0:24; § 0:25; § 0:27
- Forum non conveniens considerations, § 4:19
- Injunctions, this index
- Jurisdiction, § 0:18; § 2:1 to 2:3
- Jury trial of right, § 38:2; § 39:3
- One form of action, CivProc Rule 2, merger of law and equity, § 2:1 to 2:3
- Quieting real title actions, procedure, § 80A:9
- Relief from judgment or order, § 60:10
- Small claims actions, § 0:27
- Superior Court, this index
- Trial by jury or by court, legal and equitable issues, § 38:2; § 39:3

ESTOPPEL

- Pleadings and motions, § 8:12; § 8:17

ETHICS

- Generally, § 0:2; § 0:4; § 0:5
- Adoption of rules, § 1:1

EVIDENCE

Discovery, this index
Harmless Error, this index
Pleadings and Motions, this index
Trials, this index

EXAMINATIONS

Discovery, this index
Trials, this index

EXCEPTIONS

Rules of Appellate Procedure, this index

EXCUSABLE NEGLECT

Enlargement of time, § 6:2
Relief from judgment or order, § 60:6

EXECUTION ON JUDGMENT

Judgments, this index

EXPEDITED TRACK

Generally, **CivilProc Rule 16C; § 16C:1**
Discovery and order, § 16C:2
Federal rule, comparison, § 16C:5
Judgment and default limit on recovery, § 16C:4
Trial procedure, § 16C:3

EXPENSES

Costs and Fees, this index

EXTENSION OF TIME

Enlargement of Time, this index

EXTRAORDINARY REMEDIES

Superior court jurisdiction, § 0:14; § 0:16

EXTRAORDINARY WRIT PROCEEDINGS

Appeals, § 0:7; § 0:14
Superior Court jurisdiction, § 0:14

FACSIMILE

Signature of clerk, § 77:5

FAILURE TO FILE

Rules of Appellate Procedure, this index

FAILURE TO MAKE DISCOVERY

Discovery, this index

FAMILY LAW

Applicability of rules, Uniform Act on Paternity and Family Division Rules,
§ 81:6
Case management officers, § 0:31
District court jurisdiction and venue, § 0:31; § 1:1

INDEX

FAMILY LAW—Cont'd

- Family Division rules, **CivilProc Rules 100 to 127**
- Mediation in, § **92:4**
- Paternity Proceedings, this index
- Superior court jurisdiction, § **0:18**

FEDERAL RULE COMPARED

- Administrative inspection warrants, § **80E:4**
- Alternative dispute resolution (ADR), § **16B:9**
- Applicability of rules, § **81:16**
- Assignment of counsel, § **88:2**
- Attachment, § **4A:7**
- Business and consumer docket
 - case filing, transfer, and identification, § **131:4**
 - case management, § **132:4**
 - electronic communication, § **138:2**
 - electronic filing, § **139:4**
 - electronic service, § **140:5**
 - joint final pretrial statement, § **135:3**
 - motion practice, § **134:4**
 - pretrial conference, § **136:3**
 - purpose, scope, and other rules, § **130:4**
 - trial, § **137:2**
- Civil violations other than traffic, § **80H:6**
- Commencement of action, § **3:4**
- Contempt proceedings, § **66:5**
- Counterclaim and cross-claims, § **13:14**
- Court clerks, § **77:6**; § **79:3**
- Declaratory judgments, § **57:7**
- Default and default judgment, § **55:10**
- Definitions, § **83:2**
- Deposit in court, § **67:2**
- Depositions and discovery
 - court proceedings, use of depositions in, § **32:7**
 - discovery before action or pending appeal, § **27:9**
 - failure to make discovery, § **37:8**
 - interrogatories to parties, § **33:5**
 - oral examination, depositions upon, § **30:14**
 - persons before whom depositions may be taken, § **28:5**
 - production of documents and things and entry upon land for inspection and other purposes, § **34:5**
 - stipulations regarding discovery procedure, § **29:2**
 - written questions, depositions upon, § **31:5**
- District court, pretrial procedure, § **16A:6**
- Effective date, § **86:4**
- Execution, § **62:9**; § **69:4**
- Expedited track, § **16C:5**
- Final agency action review, § **80C:8**

FEDERAL RULE COMPARED—Cont'd

Forcible entry and detainer, § 80D:6

Foreclosure diversion program, § 93:4

Governmental action review, § 80B:9

Injunctions, § 65:11

Judgment

generally, § 54:8

court fees, § 54A:2

entry of judgment, § 58:6

execution, § 62:9; § 69:4

harmless error, § 61:2

inability of judge to proceed, § 63:5

new trials and amendment of judgments, § 59:7

relief from judgment or order, § 60:13

stay of proceedings to enforce judgment, § 62:9

Judgment for specific acts, § 70:2

Jurisdiction and venue, § 82:2

Jury trial de novo in small claims appeals to Superior Court, § 80L:5

Land use violations, § 80K:6

Legal assistance by law students, § 90:2

License revocation or suspension actions, § 80G:2

Medical malpractice screening panel procedures, § 80M:2

Offer of judgment, § 68:3

Parties

generally, § 17:6

class actions, § 23:6

derivative actions by members of unincorporated associations, § 23AB:2

interpleader, § 22:3

intervention, § 24:5

joinder of claims and remedies, § 18:3

joinder of persons needed for just adjudication, § 19:4

misjoinder and nonjoinder of parties, § 21:3

permissive joinder of parties, § 20:4

settlement of claims of minor plaintiffs, § 17A:3

substitution of parties, § 25:5

Pleadings and motions

generally, § 7:6; § 8:22

allowed pleadings, form of motions, § 7:6

amended and supplemental pleadings, § 15:8

defenses and objections, § 12:19

formation of pleadings, § 10:4

service and filing, § 5:9

signing of pleadings and motions, § 11:4

special matters, pleading, § 9:7

third-party practice, § 14:6

Process in behalf of and against persons not parties, § 71:3

Publication of orders and standards, § 87:2

INDEX

FEDERAL RULE COMPARED—Cont'd

Real actions, § 80A:10

Removal and appeal from District Court to Superior Court or law court

appeal to Superior Court, § 76D:3

briefs and oral arguments in Superior Court, § 76G:2

electronic sound recording, § 76H:5

joint or several appeals to Superior Court, § 76E:2

record on appeal to Superior Court, § 76F:3

removal to Superior Court, § 76C:3

Replevin, § 64:7

Rules of appellate procedure, § 1A:2

Rules of appellate procedure

appendix to briefs, § A8:10

briefs in law court, § 7A:6

consideration by law court, § A11:3

costs and interest on judgments in civil cases, § A13:4

definitions, § 1B:2

dismissal of appeal, § A4:6

filing of appeal, § A2C:13

filing record with law court, § A6:6

law court, § A12:4

mandates, § A14:4

motions and other papers in law court, § A10:4

public access to proceedings and records, § A12B:2

record on appeal, § A5:8

schedule for briefing and consideration, § A7:6

Rules of civil procedure

forms, § 84:2

scope of rules, § 1:6; § 1:9

Special appeal proceedings

certification of questions of law by federal courts to law court, § A25:4

public utilities commission, review of rulings and orders of, § A22:2

report of cases, § A24:6

Superior court

jury trial of right, § 38:6

pretrial procedure, § 16:6

Time, § 6:8

Traffic infractions, § 80F:6

Trials

argument of counsel and instructions to jury, § 51:6

assignment of cases for trial and continuances, § 40:5

consolidation or separate trials, § 42:7

dismissal of actions, § 41:5

findings by court, § 52:9

foreign law, determination of, § 44A:2

judgment as matter of law, § 50:7

jurors, § 47:6

FEDERAL RULE COMPARED—Cont'd

Trials—Cont'd

- majority verdict, § 48:2
- official record, proof of, § 44:5
- preserving objections, § 46:3
- referees, § 53:5
- special verdicts and interrogatories, § 49:5
- subpoena, § 45:7
- testimony, taking of, § 43:12
- trial by jury or by court, § 39:6

Trustee process, § 4B:23

Waiver of payment of fees or costs, § 91:3

Warrants for surveys and tests, § 80J:2

Withdrawal of attorneys, § 89:3

FEES

Costs and Fees, this index

FILING

Discovery, this index

Pleadings and Motions, this index

Rules of Appellate Procedure, this index

FINAL AGENCY ACTION REVIEW

Generally, **CivilProc Rule 80C; § 80C:1 et seq.**

Comparison with Federal Rule, § 80C:8

Definition, final agency action, § 0:16

Federal Rule compared, § 80C:8

Hearing, § 80C:5

Judgment, § 80C:6

Jurisdiction, § 0:16

Law court, review by, § 80C:7

Pleadings, § 80C:2

Record, § 80C:4

Scope of rule, § 80C:1

Stay, § 80C:3

Time, § 80C:3

FINAL JUDGMENT RULE

Rules of Appellate Procedure, this index

FINAL REMEDIES

Rules of Civil Procedure, this index

FINDINGS BY COURT

Summary judgment, § 56:12

Trials, this index

FISCAL PROCEDURES AND RELATIONS OF JUDICIAL DEPARTMENT

Generally, § 0:2

Deposit in Court, this index

INDEX

FISCAL PROCEDURES AND RELATIONS OF JUDICIAL DEPARTMENT

—Cont'd

Funding court administration, § 0:4

FORCIBLE ENTRY AND DETAINER

Generally, **CivilProc Rule 80D**; § 80D:1 et seq.

Appeal, § 0:17; § 80D:4

Commencement of action, § 80D:2

Comparison with Federal Rule, § 80D:6

Defense of retaliation, § 80D:3

Federal Rule compared, § 80D:6

Jurisdiction, § 0:24

Mediation in, § 92:5

Possession, writ of, § 80D:5

Retaliation, defense of, § 80D:3

Stay, § 80D:5

Venue, § 0:30

Writ of possession, § 80D:5

FORECLOSURE

Appeal jurisdiction, § 0:17

Default and default judgment, § 55:1; § 55:9

Foreclosure Diversion Program, this index

Jurisdiction, § 0:17; § 0:18

Mortgage foreclosure rules, § 80A:6

Real actions to quiet title, foreclosure of mortgage, § 80A:6

Summary judgment, § 56:5

FORECLOSURE DIVERSION PROGRAM

Generally, **CivilProc Rule 93**; § 93:1 to 93:4

Comparison with Federal Rule, § 93:4

Confidentiality of residential mortgage foreclosure mediation, § 93:3

Federal Rule compared, § 93:4

Procedure in residential mortgage foreclosures, § 93:2

Purpose of rule, § 93:1

Residential mortgage foreclosures, procedure in, § 93:2

Scope of rule, § 93:1

FOREIGN JUDGMENTS

Recognition and enforcement in Superior Court, § 0:20

FOREIGN JURISDICTIONS

Discovery, this index

Process and Service of Process and Papers, this index

Trials, this index

FORMAT

Pleadings and Motions, this index

Rules of Appellate Procedure, this index

Summary Judgment, this index

FORUM NON CONVENIENS DOCTRINE

- Generally, § 4:18
- Discretionary factors, § 4:19
- Trustee process, quasi in rem jurisdiction, § 4B:5

GOVERNMENTAL ACTION REVIEW

- Generally, **CivilProc Rule 80B**; § 80B:1 et seq.
- Comparison to Federal Rule, § 80B:9
- Federal Rule, similarity to, § 80B:9
- Hearing, § 80B:6
- Judgment, § 80B:7
- Law court, review by, § 80B:8
- Notice, § 80B:4
- Pleadings, § 80B:2
- Record, § 80B:5
- Scope of rule, § 80B:1
- Stay, § 80B:3
- Time, § 80B:3
- Trial, § 80B:6

GUARDIAN AD LITEM

- Generally, § 17:5; § 25:2
- Discovery perpetuating testimony before action or pending appeal, court-appointed attorney, § 27:3

GUARDIAN OR NEXT FRIEND

- Generally, § 17A:1; § 17:5; § 25:2

HABEAS CORPUS

- Applicability of rules, § 81:4

HARASSMENT

- District court jurisdiction, § 0:24

HARMLESS ERROR

- Generally, **CivilProc Rule 61**; § 61:1; § 61:2
- Comparison with Federal Rule, § 61:2
- Judgment, this index
- Purpose and scope of rule, § 61:1

HEARINGS

- Attachment, § 4A:2
- Business and Consumer Docket, motion practice, § 134:1
- Court clerks, § 77:2
- Discovery, this index
- Execution on judgment, § 69:1
- Final agency action review, § 80C:5
- Governmental action review, § 80B:6
- New trials and amendment of judgments. Judgment, this index
- Pleadings and Motions, this index
- Referees, transcript of hearing, § 53:4

INDEX

HEARINGS—Cont'd

Settlement of claims of minor plaintiffs, § 17A:2

Trials, location of hearings without jury, § 39:4

HOLIDAYS

Computation of time periods, § 6:1; § 6:8

IMPLEADER (THIRD-PARTY PRACTICE)

Pleadings and Motions, this index

IN FORMA PAUPERIS STATUS

Alternative dispute resolution (ADR), § 16B:3

INABILITY OF JUDGE TO PROCEED

Judgment, this index

INJUNCTIONS

Generally, **CivilProc Rule 65**; § 65:1 et seq.

Appealability of injunctive order, § 65:9

Bond requirement, § 65:5

Comparison with Federal Rule, § 65:11

Contempt, § 65:10

Domestic relations statutes, § 65:7

Employer and employee statutes, § 65:7

Enforcement methods, § 65:10

Enlargement of time, restraining orders, § 6:4

Federal Rule compared, § 65:11

Findings by court, § 65:6

Format of injunction, § 65:6

Judge, presentation to other, § 65:8

Kinds of injunctions, § 65:2

Modification, § 65:8

Other justice or judge, presentation to, § 65:8

Permanent injunction, § 65:2; § 65:6

Persons bound by, § 65:6

Preliminary injunction, § 65:2; § 65:4; § 65:6

Presentation to other justice or judge, § 65:8

Requirement of bond, § 65:5

Scope of injunction, § 65:6

Stay of execution exception, § 62:2

Temporary restraining order, § 65:2; § 65:3; § 65:6

Verification of TRO pleadings, § 11:1

INSPECTION

Administrative Inspection Warrants, this index

Discovery, this index

Milk licensing and inspection enforcement, jurisdiction, § 0:24

INSURANCE

Affirmative defense, noncompliance with conditions of insurance policy, § 8:19

Scope of discovery, insurance agreements, § 26:5

INTEREST ON MONEY

- Default judgment, § **55:3**
- Demand for judgment, § **8:3**; § **54:5**
- Execution on judgment as including, § **69:2**
- Rules of Appellate Procedure, this index

INTERLOCUTORY RULINGS, REPORT OF CASES

- Appeals, § **A24:4**; § **0:8**

INTERPLEADER

- Parties, this index

INTERPRETERS

- Appointment of, § **43:11**

INTERROGATORIES

- Discovery, this index
- Trials, this index

INTERVENTION

- Parties, this index

INVOLUNTARY COMMITMENT TO HOSPITAL

- Appeal jurisdiction, § **0:17**
- District court jurisdiction, § **0:24**

JOINDER OF CLAIMS AND REMEDIES

- Parties, this index

JOINDER OF PARTIES

- Parties, this index

JOINT OR SEVERAL APPEALS

- Removal and Appeal from District Court to Superior Court or Law Court, this index

JUDGES

- Appointment of justices, § **0:2**
- Code of Judicial Conduct, § **0:2**; § **1:1**
- Consolidation of trials, assignment of special judge, § **42:1**
- Disability. Judgment, this index
- Inability of judge to proceed. Judgment, this index

JUDGMENT

- Generally, **CivilProc Rule 54**; § **54:1 et seq.**
- Amendment. New trials and amendment of judgments, below
- Appeal and Review, this index
- Attachment continuance, stay of proceedings to enforce judgment, § **4A:2**;
§ **62:6**
- Attorney's fees, claims for, § **54:4**
- Class actions, § **23:2**
- Clerical errors, relief from judgment or order, § **59:6**; § **60:2**
- Clerk, entry of judgment by, § **58:3**; § **58:4**

INDEX

JUDGMENT—Cont'd

- Comparison with Federal Rule, § 54:8
- Continuance of attachment, stay of proceedings to enforce judgment, § 62:6
- Correction of clerical errors, relief from judgment or order, § 59:6; § 60:2
- Costs and fees
 - generally, § 54:7
 - attorney's fees, claims for, § 54:4
 - court fees, generally, **CivilProc Rule 54A**; § 54A:1; § 54A:2
 - Rule 54(d) to (g), § 54:7
- Counterclaim and cross-claims, separate judgment, § 13:12
- Court fees
 - generally, **CivilProc Rule 54A**; § 54A:1; § 54A:2
 - comparison with Federal Rule, § 54A:2
- Declaratory Judgments, this index
- Default and Default Judgment, this index
- Default limit on recovery, § 16C:4
- Demand for judgment, § 8:3; § 54:5; § 54:6
- Directed verdict (judgment as matter of law). Trials, this index
- Disability of judge. Inability of judge to proceed, below
- Disqualification or recusal, § 63:4
- Divorce actions
 - exception to stay of execution for support orders in, § 62:3
- Enforcement
 - District court jurisdiction over disclosure proceedings, § 0:.23
 - effect of signed judgments, § 58:1
 - nonparties enforcing order, **CivilProc Rue 71**; § 71:1 to 71:3
 - Stay of proceedings to enforce judgment, below
- Entry of judgment
 - generally, **CivilProc Rule 58**; § 58:1 et seq.
 - attachment, effect on, § 58:1
 - attorney participation in drafting judgment, § 58:2
 - clerk, entry of judgment by, § 58:3; § 58:4; § 77:4; § 77:5
 - comparison with Federal Rule, § 58:6
 - effect of entry onto docket, § 58:1
 - enforceability of signed judgments, § 58:1
 - facsimile signature of clerk, § 77:5
 - Federal Rule compared, § 58:6
 - form of judgment, § 58:2
 - notice of appeal, effect on, § 58:1
 - notice of entry of judgment, § 58:5
 - purpose, § 58:1
 - requirements, § 58:2
 - signed judgments and entered judgments, § 58:1
 - standing directions to clerk to enter judgment, § 58:4
 - substantive requirements, § 58:2
 - timing, entry on docket, § 58:1
- Equitable judgment, relief from judgment or order, § 60:10

JUDGMENT—Cont'd

Excusable neglect, relief from judgment or order, § 60:6

Execution on

generally, **CivilProc Rule 69; § 69:1 et seq.**

alias executions, § 69:2

arrest of debtor, § 69:1

comparison with Federal Rule, § 69:4

default judgment, immediate execution on, § 55:4

discovery, use of, § 69:3

Federal Rule compared, § 62:9; § 69:4

hearing, § 69:1

interest on judgment included, § 69:2

issuance of execution, § 69:2

partial satisfaction, § 69:2

renewal executions, § 69:2

sanctions for failure to attend hearing, § 69:1

stay of proceedings to enforce judgment, below

time for issuing, § 69:2

Expedited track, § 16C:4

Facsimile signature of clerk, entry of judgment, § 77:5

Federal Rule compared, § 54:8

Fees. Costs and fees, above

Fewer than all claims and parties, judgment as to, § 54:3

Final judgment rule. Rules of Appellate Procedure, this index

Format of judgments, § 54:2

Fraud, relief from judgment or order, § 60:8

Harmless Error, this index

Immediate execution order

default judgment, on, § 55:4

stay of execution, § 62:4

Inability of judge to proceed

generally, **CivilProc Rule 63; § 63:1 et seq.**

action by successor judge, § 63:2; § 63:3

comparison with Federal Rule, § 63:5

death of judge, § 63:3

definition of disability, § 63:1

disability defined, § 63:1

disqualification or recusal, § 63:4

Federal Rule compared, § 63:5

recusal, § 63:4

retirement, § 63:1

successor judge, action by, § 63:2; § 63:3

when another judge may act, § 63:2

Independent action for relief from judgment, § 60:3

Inherent power of reviewing court, stay of proceedings to enforce judgment,
§ 62:8

Interest on, § 8:3

Judge's disability. Inability of judge to proceed, above

INDEX

JUDGMENT—Cont'd

- Judgment for Specific Acts, this index
- Land use violations, § 80K:4
- Matter of law. Trials, this index
- Motions
 - new trials and amendment of judgments, § 59:3; § 59:5
 - relief from judgment or order, time for motion, § 60:4
 - setting aside default judgment, § 55:7
- Multiple claims or parties, stay of judgment on one of, § 62:7
- Neglect, relief from judgment or order, § 60:6
- New trials and amendment of judgments
 - generally, **CivilProc Rule 59**; § 59:1 et seq.
 - affidavits served with motion, § 59:3; § 59:6
 - alteration of judgment, generally, § 59:6
 - alternative, resubmitting verdict form to jury for reconsideration, § 49:1; § 49:3
 - amendment, findings of court, § 52:3
 - amendment of judgment, generally, § 59:6
 - availability of transcript, § 59:2; § 59:4
 - burden of proof, § 59:1
 - clerical error grounds, § 59:6
 - comparison with Federal Rule, § 59:7
 - Federal Rule compared, § 59:7
 - fewer than all parties or issues, § 59:2
 - grounds for new trial, § 59:1; § 59:2
 - hearing, § 59:3; § 59:6
 - motion, generally, § 59:3; § 59:6
 - motion, review of action on, § 59:5
 - nonjury cases, § 59:2
 - notice, § 59:3
 - partial new trial, § 59:2
 - resubmitting verdict form to jury for reconsideration as alternative, § 49:1; § 49:3
 - review of action on motion, § 59:1; § 59:5
 - standing to move court to alter or amend judgment, § 59:1
 - time for motion, § 59:3; § 59:6
 - transcript is unavailable, new trial where, § 59:2; § 59:4
 - vacation of judgment, § 59:6
- Newly discovered evidence
 - new trial, § 59:2
 - relief from judgment or order, § 60:7
- No just reason for delay
 - Judgment as to fewer than all claims and parties, § 54:3.50
- Nonparties enforcing order, **CivilProc Rue 71**; § 71:1 to 71:3
- Notice of entry of judgment, § 58:5; § 77:4
- Notwithstanding the verdict. Trials, this index
- Offer of Judgment, this index
- One of multiple claims or parties, stay of judgment on, § 62:7

JUDGMENT—Cont'd

- Order for immediate execution, stay of execution, § 62:4
- Pattern (overview) of judgment rules, § 54:1
- Referee proceeding, § 53:4
- Relief from judgment or order
 - generally, **CivilProc Rule 60; § 60:1 et seq.**
 - after appeal, § 60:12
 - clerical errors, correction of, § 59:6; § 60:2
 - comparison with Federal Rule, § 60:13
 - correction of clerical errors, § 59:6; § 60:2
 - equitable judgment, no longer, § 60:10
 - excusable neglect, § 60:6
 - Federal Rule compared, § 60:13
 - fraud, § 60:8
 - grounds, generally, § 60:5 et seq.
 - independent action for relief from judgment, § 60:3
 - motion, time for motion under 60(b), § 60:4
 - neglect, excusable, § 60:6
 - newly discovered evidence, § 60:7
 - other grounds, § 60:11
 - purpose of rule, § 60:1
 - satisfaction of judgment, § 60:10
 - scope of rule, § 60:1
 - surprise, § 60:6
 - time for motion under 60(b), § 60:4
 - void judgment, § 60:9
- Requiring specific acts. Judgment for Specific Acts, this index
- Right to jury trial, effect of demand for judgment on, § 54:6
- Satisfaction of judgment, relief from judgment or order, § 60:10
- Signed judgments and entered judgments, § 58:1
- Specific acts, requiring. Judgment for Specific Acts, this index
- Standing directions to clerk to enter judgment, § 58:4
- Stay of proceedings to enforce judgment
 - generally, **CivilProc Rule 62; § 62:1 et seq.; § 69:2**
 - attachment, continuance of, § 4A:2; § 62:6
 - compared to Federal Rule, § 62:9
 - comparison with Federal Rule, § 62:9
 - continuance of attachment, § 4A:2; § 62:6
 - default judgment, stay of execution on, § 62:5
 - divorce actions, exception to stay of execution for support orders in, § 62:3
 - exceptions, stay of execution, § 62:2; § 62:3
 - Federal Rule compared, § 62:9
 - immediate execution order, stay of execution, § 62:4
 - inherent power of court, § 62:2
 - inherent power of reviewing court, § 62:8
 - injunction, § 62:2
 - multiple claims or parties, § 62:7

INDEX

JUDGMENT—Cont'd

- Stay of proceedings to enforce judgment—Cont'd
 - multiple claims or parties, stay of judgment on one of, § 62:7
 - one of multiple claims or parties, stay of judgment on, § 62:7
 - order for immediate execution, stay of execution, § 62:4
 - reviewing court, inherent power of, § 62:8
 - support orders in divorce actions, exception to stay of execution for, § 62:3
- Successor judge, action by, § 63:3
- Summary Judgment, this index
- Support orders in divorce actions, exception to stay of execution for, § 62:3
- Surprise, relief from judgment or order, § 60:6
- Time for motion
 - new trials and amendment of judgments, § 59:3
 - relief from judgment or order, under 60(b), § 60:4
- Transcript is unavailable, new trial where, § 59:4
- Trustee Process, this index
- Vacation of judgment, new trials and amendment of judgments, § 59:6
- Void judgment, relief from judgment or order, § 60:9

JUDGMENT FOR SPECIFIC ACTS

- Generally, **CivilProc Rule 70; § 70:1; § 70:2**
- Comparison with Federal Rule, § 70:2
- Purpose and scope of rule, § 70:1

JUDICIAL DEPARTMENT

- Jurisdiction and Venue, this index

JURISDICTION AND VENUE

- Generally, **CivilProc Rule 82; § 0:1 et seq.; § 82:1; § 82:2**
- Administrative Court, § 0:32
- Administrative structure of judicial department, § 0:2
- Attachment, § 0:29
- Business and Consumer Court Docket (BCD), § 0:34
- Change of venue, consolidation or separate trials, § 42:2
- Comparison with Federal Rule, § 82:2
- Compulsory counterclaims, § 13:4
- Consolidation or separate trials, change of venue, § 42:2
- Constitutional and statutory basis, judicial department, § 0:1
- Counterclaims, § 13:4; § 13:6
- Crimes, appellate review of, § 0:17
- Dismissal of actions
 - forum non conveniens grounds, § 4:18; § 4:19
 - no jurisdiction over subject matter, § 12:7
- District Court, this index
- Divorce courts, § 4:18
- Equity jurisdiction, § 0:18; § 2:1 to 2:3
- Federal Rule compared, § 82:2
- Foreclosure appeals, § 0:17; § 0:18
- Foreign judgments, recognition and enforcement, § 0:20

JURISDICTION AND VENUE—Cont'd

- Foreign Jurisdictions, this index
- Forum non conveniens, § 4:18; § 4:19
- Interpleader, jurisdictional limits, § 22:2
- Judicial department
 - administrative structure, § 0:2
 - advisory and internal committees, § 0:2
 - constitutional and statutory basis, § 0:1
 - key elements of judicial power, § 0:1
 - legislature's complimentary powers, § 0:1
 - operation of the courts, § 0:2
- License
 - milk licensing and inspection enforcement, jurisdiction, § 0:24
 - revocation or suspension actions, jurisdiction, § 0:24; § 0:25
- Long arm statute, § 4:10
- Long arm statute, § 4:14
- Milk licensing and inspection enforcement, jurisdiction, § 0:24
- Minimum contacts requirement, § 4:10
- One form of action, CivProc Rule 2, merger of law and equity, § 2:1 to 2:3
- Pleadings and Motions, this index
- Probate appeals
 - standing, § 0:11
 - Superior Court, § 0:17
- Probate Courts, § 0:1; § 0:33
- Purposeful availment test, § 4:10
- Quasi-in-rem actions
 - generally, § 12:3
 - attachment process, § 4A:6; § 4B:6; § 12:3
 - trustee process, § 4B:5; § 4B:6
- Return of service, importance of, § 4:16
- Sheriff's bond, venue for action on, § 0:21
- Superior Court, this index
- Supreme Judicial Court, this index
- Third-party practice, venue, § 14:4
- Waiver of venue
 - district court, § 0:28
 - superior court, § 0:21

JURY AND JURY TRIAL

- Generally. Trials, this index
- De novo. Jury Trial De Novo in Small Claims Appeals to Superior Court, this index
- Superior Court, this index

JURY INSTRUCTIONS

- Trials, this index

INDEX

JURY TRIAL DE NOVO IN SMALL CLAIMS APPEALS TO SUPERIOR COURT

- Generally, **CivilProc Rule 80L; § 80L:1 et seq.**
- Appeal, **§ 80L:4**
- Commencement of action, **§ 80L:2**
- Comparison with Federal Rule, **§ 80L:5**
- Federal Rule compared, **§ 80L:5**
- Judgment, **§ 80L:4**
- Proceedings, **§ 80L:3**
- Purpose and scope of rule, **§ 80L:1**
- Validity of rule, **§ 80L:1**

JUSTICIABILITY

- Superior court jurisdiction, **§ 0:19**
- Supreme judicial court jurisdiction, **§ 0:11**

LAND USE VIOLATIONS

- Generally, **CivilProc Rule 80K; § 80K:1 et seq.**
- Alternative dispute resolution, **§ 80K:5**
- Appeal, **§ 80K:4**
- Commencement of action, **§ 80K:2**
- Comparison with Federal Rule, **§ 80K:6**
- Federal Rule compared, **§ 80K:6**
- Judgment, **§ 80K:4**
- Proceedings, **§ 80K:3**
- Purpose and scope of rule, **§ 80K:1**
- Validity of rule, **§ 80K:1**

LAW COURT

- Removal and Appeal from District Court to Superior Court or Law Court, this index
- Rules of Appellate Procedure, this index
- Special Appeal Proceedings, this index
- Supreme Judicial Court, this index

LAW LIBRARY SYSTEM

- Generally, **§ 0:2**

LAW STUDENTS

- Legal Assistance by Law Students, this index

LEGAL ASSISTANCE BY LAW STUDENTS

- Generally, **CivilProc Rule 90; § 90:1; § 90:2**
- Comparison with Federal Rule, **§ 90:2**
- Purpose and scope of rule, **§ 90:1**

LICENSE

- Milk licensing and inspection enforcement, jurisdiction, **§ 0:24**
- Revocation or suspension actions. License Revocation and Suspension Actions, this index

LICENSE REVOCATION OR SUSPENSION ACTIONS

Generally, **CivilProc Rule 80G; § 80G:1; § 80G:2**

Comparison with Federal Rule, **§ 80G:2**

Jurisdiction, **§ 0:24; § 0:25**

LIMITATION OF ACTIONS

Statute of Limitations, this index

LIMITATIONS

Discovery, this index

Pleadings and Motions, this index

MAJORITY VERDICT

Trials, this index

MALPRACTICE

Medical malpractice screening panel procedures, **CivilProc Rule 80M; § 80M:1; § 80M:2**

MANDATES

Rules of Appellate Procedure, this index

MEDIATION

Alternative Dispute Resolution (ADR), this index

Foreclosure Diversion Program, this index

MEDICAL MALPRACTICE SCREENING PANEL PROCEDURES

Generally, **CivilProc Rule 80M; § 80M:1; § 80M:2**

Comparison with Federal Rule, **§ 80M:2**

Panel hearing, **§ 80M:1.50**

Purpose and scope of rule, **§ 80M:1**

MEMBERS OF ASSOCIATIONS

Parties, this index

MENTAL EXAMINATIONS

Discovery, this index

MILITARY PERSONS

Default and default judgment, **§ 55:5**

Service of process and papers, **§ 55:5**

MILK LICENSING AND INSPECTION ENFORCEMENT

Jurisdiction, **§ 0:24**

MINORS

Children and Minors, this index

MISJOINDER AND NONJOINDER OF PARTIES

Parties, this index

MISTAKE

Pleading

generally, **§ 9:2**

misnamed party, **§ 15:6**

INDEX

MONEY PAID INTO COURT

Deposit in Court, this index

MOOTNESS AND RIPENESS DOCTRINE

Superior court appeals, § **0:19**

Supreme Judicial Court appeals, § **0:11**

MORTGAGES

Foreclosure, this index

MOTIONS

Judgment, this index

Pleadings and Motions, this index

Rules of Appellate Procedure, this index

Settlement of claims of minor plaintiffs, **CivilProc Rule 17A; § 17A:1 to 17A:4**

Summary Judgment, this index

Trials, this index

Trustee Process, this index

MULTIPLE CLAIMS OR PARTIES

Joinder issues. Parties

Stay of judgment on one of, § **62:7**

Summons, multiple defendants, § **4:2**

NEW TRIALS

Judgment, this index

NEXT FRIEND OR GUARDIAN

Parties, § **17A:1; § 17:5; § 25:2**

NONJOINDER

Parties, this index

NONJUDICIAL DUTIES

Supreme Judicial Court, this index

NONPARTIES

Discovery, this index

Process in behalf of and against persons not parties, **CivilProc Rule 71; § 71:1 to 71:3**

NOTES AND NOTE-TAKING

Advisory committee's notes and reporter's notes, rules of civil procedure, aid in interpretation, § **1:5**

Appellate procedure

Advisory committee Notes

Signature, **AppellateProc Rule § 1C**

Jurors, note-taking by, § **47:5**

NOTICE

Civil violations other than traffic, orders or judgments, notice of, § **80H:5**

Court clerks, notice of orders or judgments, § **77:4**

Discovery, this index

NOTICE—Cont'd

- Entry of judgment, § 58:5
- Governmental action review, § 80B:4
- Parties, this index
- Pleadings and Motions, this index
- Process and Service of Process and Papers, this index
- Rules of Appellate Procedure, this index
- Traffic infractions order or judgment, § 80F:5

NUMBER

- Appellate procedure
 - appendix to briefs, number of, § A8:2
 - briefs, number of, § A7:3
- Defendants unusually large, service and filing of papers, § 5:2
- Docket number, assignment of, § 10:1
- Jurors
 - alternate jurors, § 47:4
 - empaneled, **CivilProc Rule 48**; § 48:1
 - peremptory challenges, § 47:3
- Law court justices, § A12:1

OATH OR AFFIRMATION

- Administering oaths of office, § 0:3
- Depositions upon oral examination, oath, § 30:9
- Trial testimony, affirmation in lieu of oath, § 43:4
- Trustee Process, this index

OATHS OF OFFICE

- Administering, § 0:3

OBJECTIONS

- Discovery, this index
- Pleadings and Motions, this index
- Trials, this index

OFFER OF JUDGMENT

- Generally, **CivilProc Rule 68**; § 68:1 to 68:3
- Comparison with Federal Rule, § 68:3
- Irrevocability period, § 68:1
- Parties applicable, § 68:1
- Service of offer, § 68:1
- Time for offer, § 68:2

OFFICIAL RECORD, PROOF OF

- Trials, this index

ONE FORM OF ACTION

- Rules of Civil Procedure, this index

OPINIONS

- Advisory opinions, § 0:3

INDEX

ORAL ARGUMENTS

- Removal and Appeal from District Court to Superior Court or Law Court, this index
- Rules of Appellate Procedure, this index

ORAL EXAMINATION

- Discovery, this index

PARTIES

- Generally, **CivilProc Rule 17 et seq.**
- Adding nonjoined parties, § 21:2
- Amendments changing either identity of party or his name, § 15:6; § 21:2
- Assignees, real party in interest, § 17:2
- Associations. Derivative actions by members of unincorporated associations, below
- Binding effect of judgment, class actions, § 23:2
- Capacity, generally, **CivilProc Rule 17**
- Caption of complaint, § 10:1
- Children. Minors, below
- Class actions
 - generally, **CivilProc Rule 23; § 23:1 et seq.**
 - binding effect of judgment, § 23:2
 - comparison with Federal Rule, § 23:6
 - compromise, § 23:4
 - conduct of action, § 23:2; § 23:3
 - derivative actions, below
 - dismissal, § 23:4
 - Federal Rule compared, § 23:6
 - judgment, binding effect of, § 23:2
 - orders in conduct of actions, § 23:3
 - payment of residual funds, § 23:5
- Comparison with Federal Rule, § 17:6
- Compromise, class actions, § 23:4
- Conservator, § 17:5
- Counterclaims, § 13:5; § 13:11; § 13:17
- Cross-claims, § 13:11
- Death of party
 - public officers, § 25:4
 - real actions to quiet title, § 80A:5
 - substitution of parties, § 25:1; § 25:4
 - trustee process, § 4B:19
- Defendant, generally, **CivilProc Rule 17**
- Derivative actions by members of unincorporated associations
 - generally, **CivilProc Rule 23B; § 23AB:1; § 23AB:2**
 - comparison with Federal Rule, § 23AB:2
 - notice, § 23AB:1
 - requirements, § 23AB:1
 - verification of complaint to enforce derivative rights, § 11:1; § 23AB:1
- Derivative actions by shareholders, **CivilProc Rule 23A; § 11:1**

PARTIES—Cont'd

Determination by court of joinder of persons needed for just adjudication, § 19:2

Dismissal, class actions, § 23:4

Federal Interpleader Act, § 22:2

Federal Rule compared, § 17:6

Fictitious name, § 17:1

Forms

joinder of claims and remedies, § 18:4

settlement of claims of minor plaintiffs, § 17A:4

Guardian ad litem, § 17:5; § 25:2

Guardian or next friend, § 17A:1; § 17:5; § 25:2

Incompetent persons, § 17:5; § 25:2

Insurers, real party in interest, § 17:4

Interpleader

generally, **CivilProc Rule 22; § 22:1 et seq.**

award of interest, § 22:1

comparison with Federal Rule, § 22:3

Federal Interpleader Act, § 22:2

Federal Rule compared, § 22:3

jurisdictional limits, § 22:2

limitations, jurisdiction, § 22:2

payment of money into court, § 22:1

scope and effect, § 22:1

Intervention

generally, **CivilProc Rule 24; § 24:1 et seq.**

appeal of denial of motion to intervene, § 24:1

assured, § 17:4

comparison with Federal Rule, § 24:5

Federal Rule compared, § 24:5

motion to intervene, § 24:1; § 24:3

permissive intervention, § 24:2

procedure, § 24:1; § 24:3; § 24:4

right, intervention of, § 24:1

role of intervenor, § 24:1

state, intervention by, § 24:4

statutory intervention, § 24:1

Joinder

interpleader, above

joinder of claims and remedies, below

joinder of persons needed for just adjudication, below

misjoinder and nonjoinder of parties, below

permissive joinder of parties, below

Joinder of claims and remedies

generally, **CivilProc Rule 18**

comparison with Federal Rule, § 18:3

Federal Rule compared, § 18:3

forms, § 18:4

INDEX

PARTIES—Cont'd

Joinder of claims and remedies—Cont'd

- joinder of claims, generally, § **18:1**
- joinder of remedies, generally, § **18:2**
- permissive joinder of parties, § **20:1**
- restriction on, § **21:1**

Joinder of persons needed for just adjudication

- generally, **CivilProc Rule 19; § 19:1 et seq.**
- absence of necessary party, answer raising, form, § **19:7**
- additional defendant, motion by defendant to bring in, form, § **19:8**
- additional defendant, order adding, form, § **19:9**
- allegation of reason for omitting party, form, § **19:6**
- answer raising absence of necessary party, form, § **19:7**
- comparison with Federal Rule, § **19:4**
- counterclaims and cross-claims, § **13:11; § 13:17**
- death of party, § **25:1**
- determination by court, § **19:2**
- factors for determining need for joinder, § **19:2**
- Federal Rule compared, § **19:4**
- forms

- absence of necessary party, answer raising, § **19:7**
- adding additional party to counterclaim, § **13:17**
- additional defendant, motion by defendant to bring in, § **19:8**
- additional defendant, order adding, § **19:9**
- allegation of reason for omitting party, § **19:6**
- answer raising absence of necessary party, § **19:7**
- counterclaim, adding additional party to, § **13:17**
- motion by defendant to bring in additional defendant, § **19:8**
- necessary party, answer raising, absence of, § **19:7**
- nonconsenting plaintiff, joinder as defendant of, § **19:5**
- omission of party, allegation of reason for, § **19:6**
- order adding defendant, § **19:9**

indispensable vs. necessary parties, § **19:1**

motion by defendant to bring in additional defendant, form, § **19:8**

names of omitted persons, pleading, § **19:3**

necessary party, answer raising, absence of, form, § **19:7**

necessary party, responsibility that all joined, § **19:1**

necessary vs. indispensable parties, § **19:1**

nonconsenting plaintiff, joinder as defendant of, form, § **19:5**

omission of party, allegation of reason for, form, § **19:6**

omitted persons, pleading names of, § **19:3**

order adding defendant, form, § **19:9**

permissive joinder of parties, § **20:2**

persons to be joined if feasible, § **19:1**

pleading names of omitted persons, § **19:3**

purpose of rule, § **19:1**

responsibility that all necessary parties joined, § **19:1**

PARTIES—Cont'd

Judgment, class actions, § 23:2

Jurisdictional limits, interpleader, § 22:2

Members of associations. Derivative actions by members of unincorporated associations, above

Minors

generally, § 17:5

settlement of claims of minor plaintiffs, below

Misjoinder and nonjoinder of parties

generally, **CivilProc Rule 21**

comparison with Federal Rule, § 21:3

dismissal of action, § 17:1; § 21:2

Federal Rule compared, § 21:3

forms

motion to drop defendant or to sever claims, § 21:4

order of severance, § 21:5

misjoinder of parties, generally, § 21:1

motion to dismiss for lack of jurisdiction over person, § 12:8

motion to dismiss for lack of subject matter jurisdiction, § 12:7

motion to drop defendant or to sever claims, form, § 21:1; § 21:4

nonjoinder of parties, generally, § 21:2

order of severance, form, § 21:5

Misnomer or misdescription, § 15:6

Multiple claims or parties. Joinder, above

Names

fictitious, § 17:1

misnomer or misdescription, § 15:6

Names of omitted persons, joinder of persons needed for just adjudication, § 19:3

Next friend or guardian, § 17A:1; § 17:5; § 25:2

Nonjoinder. Misjoinder and nonjoinder of parties, above

Nonparties, this index

Notice

derivative actions by members of unincorporated associations, § 23AB:1

Notification of assured, real party in interest, § 17:4

Omitted persons, joinder of persons needed for just adjudication, § 19:3

Orders in conduct of actions, class actions, § 23:3

Permissive intervention, § 24:2

Permissive joinder of parties

generally, **CivilProc Rule 20; § 20:1 et seq.**

comparison with Federal Rule, § 20:4

defendants, joinder of, § 20:2

Federal Rule compared, § 20:4

plaintiffs, joinder of, § 20:1

separate trials, § 20:3

Plaintiff, generally, **CivilProc Rule 17**

Pleading names, amendments changing either identity of party or his name, § 15:6; § 21:2

INDEX

PARTIES—Cont'd

- Pleading names of omitted persons, joinder of persons needed for just adjudication, § **19:3**
- Probate bonds, real party in interest, § **17:3**
- Process and Service of Process and Papers, this index
- Public officers, substitution of parties, § **25:4**
- Publication, defendants served by, § **17:5**
- Real party in interest
 - generally, **CivilProc Rule 17**; § **17:1 et seq.**
 - assignees, § **17:2**
 - challenging party's right to sue, § **17:1**
 - insurers, § **17:4**
 - notification of assured, § **17:4**
 - probate bonds, suits on, § **17:3**
 - purpose of requirement, § **17:1**
 - subrogees, § **17:2**; § **17:4**
 - substitution, § **17:1**
 - worker's compensation, § **17:4**
- Right, intervention of, § **24:1**
- Separate trials, permissive joinder of parties, § **20:3**
- Service of process. Process and Service of Process and Papers, this index
- Settlement of claims of minor plaintiffs
 - generally, **CivilProc Rule 17A**; § **17A:1 et seq.**
 - affidavit, § **17A:2**; § **17A:4**
 - comparison with Federal Rule, § **17A:3**
 - Federal Rule compared, § **17A:3**
 - forms, § **17A:4**
 - hearing, § **17A:2**
 - minor settlements, generally, § **17A:1**
 - motion for approval, § **17A:2**; § **17A:4**
 - order, § **17A:2**; § **17A:4**
 - procedure under Rule 17A, generally, § **17A:2**
 - verified application, § **17A:2**; § **17A:4**
 - withdrawal of funds, § **17A:2**
- Severance of, § **21:4**; § **21:5**
- Shareholders, derivative actions by, **CivilProc Rule 23A**; § **11:1**
- State, intervention by, § **24:4**
- Subrogees, real party in interest, § **17:2**; § **17:4**
- Substitution of parties
 - generally, **CivilProc Rule 25**; § **25:1 et seq.**
 - comparison with Federal Rule, § **25:5**
 - death, § **25:1**
 - Federal Rule compared, § **25:5**
 - incompetency, § **17:5**; § **25:2**
 - public officers, § **25:4**
 - relation back, § **17:1**
 - transfer of interest, § **25:3**
 - use of depositions previously taken, effect on, § **32:2**

PARTIES—Cont'd

Taxpayers' standing, § 0:19

Title of pleadings, § 10:1

Transfer of interest, substitution of parties, § 25:3

Unincorporated associations. Derivative actions by members of unincorporated associations, above

Worker's compensation action, § 17:4

PARTNERSHIPS

Trustee process, service of summons on partnership, § 4B:8

PATERNITY PROCEEDINGS

Applicability of rules, Uniform Act on Paternity and Family Division Rules, § 0:14; § 81:6

District Court jurisdiction, § 0:31

Mediation, **CivilProc Rule 92**; § 92:4

Pleading summary sheets, **CivilProc Rule 5**

Superior Court jurisdiction, § 0:14

PENDING APPEAL

Discovery, this index

PERMISSIVE JOINDER OF PARTIES

Parties, this index

PERPETUATION OF TESTIMONY

Discovery, this index

Verification of petition for, § 11:1

PHYSICAL EXAMINATION OF PERSONS

Discovery, this index

PHYSICIANS

Discovery, this index

PLEADINGS AND MOTIONS

Generally, **CivilProc Rule 7 et seq.**

Accord and satisfaction, § 8:7

Adoption by reference, § 10:3

ADR. Alternative Dispute Resolution (ADR), this index

Affirmative defenses

generally, **CivilProc Rule 8**; § 8:5 et seq.

accord and satisfaction, § 8:7

arbitration and award, § 8:8

assumption of risk, § 8:9

bankruptcy, discharge in, § 8:11

burden of proof, generally, § 8:5; § 8:6

collateral estoppel, § 8:17

comparative negligence, § 8:9; § 8:10

compliance with statutory notice procedures, § 8:19

condonation, § 8:19

consideration, failure of, § 8:13

INDEX

PLEADINGS AND MOTIONS—Cont'd

Affirmative defenses—Cont'd

- contributory negligence, § 8:6; § 8:19
- delay and laches, § 8:16; § 12:12
- discharge in bankruptcy, § 8:11
- estoppel, § 8:12; § 8:17
- failure of consideration, § 8:13
- fraud, § 8:14
- frauds, statute of, § 8:18; § 12:12
- illegality, § 8:15; § 12:12
- immunity, § 12:12
- laches, § 8:16; § 12:12
- limitations period, § 8:16
- malpractice cases, § 8:19
- motion, affirmative defenses raised by, § 12:12
- negligence, comparative, § 8:9; § 8:10
- negligence, contributory, § 8:6; § 8:9
- noncompliance with conditions of insurance policy, § 8:19
- other avoidances and, § 8:19
- payment of a note, § 8:19
- presumption of due care, § 8:6
- privilege, § 12:12
- rebuttable presumption distinguished, § 8:5
- recoupment, § 8:19
- release, valid, § 8:19; § 12:12
- res judicata, § 8:17; § 12:12
- risk, assumption of, § 8:9
- sovereign immunity, state's, § 8:19
- statute of frauds, § 8:18; § 12:12
- truth, § 8:19
- uncollectability of judgment, § 8:19

After hours and other office filings, § A12A:1; § 5:5

Agreed statement of facts, § 8:21

Agreement, pleadings by, § 8:21

Allowed pleadings, form of motions

- generally, **CivilProc Rule 7; § 7:1 et seq.**
- comparison with Federal Rule, § 7:6
- demurrers abolished, § 7:4
- Federal Rule compared, § 7:6
- motions, generally, § 7:2
- notices of hearing, § 7:2
- opposition to motions, § 7:3
- pleadings, generally, § 7:1
- probate appeals, procedure on, § 7:5
- procedure on probate appeals, § 7:5

Alternative Dispute Resolution (ADR), this index

Alternative pleadings, § 8:1; § 8:20

PLEADINGS AND MOTIONS—Cont'd

Amended and supplemental pleadings

- generally, **CivilProc Rule 15; § 15:1 et seq.**
- after dismissal of complaint, **§ 15:3**
- after judgment, amendment, **§ 15:5**
- answer, amendment of, **§ 13:8**
- appeal, amendment on, **§ 15:5**
- before appearance or responsive pleading, **§ 15:2**
- changing defendant, **§ 15:6; § 21:2**
- comparison with Federal Rule, **§ 15:8**
- conforming to evidence, amendment for, **§ 15:5; § 15:10**
- consent to amendment, **§ 15:4; § 15:5**
- discretion of court, **§ 15:1; § 15:7**
- dismissal of complaint for failure to state claim, amendment after, **§ 15:3**
- distinguishing between supplemental and amended pleadings, **§ 15:7**
- evidence, amendment to conform to, **§ 15:5; § 15:10**
- Federal Rule compared, **§ 15:8**
- forms
 - general form to amend, **§ 15:9**
 - leave to file supplemental complaint, motion for, **§ 15:11**
 - motion to amend to conform to evidence, **§ 15:10**
- general form to amend, form, **§ 15:9**
- granting leave to amend, **§ 15:3; § 15:4**
- incorporating by reference allegations of original pleading, **§ 10:3**
- leave to file supplemental complaint, motion for, form, **§ 15:11**
- matter of course, amendment as, **§ 15:2**
- misnamed party, **§ 15:6**
- motion, amendment on, **§ 15:4**
- motion for leave to file supplemental complaint, **§ 15:11**
- motion to amend to conform to evidence, form, **§ 15:10**
- purpose, generally, **§ 15:1; § 15:5**
- relation back of amendments, **§ 15:6; § 15:7**
- scope, generally, **§ 15:1; § 15:5**
- separate allegations, stating, **§ 10:3**
- supplemental pleadings, **§ 15:7; § 15:11**
- trial, amendment at, **§ 15:4; § 15:5**

Answer

- generally, **§ 7:1; § 8:4**
- amendment of, **§ 13:8**
- defenses presented in, **§ 8:4; § 12:6**
- denials, **§ 8:4**
- time for, **§ 12:4**

Anticipatory repudiation, **§ 8:19**

Appearance

- generally, **§ 12:2**
- limited appearance, below
- signing of pleadings and motions, **§ 11:3**

INDEX

PLEADINGS AND MOTIONS—Cont'd

- Arbitration and award, § 8:8
- Assent of opposing party endorsed on motion, § 7:2
- Assumption of risk, § 8:9
- Attorney obligations, signing of pleadings and motions, § 11:3
- Avoidances. Affirmative defenses, above
- Bankruptcy, discharge in, § 8:11
- Burden of proof
 - affirmative defense, § 8:5; § 8:6
- Capacity, § 9:1; § 12:12
- Captions, § 8:1; § 10:1
- Claims for relief
 - generally, **CivilProc Rule 8; § 8:1**
 - agreed statement, by, § 8:21
 - demand for judgment, § 8:3; § 54:5
 - distinguishing between legal and equitable claims, § 38:2
 - failure to state claim, § 12:11
 - joinder, § 18:1 to 18:4
 - not bound by particular theory, § 8:1; § 8:20
 - short and plain statement, § 8:2
- Collateral estoppel, § 8:17; § 13:3
- Commencement of action, **CivilProc Rule 3; § 3:1**
- Comparative negligence, § 8:9; § 8:10
- Comparison with Federal Rule, § 8:22
- Complaints
 - caption and dating, § 10:1
 - filing, § 3:1 to 3:4
 - paragraphs, § 10:2; § 18:1
 - separate claims, § 10:2; § 18:1
- Complaints, forms
 - complaint by executor in death action, form, § 8:24
 - complaint in replevin, form, § 8:26
 - complaint to enforce mechanic's lien claims, form, § 8:27
 - real action to quiet title, form, § 8:25
- Compliance with rules, orders, or statute, filing of papers not in, § 5:4
- Compulsory counterclaims. Counterclaim and Cross-Claims, this index
- Concise and direct, pleadings, **CivilProc Rule 8; § 8:1; § 9:2; § 10:2**
- Condition of person's mind, pleading, § 9:3
- Conditions precedent, § 9:4
- Conforming to evidence, amended and supplemental pleadings, § 15:5
- Consideration, failure of, § 8:13
- Consistency, § 8:1; § 8:20
- Construction of pleadings, **CivilProc Rule 8; § 8:1; § 8:2**
- Continuance, motion for, § 7:2
- Contributory negligence, § 8:6; § 8:19
- Counterclaim and Cross-Claims, this index
- Court, filing with, § 5:3

PLEADINGS AND MOTIONS—Cont'd

- Damages, pleading, § 9:6
- Dating, § 10:1
- Death action, complaint by executor in, form, § 8:24
- Defenses and objections
 - generally, **CivilProc Rule 8; CivilProc Rule 12; § 8:4; § 12:1 et seq.**
 - affirmative defenses, above
 - answer, § 12:4 to 12:6; § 13:8
 - anticipatory repudiation, § 8:19
 - appearance, § 12:2; § 12:3
 - comparison with Federal Rule, § 12:19
 - counterclaim as defense, § 8:5
 - failure to state claim, § 12:11
 - Federal Rule compared, § 12:19
 - hearings, preliminary, § 12:15
 - improper venue, § 12:9
 - insufficiency of process and service of process, § 12:10
 - judgment on pleadings, motion for, § 12:14
 - jurisdiction
 - over person, § 12:8
 - over subject matter, § 12:7
 - limited appearance in quasi-in-rem cases, § 12:3
 - matters outside pleadings, § 12:13
 - more definite statement, motion for, § 12:16
 - motion, defenses by, generally, § 12:7 et seq.
 - no jurisdiction over person, § 12:8
 - no jurisdiction over subject matter, § 12:7 et seq.
 - outside pleadings, § 12:13
 - person, no jurisdiction over, § 12:8
 - preliminary hearings, § 12:15
 - process and service of process, insufficiency of, § 12:10
 - quasi-in-rem cases, limited appearance in, § 12:3
 - short and plain statement, § 8:4
 - special situations, time for answer, § 12:5
 - strike, motion to, § 12:17
 - subject matter, no jurisdiction over, § 12:7
 - time for answer, § 12:4
 - venue, improper, § 12:9
 - waiver of defenses, § 12:18
- Defenses and Objections, when and how
 - Motion for Judgment on Pleadings, **CivilProc Rule 12**
- Delay and laches, § 8:16; § 12:12
- Demand for judgment, statement of claim, § 8:3; § 54:5
- Demurrers abolished, § 7:4
- Denials, form of, § 8:4
- Derivative actions by shareholders, **CivilProc Rule 23A**
- Discharge in bankruptcy, § 8:11

INDEX

PLEADINGS AND MOTIONS—Cont'd

- Discretion of court
 - amended and supplemental pleadings, § 15:1; § 15:7
 - third-party practice, § 14:4
- Dismissal of complaint
 - amended and supplemental pleadings, § 15:3
 - no jurisdiction over subject matter, § 12:7
- District Court, this index
- Docket number, § 10:1
- Electronic filings
 - methods, § 5:8
- Enforcement of mechanic's lien claims, complaint, form, § 8:27
- Estoppel, § 8:12; § 8:17
- Evidence
 - amendment to conform to, § 15:5; § 15:10
 - service and filing, proof of service, § 5:3
 - service by alternative means, § 4:12
- Executor in death action, complaint by, form, § 8:24
- Exemplary damages, pleading, § 9:6
- Exhibits, § 10:3
- Expedited track
 - generally, **CivilProc Rule 16C**; § 16C:1
 - discovery and order, § 16C:2
 - federal rule, comparison, § 16C:5
 - judgment and default limit on recovery, § 16C:4
 - trial procedure, § 16C:3
- Failure of consideration, § 8:13
- Failure to state claim, § 12:11; § 15:3
- Fax and electronic filings, service and filing
 - methods of filing, § 5:8
- Federal Rule compared, § 7:6; § 8:22
- Filing. Service and filing, below
- Form of documents
 - service and filing, § 5:7
- Format of denials, § 8:4
- Formation of pleadings
 - generally, **CivilProc Rule 10**; § 10:1 et seq.
 - adoption by reference, § 10:3
 - amended pleadings incorporating by reference, § 10:3
 - caption, § 10:1
 - comparison with Federal Rule, § 10:4
 - dating pleadings, § 10:1
 - docket number, § 10:1
 - exhibits, § 10:3
 - Federal Rule compared, § 10:4
 - paragraphs, § 10:2
 - reference, adoption by, § 10:3; § 18:1

PLEADINGS AND MOTIONS—Cont'd

Formation of pleadings—Cont'd

- separate statements of counts or claims, § 10:2; § 18:1
- statements, separate, § 10:2
- title of complaint, § 10:1

Forms

- generally, § 8:23 to 8:27
- complaint by executor in death action, § 8:24
- complaint in real action to quiet title, § 8:25
- complaint in replevin, § 8:26
- complaint to enforce mechanic's lien claims, § 8:27
- Counterclaim and Cross-Claims, this index
- death action, complaint by executor in, § 8:24
- enforcement of mechanic's lien claims, complaint, § 8:27
- executor in death action, complaint by, § 8:24
- mechanic's lien claims, complaint to enforce, § 8:27
- real action to quiet title, complaint in, § 8:25
- replevin, complaint in, § 8:26
- third-party practice, below

Fraud

- affirmative defense, § 8:14
- pleading, § 9:2

Frauds, statute of, § 8:18; § 12:12

Function of pleadings, § 8:1

Further pleadings, third-party practice, § 14:5

General rules of pleading, **CivilProc Rule 8; § 8:1 et seq.**

General Rules of Pleading, **CivilProc Rule 8**

Hearings

- motions, on, § 7:2
- preliminary, § 12:15

Honesty in pleading, mandate, § 8:20

Illegality, § 8:15; § 12:12

Immunity, § 12:12

Impleader. Third-party practice, below

Improper venue, § 12:9

In re title, § 10:1

Insufficiency of process and service of process, § 12:10

Intent, § 9:3

Judgment on pleadings, motion for, **CivilProc Rule 12; § 12:14**

Jurisdiction. Venue, below

Knowledge and other conditions of mind, § 9:3

Laches, § 8:16; § 12:12

Land use violations, § 80K:2; § 80K:3

Legal existence, pleading, § 9:1

Limitations period, § 8:16; § 9:5

Limited appearance

- quasi-in-rem cases, § 12:3

INDEX

PLEADINGS AND MOTIONS—Cont'd

- Limited appearance—Cont'd
 - service and filing of papers, § 5:2
 - signing of pleadings and motions, § 11:3
- Location, § 9:5
- Malice, § 9:3
- Matter of course, amendment as, § 15:2
- Matters outside pleadings, § 12:13
- May be liable to such third-party plaintiff for all or part of plaintiff's claim, § 14:2
- Mechanic's lien claims, complaint to enforce, form, § 8:27
- Misrepresentation, pleading, § 9:2
- Mistake, pleading
 - generally, § 9:2
 - misnamed party, § 15:6
- More definite statement, motion for, § 12:16
- Motions
 - generally, § 7:2
 - affirmative defenses raised by, § 12:12
 - amendment on, § 15:4
 - defenses raised by, § 12:7 to 12:11
 - demurrers abolished, § 7:4
 - failure to state claim, § 12:11
 - federal rule compared, § 7:6
 - judgment on the pleadings, § 12:14
 - more definite statement, § 12:16
 - opposition to motions, § 7:3
 - preliminary hearings on threshold matters, § 12:15
 - strike, to, § 12:17
 - Summary Judgment, this index
- Names of omitted persons needed for just adjudication, pleading, § 19:3
- Negligence, comparative, § 8:9; § 8:10
- Negligence, contributory, § 8:6; § 8:19
- No jurisdiction over person, § 12:8
- No jurisdiction over subject matter, § 12:7
- Notice
 - foreign law, using, § 44A:1
 - hearing, § 7:2
 - pleading, § 8:2
- Objections. Defenses and objections, above
- Omitted parties
 - allegation of reason for omitting party, form, § 19:6
 - answer raising absence of omitting party, form, § 19:7
 - names of omitted persons needed for just adjudication, pleading, § 19:3
- Opposition to motions, allowed pleadings, § 7:3
- Outside pleadings, § 12:13
- Paragraphs, form of pleadings, § 10:2; § 18:1
- Payment of a note as defense, § 8:19

PLEADINGS AND MOTIONS—Cont'd

- Penal or exemplary damages, pleading, § 9:6
- Permissive nature, third-party practice, § 14:3
- Person, no jurisdiction over, § 12:8
- Pleading Special Matters, **CivilProc Rule 9**
- Pleading summary sheets, service and filing, § 5:6
- Pleadings by agreement, § 8:21
- Precedent conditions, § 9:4
- Preliminary hearings, § 12:15
- Presumptions
 - rebuttable presumption distinguished from affirmative defense, § 8:5
 - use of presumption of due care, § 8:6
- Pretrial order as superseding pleadings, § 16A:4; § 16:4
- Pretrial procedure
 - District Court, this index
 - Superior Court, this index
- Privilege, § 12:12
- Probate appeals, allowed pleadings, form of motions, § 7:5
- Process. Service and filing, below
- Purpose of pleadings, generally, § 8:1
- Quasi-in-rem cases, limited appearance in, § 12:3
- Real action, complaint in, form, § 8:25
- Rebuttable presumption distinguished from affirmative defense, § 8:5
- Recoupment defense, § 8:19
- Reference, adoption by, § 10:3; § 18:1
- Relation back of amendments, § 15:6; § 15:7
- Release as defense, § 8:19; § 12:12
- Replevin, complaint in, form, § 8:26
- Res judicata, § 8:17; § 12:12; § 13:3
- Risk, assumption of, § 8:9
- Sanctions, signing of pleadings and motions, § 11:1 et seq.
 - Other Written Requests for Relief, **CivilProc Rule 11**
- Separate statements or claims, § 10:2; § 18:1
- Service and filing of documents
 - generally, **CivilProc Rule 5**
- Service and filing of papers
 - generally, § 5:1 et seq.; § 77:1
 - additional time for service by mail, § 6:7
 - after hours and other office filings, § 5:5; § 6:6; § 77:1
 - alternate means, motion for service by, § 4:12
 - answer, § 5:1
 - change of attorney, § 5:2
 - clerk's return of incomplete filings, § 5:4
 - commencement of action, **CivilProc Rule 3**; § 3:1
 - comparison with Federal Rule, § 5:9
 - compliance with rules, orders, or statute, filing of papers not in, § 5:4

INDEX

PLEADINGS AND MOTIONS—Cont'd

Service and filing of papers—Cont'd

condensed transcripts

Form of documents, § 5:7

costs indorsement, § 5:7

court, filing with, § 5:3; § 77:1

default for failure to appear, consequences, § 5:1

defined, service, § 5:1

delayed filings, § 5:3

docket number, § 10:1

electronic filings, methods, § 5:8

e-mail filings, § 4:12

methods, § 5:8

endorsement, costs, § 5:7

fax and electronic filings

methods of filing, § 5:8

Federal Rule compared, § 5:9

format of documents, § 5:7

how service is made, § 5:2

insufficiency of process and service of process, § 12:10

judge after hours, filing with, § 5:5

limited appearance attorney, § 5:2

method of filing, § 5:3

method of service, § 4:12; § 5:2; § 6:7

not in compliance with rules, orders, or statute, filing of papers, § 5:4

number of defendants unusually large, § 5:2

opposition to motions, § 7:3

out-of-venue office filings, § 5:5; § 6:6

papers required to be filed, § 5:1

pleading summary sheets, § 5:6

proof of service, § 5:3

requirements, § 5:1

security for costs, § 5:7

size of papers, § 5:7

summary sheets, § 5:6

timing, § 5:3; § 6:1; § 6:7; § 6:8

Severance of claims, § 18:1

Short and plain statement

claim, § 8:2

denial or defense to claim, § 8:4

Signing of pleadings and motions

generally, § 11:1 *et seq.*

appearance, limited, § 11:3

attorney obligations, § 11:3

comparison with Federal Rule, § 11:4

discipline of attorney, § 11:2; § 11:3

electronic, § 11:1

PLEADINGS AND MOTIONS—Cont'd

Signing of pleadings and motions—Cont'd

Federal Rule compared, § 11:4

law firm, § 11:1

limited appearance of attorney, § 11:3

Other Written Requests for Relief

generally, **CivilProc Rule 11**

sanctions, **CivilProc Rule 11**

sanctions, § 11:1 et seq.

signature to pleadings, § 11:2

unrepresented party, § 11:1; § 11:3

verification of pleadings, § 11:1

Slander not per se, § 9:6

Sovereign immunity, state's, § 8:19

Special damage, § 9:6

Special matters, pleading

generally, **CivilProc Rule 9; § 9:1 et seq.**

capacity, § 9:1; § 12:12

comparison with Federal Rule, § 9:7

condition of person's mind, § 9:3

conditions precedent, § 9:4

damages, § 9:6

Federal Rule compared, § 9:7

fraud and mistake, § 9:2

intent, § 9:3

knowledge and other conditions of mind, § 9:3

legal existence, § 9:1

location, § 9:5

malice, § 9:3

precedent conditions, § 9:4

special damage, § 9:6

time and place, § 9:5

Special situations, time for answer, § 12:5

Statements

of claim, § 8:2; § 8:3

separate, § 10:2

Statute of frauds, § 8:18; § 12:12

Statute of limitations, § 8:16; § 9:5; § 12:12

Strike, motion to, § 12:17

Subject matter, no jurisdiction over, § 12:7

Summary sheets, filing, § 5:6

Superior Court, this index

Supplemental pleadings. Amended and supplemental pleadings, above

Third-party practice

generally, **CivilProc Rule 14; § 14:1 et seq.**

acceleration of determination of third-party claim, § 14:2

answer, third-party, § 14:5; § 14:8

INDEX

PLEADINGS AND MOTIONS—Cont'd

Third-party practice—Cont'd

- basis for, § 14:1
 - comparison with Federal Rule, § 14:6
 - counterclaims, § 14:2; § 14:5
 - damages, § 14:2
 - default, § 14:5; § 55:8
 - discretion of court, § 14:4
 - Federal Rule compared, § 14:6
 - forms
 - answer, third-party, § 14:8
 - summons and complaint against third-party defendant, § 14:7
 - further pleadings, § 14:5
 - may be liable to such third-party plaintiff for all or part of plaintiff's claim, § 14:2
 - permissive nature, § 14:3
 - purpose, generally, § 14:1
 - scope, generally, § 14:1
 - summons and complaint, § 14:5; § 14:7
 - trial participation, § 14:5
 - venue, § 14:4
 - vouching-in process, § 14:3
- #### Time and place
- generally, § 9:5
 - answer, § 12:4
- #### Title of complaint, § 10:1
- #### Trustee Process, this index
- #### Truth, pleading as defense, § 8:19
- #### Truth as affirmative defense, § 8:19
- #### Venue
- improper, § 12:9
 - third-party practice, § 14:4
- #### Verification of pleadings, § 11:1
- #### Waiver
- defenses, of, § 12:18

POSTCONVICTION RELIEF

- Applicability of rules, § 81:3

PRESERVATION OF OBJECTIONS

- Trials, this index

PRETRIAL PROCEDURE

- Business and Consumer Docket (BCD), this index
- District Court, this index
- Pleadings and Motions, this index
- Superior Court, this index

PRISON INMATE

- Deposing, § 30:2

PRIVILEGE

- Affirmative defense, § 12:12
- Attorney work product rule, § 26:6 et seq.
- Attorney-client privilege, § 26:6
- Discovery, this index

PRO BONO NEUTRAL

- Alternative dispute resolution (ADR), § 16B:4

PROBATE BONDS

- Real party in interest, § 17:3

PROBATE COURTS

- Generally, § 0:33
- Appeals, § 0:7; § 0:8; § 0:11; § 0:17; § 7:5
- Jurisdiction and venue, § 0:1; § 0:33

PROCESS AND SERVICE OF PROCESS AND PAPERS

- Generally, **CivilProc Rule 4; § 4:1 et seq.**
- Agent, service upon
 - generally, § 4:6 to 4:8
 - further notice required by statute, § 4:8
 - notice required by statute, § 4:8
 - persons deemed agents, § 4:7
 - statute, further notice required by, § 4:8
- Alternate means of service, § 4:4; § 4:12
- Amendment of process and return of service, § 4:16; § 4:17
- Answer
 - generally, § 12:4
- Appointment of agent for process, § 4:7
- Appointment of person to make service, § 4:3
- Attachment, this index
- By whom served, § 4:3
- Certified mail, service by, § 4:11
- Commencement of Action, this index
- Complaint, service of, § 3:1; § 3:3; § 4:1
- Constitutionality of “long arm” statute, § 4:10
- Construction of “long arm” statute, § 4:10
- Consulate officer, using, § 4:3
- Corporation, service on, § 4:7; § 4:8
- Cross-claims, § 13:10
- Delayed service when commencing action as causing dismissal, § 3:3
- Discovery, this index
- Discretionary factors, forum non conveniens, § 4:19
- Domicile or residence, § 4:5
- Due process requirements
 - generally, § 4:14
 - long arm service, § 4:10; § 4:14
- Dwelling house or usual place of abode, service at, § 4:5

INDEX

PROCESS AND SERVICE OF PROCESS AND PAPERS—Cont'd

- E-mail and other electronic means, by, § 4:12
- E-mail and other electronic means, methods of filing, § 5:8
- Failure to make proof of service, § 4:16
- Filing of return of service, § 4:15; § 4:16
- Foreign corporation, service on, § 4:7
- Foreign process
 - service in foreign country, § 4:13
 - state. Outside of state, below
- Format of summons, § 4:1
- Forum non conveniens, § 4:18; § 4:19
- Further notice required by statute, service upon agent, § 4:8
- Issuance of summons, § 3:1; § 4:1
- Letter rogatory for service in foreign country, § 4:13
- Long arm statute
 - constitutionality and construction, § 4:10
 - method of service, § 4:7
 - notice, due process requirements, § 4:14
- Mail, service by
 - adequacy of notice, § 4:14
 - outside of country, § 4:13
 - outside of state, § 4:11
- Methods of service
 - generally, § 4:4 et seq.
 - agent, service upon, above
 - alternative means, § 4:12
 - foreign country, § 4:13
 - mail outside of state, § 4:11
 - personal service outside of state, § 4:9; § 4:10
 - personal service within state, § 4:4
- Military persons, § 55:5
- Minimum contacts test, § 4:10
- Multiple defendants, summons for, § 4:2
- Nonparties, this index
- Notice
 - adequacy of, § 4:14
 - agent, service upon, § 4:8
 - alternate means, service by, § 4:12
 - due process requirements, § 4:14
- Outside of state
 - “long arm” statute, constitutionality and construction, § 4:10
 - personal service, § 4:9; § 4:10
 - service by mail, § 4:11
- Partners and partnerships, service on, § 4B:8
- Personal service outside of state, § 4:9; § 4:10
- Personal service within state, methods, § 4:4
- Pleadings and Motions, this index

PROCESS AND SERVICE OF PROCESS AND PAPERS—Cont'd

Proof of service

by mail, § 4:11

failure to make, § 4:16

return of service, below

Publication, service by, § 4:12; § 4:14; § 17:5

Purposeful availment test, § 4:10

Registered mail, service by, § 4:11

Return of service

generally, § 3:3; § 4:15

amendment of, § 4:16; § 4:17

failure to make proof of service, § 4:16

Secretary of State as agent for process, § 4:6 to 4:8

Statute, further notice requirement, service upon agent, § 4:8

Subpoena

discovery, this index

trials, this index

Summons

generally, § 3:1

form and issuance of, § 4:1

multiple defendants, § 4:2

third-party practice, § 14:5; § 14:7

Third-party practice, § 14:5; § 14:7

Trials, this index

Trustee Process, this index

Unknown persons, service on, § 4:12

Untimely service when commencing action as causing dismissal, § 3:3

Writ of attachment. Attachment, this index

PRODUCTION OF DOCUMENTS

Discovery, this index

PROMISSORY NOTE

Payment as affirmative defense, asserting, § 8:19

PROTECTIVE PROCEEDINGS

Generally, § 0:33

PROVISIONAL REMEDIES

Rules of Civil Procedure, this index

PSYCHOLOGISTS

Discovery, this index

PUBLIC ACCESS TO PROCEEDINGS AND RECORDS

Rules of Appellate Procedure, this index

PUBLIC UTILITIES COMMISSION

Special Appeal Proceedings, this index

PUBLICATION OF ORDERS AND STANDARDS

Generally, CivilProc Rule 87; § 87:1; § 87:2

INDEX

PUBLICATION OF ORDERS AND STANDARDS—Cont'd

Comparison with Federal Rule, § 87:2

Purpose and scope of rule, § 87:1

QUASI-IN-REM CASES

Jurisdiction and Venue, this index

Limited appearance, § 12:3

QUESTIONS OF LAW

Special Appeal Proceedings, this index

QUIET TITLE ACTIONS

Real Actions to Quiet Title, this index

REAL ACTIONS TO QUIET TITLE

Generally, **CivilProc Rule 80A; § 80A:1 et seq.**

Adjudication of title, generally, § 80A:1

Answer, § 80A:4

Comparison with Federal Rule, § 80A:10

Complaint, § 80A:3

Death of party, § 80A:5

Declaratory judgments, quieting title actions, § 80A:8

Equitable action, quieting title actions, § 80A:9

Federal Rule compared, § 80A:10

Foreclosure of mortgage, § 80A:6

Mortgage foreclosure, § 80A:6

Party, death of, § 80A:5

Quieting title actions

generally, § 80A:7 to 80A:9

declaratory judgments, § 80A:8

equitable action, procedure on, § 80A:9

procedure on equitable action, § 80A:9

Scope of rule, § 80A:2

Title, adjudication of, generally, § 80A:1

REAL PARTY IN INTEREST

Parties, this index

REAL PROPERTY-RELATED ACTIONS

Land Use Violations, this index

Quiet title. Real Actions to Quiet Title, this index

REALTY DEEDS

Deeds, this index

RECORDS AND RECORDING

Court Clerks, this index

Discovery, this index

Electronic Sound Recordings, this index

Filing, this index

Official record. Trials, this index

RECORDS AND RECORDING—Cont'd

- Removal and Appeal from District Court to Superior Court or Law Court, this index
- Rules of Appellate Procedure, this index
- Transcript, this index
- Trials, this index

REFEREES

- Trials, this index

REGISTRY OF DEEDS

- Deposition perpetuating testimony, recording, § 27:7

RELIEF FROM JUDGMENT OR ORDER

- Judgment, this index

REMOVAL AND APPEAL FROM DISTRICT COURT TO SUPERIOR COURT OR LAW COURT

- Generally, § 0:24; § 76C:1 et seq.
- Appeal to Superior Court
 - generally, **CivilProc Rule 76D; § 76D:1 to 76D:3**
 - comparison with Federal Rule, § 76D:3
 - procedure on appeals to Superior Court in civil matters, § 76D:2
 - purpose and scope of rule, § 76D:1
- Briefs and oral arguments in Superior Court
 - generally, **CivilProc Rule 76G; § 76G:1; § 76G:2**
 - comparison with Federal Rule, § 76G:2
 - purpose and scope of rule, § 76G:1; § 76G:2
- Counterclaims and cross-claims, § 13:13; § 13:14
- Demand for jury trial, § 38:3
- Electronic sound recording
 - generally, **CivilProc Rule 76H; § 76H:1 to 76H:5**
 - comparison with Federal Rule, § 76H:5
 - Federal Rule compared, § 76H:5
 - independent recordings, § 76H:3
 - purpose and scope of rule, § 76H:1
 - recordings by the court, § 76H:2
 - transcripts of electronic recordings on appeal, § 76H:4
- Filing procedure, record on appeal to Superior Court, § 76F:2
- Joint or several appeals to Superior Court
 - generally, **CivilProc Rule 76E; § 76E:1; § 76E:2**
 - comparison with Federal Rule, § 76E:2
 - purpose and scope of rule, § 76E:1
- Jury trial demand, § 38:3
- Oral arguments. Briefs and oral arguments in Superior Court, above
- Procedure
 - appeal to Superior Court, § 76D:2; § 76F:2
 - briefs and oral arguments in Superior Court, § 76G:1
 - joint or several appeals to Superior Court, § 76E:1
 - record on appeal to Superior Court, filing, § 76F:2

INDEX

REMOVAL AND APPEAL FROM DISTRICT COURT TO SUPERIOR COURT OR LAW COURT—Cont'd

Procedure—Cont'd

removal to Superior Court, § 76C:2

Record on appeal to Superior Court

generally, **CivilProc Rule 76F**; § 76F:1 to 76F:3

comparison with Federal Rule, § 76F:3

filing procedure, § 76F:2

purpose and scope of rule, § 76F:1

Recordings. Electronic sound recording, above

Removal to Superior Court

generally, **CivilProc Rule 76C**; § 76C:1 to 76C:3

comparison with Federal Rule, § 76C:3

procedure on removal, § 76C:2

purpose and scope of rule, § 76C:1

Transcripts of electronic recordings on appeal, § 76H:4

REPLEVIN

Generally, **CivilProc Rule 64**; § 64:1 et seq.

Applicability of rules, replevying a person, § 81:5

Attached property, replevin of, § 64:6

Bond, § 64:5

Comparison with Federal Rule, § 64:7

Complaint, form, § 8:26

Equitable replevin, § 64:3

Federal Rule compared, § 64:7

Joinder with other claims, § 64:4

Jurisdiction, § 0:24

Other claims, joinder with, § 64:4

Person, applicability of rules, replevying a person, § 81:5

Procedure, generally, § 64:1

Replevin bond, § 64:5

Special pleading rules, § 64:2

Venue

District court, § 0:30

Superior court, § 0:21

REPORT OF CASES

Special Appeal Proceedings, this index

REPORTER'S NOTES

Rules of civil procedure, aid in interpretation, § 1:5

REPORTER'S TRANSCRIPT

Rules of appellate procedure, filing record with law court, § A6:3

REQUESTS

Discovery, this index

Trials, this index

RES JUDICATA DOCTRINE

- Affirmative defenses, § 8:17; § 12:12
- Counterclaim and cross-claims, § 13:3
- Default and default judgment, § 13:3

RESTRAINING ORDERS

- Injunctions, this index

REVIEW

- Appeal and Review, this index

REVIEW OF FINAL AGENCY ACTION

- Generally, § 80C

REVIEW OF GOVERNMENTAL ACTION

- Generally, § 80B

REVOCACTION OR SUSPENSION

- Appeal rules. Rules of Appellate Procedure, this index
- License Revocation or Suspension Actions, this index
- Offer of judgment, irrevocability period, § 68:1

RIGHT TO JURY TRIAL

- Counterclaim and cross-claims, § 38:2; § 39:3
- Demand for judgment, effect of, § 54:6
- Superior Court, this index

RULEMAKING

- Generally, § 1:1
- Relation of rules to statutes, § 1:4

RULES OF APPELLATE PROCEDURE

- Generally, **AppellateProc Rule 1; § A1:1 et seq.**
- Abandoned points on appeal, § 7A:1
- After hours filings, § A12A:2
- Agreed statement as record on appeal, procedure, § A5:7
- Amicus curiae, brief of, § 7A:4
- Appeal proceedings
 - Definition, **AppellateProc Rule 1B**
- Appearance at oral argument, confirming with bailiff, § A11:1
- Appendix to briefs
 - generally, § A8:1; **AppellateProc Rule 8; § A8:1 et seq.**
 - binding of, § 7A:3
 - comparison with Federal Rule, § A8:10
 - contents, § A8:3 to A8:5
 - cost of appendix, § A8:6
 - determining contents, § A8:5
 - discretionary contents, § A8:4
 - failure to file, § A8:7
 - format, § A8:2
 - mandatory contents, § A8:3
 - number, § A8:2

INDEX

RULES OF APPELLATE PROCEDURE—Cont'd

Appendix to briefs—Cont'd

- original record without appendix, appeals on, § **A8:8**
- supplement of legal authorities, § **A8:9**

Attorney General, law court clerk serving copy of appeal notice with date docketed, § **A2C:11**

Authority of clerk of law court to act for court, § **A12A:3**

Briefs

- appendix to briefs, **AppellateProc Rule 8**
- appendix to briefs, above
- consideration by law court, submission on briefs, § **A11:2**
- electronic, § **A7:4**; § **A12A:2**
- Form and Content, **AppellateProc Rule 7A**
- law court. Briefs in law court, below
- number of, § **A7:3**
- schedule for briefing and consideration, below

Briefs in law court

- generally, **AppellateProc Rule 7A**; § **7A:1 et seq.**
- abandoned points on appeal, § **7A:1**
- adopting another party's argument in brief, § **7A:5**
- allowed briefs, § **7A:2**
- amicus curiae, brief of, § **7A:4**
- binding of appendix, § **7A:3**
- comparison with Federal Rule, § **7A:6**
- content of briefs, § **7A:2**
- Federal Rule compared, § **7A:6**
- format of briefs, § **7A:3**
- page limitations, § **7A:3**
- previously filed briefs, consideration of, § **A4:3**
- printing and reproduction requirements, § **7A:3**
- signed, requirement, § **7A:2**; § **7A:3**

Clerk of law court

- generally, **AppellateProc Rule 12A**; § **A12A:1 to A12A:4**
- authority to act for court, § **A12A:3**
- docketing responsibilities, § **A3:1**
- filing with, § **A12A:2**
- notice of appeal, § **A2C:11**

Collateral orders exception, final judgment rule, § **A2C:2**; § **A3:2**

Comparison

- federal rules, § **1A:2**

Comparison with federal rules, § **1A:2**

Composition of law court, **AppellateProc Rule 12**; § **A12:1**

Computation of time, **AppellateProc Rule 1A**; § **1A:1**

Concurrence of law court, **AppellateProc Rule 12**; § **A12:1**

Condensed transcript, record on appeal, § **A5:4**

Consideration

- law court. Consideration by law court, below
- schedule for briefing and consideration, below

RULES OF APPELLATE PROCEDURE—Cont'd

Consideration by law court

- generally, **AppellateProc Rule 11; § A11:1 to A11:3**
- briefs, submission on, **§ A11:2**
- comparison with Federal Rule, **§ A11:3**
- oral argument in law court, **§ A11:1**
- submission on briefs, **§ A11:2**

Contents

- appendix to briefs, **§ A8:3 to A8:5**
- briefs in law court, **§ 7A:2**
- notice of appeal, **§ A2C:10**
- record with law court, filing, **§ A6:2**

Correction of record on appeal, **§ A5:6**

Correction of trial court records after notice of docketing appeal, **§ A3:2; § A10:1**

Costs and interest on judgments in civil cases

- generally, **AppellateProc Rule 13; § A13:1 to A13:4**
- appendix to briefs, costs of, **§ A8:6**
- comparison with Federal Rule, **§ A13:4**
- Federal Rule compared, **§ A13:4**
- interest on judgments, generally, **§ A13:2**
- law court, costs in, **§ A13:1**
- sanctions in law court, **§ A13:3**

Cross-appeals

- filing, **§ A2C:12**
- oral argument, **§ A2C:12; § A11:1**

Death knell exception, final judgment rule, **§ A2C:3**

Decisions of law court, generally, **§ A12:3**

Definitions

- generally, **AppellateProc Rule 1B; § 1B:1; § 1B:2**
- comparison with Federal Rule, **§ 1B:2**
- Signatures, **AppellateProc Rule § 1C**
- generally, **AppellateProc Rule § 1C:1**

Determining contents of appendix to briefs, **§ A8:5**

Discretionary contents, appendix to briefs, **§ A8:4**

Dismissal of appeal

- generally, **AppellateProc Rule 4; § A4:1 et seq.**
- comparison with Federal Rule, **§ A4:6**
- failure to file brief, grounds, **§ A7:4**
- failure to perfect appeal, dismissal for, **§ A4:3**
- Federal Rule compared, **§ A4:6**
- jurisdiction, dismissal for lack of, **§ A4:4**
- lack of jurisdiction, dismissal for, **§ A4:4**
- mootness arising during appeal, dismissal for, **§ A4:5; § A10:1**
- other reasons, dismissal for, **§ A4:5**
- record for preliminary hearing, **§ A6:5**
- stipulation, dismissal by, **§ A4:2**
- voluntary or stipulation, dismissal by, **§ A4:2**

INDEX

RULES OF APPELLATE PROCEDURE—Cont'd

Dismissal of appeal—Cont'd

want of prosecution, for, § **A7:4**

Docketing after hours filings, § **A12A:2**

Docketing appeal

generally, **AppellateProc Rule 3**; § **A3:1**; § **A3:2**

effect of, § **A3:1**

law court, docketing appeal in, § **A3:1**

notice of appeal, powers of trial court after, § **A3:2**

notice of docketing appeal, clerk's mailing, § **A2C:11**; § **A3:1**

powers of trial court after notice of appeal, § **A3:2**

trial court's powers after notice of appeal, § **A3:2**

Docketing the Appeal and Further Trial Court Action, **AppellateProc Rule 3**

Electronic filings

generally, § **A12A:2**; § **A12A:4**

briefs, § **A7:4**; § **A12A:2**

Electronic Signatures and Document Authenticity, **AppellateProc Rule 37**

opinions, § **A12:3**

Exceptions. Final judgment rule, below

Extension of time

filing record with law court, § **A6:2**

Extraordinary circumstances exception, final judgment rule, § **A2C:5**

Facsimile filings, § **A12A:2**

Failure to file

appendix to briefs, § **A8:7**

briefs, § **A7:4**

Failure to perfect appeal, dismissal of appeal, § **A4:3**

Filing

appeal. Filing of appeal, below

clerk of law court, § **A12A:2**

electronic filings, above

record with law court. Filing record with law court, below

statement of issues, record on appeal, § **A5:3**

Filing and formatting of documents, **AppellateProc Rule 1D**

Filing of amicus curiae brief, § **7A:4**

Filing of appeal

generally, **AppellateProc Rule 2A**; § **A2C:1 et seq.**

comparison with Federal Rule, § **A2C:13**

cross-appeals, § **A2C:12**

Federal Rule compared, § **A2C:13**

final judgment rule, below

joint appeals, § **A2C:12**

multiple appeals and bonds, civil cases, **AppellateProc Rule 2C**

notice of appeal, below

time for appeal, **AppellateProc Rule 2B**

Filing record with law court

generally, **AppellateProc Rule 6**; § **A6:1 et seq.**

RULES OF APPELLATE PROCEDURE—Cont'd

Filing record with law court—Cont'd

- comparison with Federal Rule, § **A6:6**
- contents of record, § **A6:2**
- designating additional portions of record, § **A6:2**
- duty of clerk to cooperate, § **A6:2**
- extension of time, § **A6:2**
- Federal Rule compared, § **A6:6**
- partial record, § **A6:5**
- preliminary hearing in law court, record for, § **A6:5**
- reporter's transcript, filing of, § **A6:3**
- retention of record in trial court, § **A6:4**
- transcript of reporter, filing of, § **A6:3**

Filing the Record with the Law Court, **AppellateProc Rule 6**

Final judgment rule

- generally, § **A2C:1 et seq.**
- collateral orders, exception for, § **A2C:2**; § **A3:2**
- death knell exception, § **A2C:3**
- exceptions, generally, § **A2C:2 et seq.**; § **A3:2**
- extraordinary circumstances exception, § **A2C:5**
- judicial economy exception, § **A2C:4**
- jurisdiction of Law Court, § **0:7**

Format

- appendix to briefs, § **A8:2**
- briefs in law court, § **7A:3**
- motions and other papers, § **A10:3**

Immediate appealability

- collateral orders, § **A2C:2**; § **A3:2**
- extraordinary circumstances grounds, § **A2C:5**
- judicial economy grounds, § **A2C:4**
- other possible exceptions, § **A2C:6**

Interest. Costs and interest on judgments in civil cases, above

Joint appeals, filing, § **A2C:12**

Judicial economy exception to final judgment rule, § **A2C:4**

Jurisdiction

- dismissal of appeal for lack of, § **A4:4**
- Law court, § **A1:2**; § **0:7**

Law court

- generally, **AppellateProc Rule 12**; § **A12:1** to **A12:4**
- briefs in law court, above
- Clerk, **AppellateProc Rule 12A**
- clerk of law court, **AppellateProc Rule 12A**; § **A12A:1** to **A12A:4**
- comparison with Federal Rule, § **A12:4**
- composition of, **AppellateProc Rule 12**; § **A12:1**
- concurrence of, **AppellateProc Rule 12**; § **A12:1**
- consideration, **AppellateProc Rule 11**
- consideration by law court, above

INDEX

RULES OF APPELLATE PROCEDURE—Cont'd

Law court—Cont'd

- costs and interest on judgments in civil cases, above
- decisions of, § **A12:3**
- docketing appeal, § **A3:1**
- Federal Rule compared, § **A12:4**
- filing record with law court, above
- Filing the Record, **AppellateProc Rule 6**
- inherent power, § **A10:1**
- jurisdiction, § **A1:2**; § **0:7**
- Mandate, Reconsideration, and Suspension of Rules, **AppellateProc Rule 14**
- motions and other papers in law court, below
- Motions and Other Papers in the Law Court, **AppellateProc Rule 10**
- review, scope of rules, § **A1:2**
- scope of rules, review by Law court, § **A1:2**
- sessions of, **AppellateProc Rule 12**; § **A12:2**

Mandates

- appendix to briefs, mandatory contents, § **A8:3**
- comparison with Federal Rule, § **A14:4**
- issuance of, **AppellateProc Rule 14**; § **A14:1** to **A14:4**

Memorandum to Judiciary Committee of 99th Legislature on Redraft of L.D.
1198, **Appendix A**

Modification of record on appeal, § **A5:6**

Mootness arising during appeal, dismissal for, § **A4:5**; § **A10:1**

Motions and other papers in law court

- generally, **AppellateProc Rule 10**; § **A10:1** to **A10:4**
- comparison with Federal Rule, § **A10:4**
- format of motions and other papers, § **A10:3**

Motions for reconsideration, **AppellateProc Rule 14**; § **A14:2**

Notice of appeal

- clerk's notification to appellees, § **A2C:11**
- contents of notice, § **A2C:10**
- cross-appeal, § **A2C:12**
- docketing appeal, powers of trial court after notice, § **A3:2**
- joint appeals, § **A2C:12**
- statement of issues, § **A2C:10**
- time for filing, § **A2C:8**; § **A2C:9**; **AppellateProc Rule 2B**
- transcript order form, § **A2C:10**; § **A6:3**

Notice of dismissal of appeal, § **A7:4**

Notice of scheduling for briefing and consideration, § **A7:1**

Number

- appendix to briefs, of, § **A8:2**
- briefs, of, § **A7:3**
- minutes for oral argument, § **A11:1**
- pages in briefs, of, § **7A:3**

Oral arguments and records

- amicus curiae parties, § **7A:4**
- appearance at oral argument, confirming with bailiff, § **A11:1**

RULES OF APPELLATE PROCEDURE—Cont'd

Oral arguments and records—Cont'd

continuance of oral argument, § **A11:1**

generally, oral argument, § **A11:1**

joint and cross-appeals, § **A2C:12**

law court, consideration by, § **A7:4**; § **A11:1**

loss of opportunity to be heard, § **A7:4**

minutes for oral argument, § **A11:1**

notice of scheduling oral argument and briefing schedule, § **A7:1**

public access to proceedings and records, § **A12B:1**

scheduling briefing, effect of, § **A7:4**

separate appeals and cross-appeals, oral argument, § **A11:1**

time and place for oral argument, § **A11:1**

Ordering transcript of proceedings, record on appeal, § **A5:3**

Original record without appendix to briefs, appeals on, § **A8:8**

Preliminary hearing in law court, filing record with law court, § **A6:5**

Procedure on appeal, summary of, § **A2C:7**

Public access to proceedings and records

generally, **AppellateProc Rule 12B**; § **A12B:1**; § **A12B:2**

comparison to Federal Rule, § **A12B:2**

oral arguments and records, public access to, § **A12B:1**

Public utilities commission, review of rulings and orders of, **AppellateProc Rule 22**; § **0:10**; § **0:11**; § **A22:1**; § **A22:2**

Reconsideration, motions for, **AppellateProc Rule 14**; § **A14:2**

Record on appeal

generally, **AppellateProc Rule 5**; § **A5:1 et seq.**

absence of transcript, § **A5:5**

agreed statement as record on appeal, procedure, § **A5:7**

comparison with Federal Rule, § **A5:8**

condensed transcript, § **A5:4**

contents, generally, § **A5:1**

correction of record, § **A3:2**; § **A5:6**

designating only part of transcript of proceedings, § **A5:3**

Federal Rule compared, § **A5:8**

filing of statement of issues, procedure for, § **A5:3**

filing record with law court, above

law court. Filing record with law court, above

modification of record, § **A5:6**

ordering transcript of proceedings, procedure for, § **A5:3**

responsibility of parties, § **A5:1**; § **A5:2**; § **A6:4**

settlement and statement of proceedings in absence of transcript, § **A5:5**

statement of issues, § **A5:2**; § **A5:3**

statement of proceedings, § **A5:5**

transcript of proceedings, § **A5:2 et seq.**

using record pending appeal, § **A6:4**

Report of cases. Special Appeal Proceedings, this index

Reporter's transcript, filing record with law court, § **A6:3**

Retention of record in trial court, filing record with law court, § **A6:4**

INDEX

RULES OF APPELLATE PROCEDURE—Cont'd

- Review of scope of rules, law court, § **A1:2**
- Sanctions in law court, costs and interest on judgments in civil cases, § **A13:3**
- Schedule for briefing and consideration
 - generally, **AppellateProc Rule 7**; § **A7:1 et seq.**
 - briefs, time for filing, § **A7:2**
 - comparison with Federal Rule, § **A7:6**
 - electronic briefs, § **A7:4**; § **A12A:2**
 - failure to file briefs, § **A7:4**
 - Federal Rule compared, § **A7:6**
 - notice of scheduling, § **A7:1**
 - number of copies to be filed and served, § **A7:3**
 - scheduling of consideration, generally, § **A7:5**
- Scheduling. Docketing appeal, above
- Scope of rules, generally, **AppellateProc Rule 1**; § **A1:1**; § **A1:2**
- Service of documents, **AppellateProc Rule 1E**
- Sessions of law court, **AppellateProc Rule 12**; § **A12:2**
- Settlement and statement of proceedings in absence of transcript, record on appeal, § **A5:5**
- Special Appeal Proceedings
 - Appeal of Sentence, **AppellateProc Rule 20**
 - Discretionary Criminal Appeals, **AppellateProc Rule 19**
 - Review of Decisions of the Workers Compensation Board and Hearing Officers, **AppellateProc Rule 23**
- Special Appeal Proceedings, this index
- Statement of issues
 - notice of appeal, § **A2C:10**
 - record on appeal, § **A5:2**; § **A5:3**
- Statement of proceedings, record on appeal, § **A5:5**
- Stipulation, dismissal of appeal, § **A4:2**
- Submission on briefs, consideration by law court, § **A11:2**
- Summary of procedure on appeal, § **A2C:7**
- Supplement of legal authorities, appendix to briefs, § **A8:9**
- Suspension of appeals rules, **AppellateProc Rule 14**; § **A14:3**
- Time
 - computation, **AppellateProc Rule 1A**; § **1A:1**
 - docketing appeal, above
 - extension of time, above
 - notice of appeal, filing, § **A2C:8**; § **A2C:9**; **AppellateProc Rule 2B**
 - oral argument, § **A11:1**
 - schedule for briefing and consideration, above
 - trial court filing record with law court, § **A6:1**
 - trial transcript filed with law court, § **A6:2**
 - voluntary dismissal of appeal, § **A4:2**
- Transcript of proceedings
 - filing record with law court, § **A6:2**; § **A6:3**
 - notice of appeal, transcript order form, § **A2C:10**; § **A6:3**
 - record on appeal, § **A5:2 et seq.**

RULES OF APPELLATE PROCEDURE—Cont'd

Trial court's powers after notice of appeal docketed, § A3:2

Workers' compensation board and hearing officers, review of decisions of,
AppellateProc Rule 23; § 0:8; § 0:10; § 0:11; § A23:1; § A23:2

RULES OF BUSINESS AND CONSUMER COURT DOCKET (BCD)

Generally, § 0:34

RULES OF CIVIL PROCEDURE

Generally, **CivilProc Rule 81; § 81:1 et seq.**

See also more specific topics throughout this index

Administrative Inspection Warrants

Advisory Committee's Notes, § 1:5

Aids in interpretation

federal court decisions, § 1:6

prior Maine decisions, § 1:7

reporter's notes and advisory committee's notes, § 1:5

Alternative Dispute Resolution (ADR), this index

Amendment of rules, § 1:1; § 1:5

Applicability of Rules, this index

Attachment, this index

Attorneys, assignment of counsel, **CivilProc Rule 88; § 88:1; § 88:2**

Attorneys, this index

Civil Violations Other Than Traffic, this index

Commencement of Action, this index

Comparison with Federal Rule, § 1:9

Contempt Proceedings, this index

Costs and Fees, this index

Court Clerks, this index

Definitions, **CivilProc Rule 83; § 83:1; § 83:2**

Deposit In Court, this index

Discovery, this index

Effective Date, this index

Execution, this index

Federal Court decisions, aids in interpretation, § 1:6

Federal Rule compared, § 1:6; § 1:9

Final Agency Action Review, this index

Final remedies. Provisional and final remedies and special proceedings, below

Forcible Entry and Detainer, this index

Foreclosure Diversion Program, this index

Forms

generally, **CivilProc Rule 84; § 84:1; § 84:2**

See also more specific topics throughout this index

Governmental Action Review, this index

Historical notes, one form of action, § 2:2

History of rulemaking in Maine

generally, § 1:1

federal rules and decisions, impact of, § 1:6; § 1:9

relation of Rules to statutes, § 1:4

INDEX

RULES OF CIVIL PROCEDURE—Cont'd

- History of rulemaking in Maine—Cont'd
 - reporter's notes and advisory committee notes, § 1:5
- Injunctions, this index
- Interpretation aids. Aids in interpretation, above
- Judgment, this index
- Judgment for Specific Acts, this index
- Jurisdiction and Venue, this index
- Jury Trial De Novo in Small Claims Appeals to Superior Court, this index
- Land Use Violations, this index
- Law students, legal assistance by, **CivilProc Rule 90; § 90:1; § 90:2**
- Legal assistance by law students, **CivilProc Rule 90; § 90:1; § 90:2**
- License Revocation or Suspension Actions, this index
- Medical Malpractice Screening Panel Procedures, this index
- Merger, one form of action, § 2:3
- Nonparties, this index
- Offer of Judgment, this index
- One form of action
 - generally, **CivilProc Rule 2; § 0:1 et seq.; § 2:1 et seq.**
 - effects of merger, § 2:3
 - historical notes, § 2:2
 - merger, effects of, § 2:3
 - purpose and effect, § 2:1
 - Supreme Court justices and “equity cases,” § 2:2
- Orders and standards, publication of, **CivilProc Rule 87; § 87:1; § 87:2**
- Parties, this index
- Pleadings and Motions, this index
- Prior Maine decisions, aids in interpretation, § 1:7
- Probate proceedings, § 0:33
- Process and Service of Process and Papers, this index
- Provisional and final remedies and special proceedings
 - generally, § 63:1 et seq.
 - Contempt Proceedings, this index
 - Deposit In Court, this index
 - Execution on judgment. Judgment, this index
 - Injunctions, this index
 - Judgment for Specific Acts, this index
 - Nonparties, this index
 - Offer of Judgment, this index
 - Replevin, this index
- Publication of orders and standards, **CivilProc Rule 87; § 87:1; § 87:2**
- Purpose of rules, generally, § 1:8
- Real Actions to Quiet Title, this index
- Relation of rules to statutes, § 1:4
- Removal and Appeal from District Court to Superior Court or Law Court, this index
- Replevin, this index
- Reporter's Notes, § 1:5

RULES OF CIVIL PROCEDURE—Cont’d

Scope of rules

generally, **CivilProc Rule 1; § 0:1 et seq.; § 1:1 et seq.; § 1:8**

aids in interpretation, **§ 1:5 to 1:7**

comparison with federal rule, **§ 1:9**

purpose of rules, **§ 1:8**

relation to statutes, **§ 1:4**

substance and procedure, distinguishing, **§ 1:3**

Search Warrants for Schedule Z Drugs, this index

Special proceedings. Provisional and final remedies and special proceedings,
above

Special rules for certain actions

generally, **§ 79:1 et seq.**

Administrative Inspection Warrants

Civil Violations Other Than Traffic, this index

Final Agency Action Review, this index

Forcible Entry and Detainer, this index

Governmental Action Review, this index

Jury Trial De Novo in Small Claims Appeals to Superior Court, this index

Land Use Violations, this index

License Revocation or Suspension Actions, this index

Medical Malpractice Screening Panel Procedures, this index

Real Actions to Quiet Title, this index

Search Warrants for Schedule Z Drugs, this index

Traffic Infractions, this index

Warrants for Surveys and Tests, this index

Standards, publication of orders and, **CivilProc Rule 87; § 87:1; § 87:2**

Statutes, relation of rules to, **§ 1:4**

Substance and procedure, scope of rules, **§ 1:3**

Supreme Court justices and “equity cases,” **§ 2:2**

Time, this index

Title of rules, **CivilProc Rule 85; § 85:1**

Traffic Infractions, this index

Trials, this index

Trustee Process, this index

Venue. Jurisdiction and Venue, this index

Warrants for Surveys and Tests, this index

RULES OF ELECTRONIC COURT SYSTEM

Access fees, **Electronic Rule 14**

Compiled, aggregate, bulk data, **Electronic Rule 13**

Family matter, child protection cases, **Electronic Rule 7**

Gaining access to cases/court records, limited, **Electronic Rule 11**

General access policy, **Electronic Rule 3**

paper records, **§ B3:1**

Identification and handling cases/court records, limited access, **Electronic Rule
12**

Juror information, **Electronic Rule 8**

INDEX

RULES OF ELECTRONIC COURT SYSTEM—Cont'd

- Limiting access to cases/court records, **Electronic Rule 10**
- Nonpublic court filings, **Electronic Rule 38**
- Notes criminal cases, **Electronic Rule 5**
- Procedure for access, **Electronic Rule 9**

RULES OF PROBATE PROCEDURE

- Generally, § **0:33**

SANCTIONS

- Alternative dispute resolution (ADR), § **16B:6**
- Contempt proceedings
 - punitive sanctions, § **66:3**
 - remedial sanctions, § **66:4**
- Discovery, this index
- District court, pretrial procedure, § **16A:5**
- Law court, costs and interest on judgments in civil cases, § **A13:3**
- Signing of pleadings and motions, § **11:1 et seq.**
 - Other Written Requests for Relief, **CivilProc Rule 11**
- Subpoena noncompliance, § **45:3**
- Superior court, pretrial procedure, § **16:5**
- Trial subpoena, § **45:3**
- Trustee process, costs sanctions, § **4B:14**

SATURDAY OR SUNDAY

- Computation of time periods, § **6:1**; § **6:8**

SCHEDULE Z DRUGS

- Search warrants for, **CivilProc Rule 80I**; § **80I:1**

SCHEDULING AND DOCKETING

- Alternative dispute resolution, § **16B:2**
- Business and Consumer Court Docket (BCD), § **0:34**
- Case management scheduling order, Superior Court, § **16:2**; § **16:3**
- Court Clerks, this index
- Inherent judicial power, § **0:4**
- Jury trial demand, § **38:3**
- Pleadings, docket number on, § **10:1**
- Pretrial order
 - District court, § **16A:4**
 - Superior court, § **16:4**
- Rules of Appellate Procedure, this index
- Trials, this index

SCREENING PANELS

- Medical malpractice screening panel procedures, **CivilProc Rule 80M**;
§ **80M:1**; § **80M:2**

SEARCH WARRANTS FOR SCHEDULE Z DRUGS

- Generally, **CivilProc Rule 80I**; § **80I:1**

SENTENCE REVIEW PANELS

Generally, § 0:5

SEPARATE TRIALS

Trials, this index

SERVICE OF PROCESS

Process and Service of Process and Papers, this index

SETTLEMENT

Derivative actions by shareholders, **CivilProc Rule 23A**

Minor plaintiffs, claims of. Parties, this index

SEVERANCE OF CLAIMS

Generally, § 18:1

Misjoinder or nonjoinder of parties, § 21:1; § 21:4; § 21:5

SHORTENING OF TIME

Deposition, taking

oral deposition, § 30:3

written deposition, § 31:1

SIGNING AND SIGNATURES

Appellate brief, § 7A:2

Deposition transcript, submission to witness for changes and signature, § 30:10

Entry of judgment, facsimile signature of clerk, § 77:5

Interrogatories to parties, § 33:2

Official record, proof by certificate of signature and official position, foreign, form, § 44:9

Pleadings and Motions, this index

Rules of Appellate procedures

Signatures, **AppellateProc Rule § 1C**

generally, **AppellateProc Rule § 1C:1**

Signatures, Notes, **AppellateProc Rule § 1C**

SMALL CLAIMS

Appeal jurisdiction, § 0:17

District court jurisdiction, § 0:24

Jury Trial De Novo in Small Claims Appeals to Superior Court, this index

Mediation in, § 92:5

SPECIAL APPEAL PROCEEDINGS

Agreement, report of cases, § A24:2

Board of Environmental Protection, review of orders of, § 0:10; § 0:11

Certification of questions of law by federal courts to law court

generally, **AppellateProc Rule 25; § A25:1 to A25:4**

comparison with Federal Rule, § A25:4

Federal Rule compared, § A25:4

history, § A25:1

“may be determinative of cause,” § A25:3

procedure for certification, generally, § A25:2

purpose of certification, § A25:1; § A25:3

INDEX

SPECIAL APPEAL PROCEEDINGS—Cont'd

Certification of questions of law by federal courts to law court—Cont'd
scope of certification, § **A25:1**; § **A25:3**

Criminal appeals

by the State, **AppellateProc Rule 21**

discretionary, **AppellateProc Rule 19**

Discretionary criminal appeals, **AppellateProc Rule 19**

Federal law. Certification of questions of law by federal courts to law court,
above

History, certification of questions of law by federal courts to law court, § **A25:1**

Interlocutory rulings, report of cases, § **A24:4**; § **0:8**

Law court. Certification of questions of law by federal courts to law court, above
“May be determinative of cause,” certification of questions of law by federal
courts to law court, § **A25:3**

Public utilities commission, review of rulings and orders of

generally, **AppellateProc Rule 22**; § **0:10**; § **0:11**; § **A22:1**; § **A22:2**

comparison to Federal Rule, § **A22:2**

Questions of law. Certification of questions of law by federal courts to law court,
above

Report of cases

generally, § **A24:1 et seq.**; **AppellateProc Rule 24**; § **0:8**; § **A24:1 et seq.**

agreement, report by, § **A24:2**; § **0:8**

comparison with Federal Rule, § **A24:6**

Federal Rule compared, § **A24:6**

interlocutory rulings, report of, § **A24:4**; § **0:8**

preparation of record on report, § **A24:3**

procedure on report, generally, § **A24:5**

record on report, preparation of, § **A24:3**

review of reported cases and questions by the Law Court, § **A24:1**

Sentence, appeal of, **AppellateProc Rule 20**

Workers' compensation board and hearing officers, review of decisions of

generally, **AppellateProc Rule 23**; § **0:8**; § **0:10**; § **0:11**; § **A23:1**; § **A23:2**

comparison to Federal Rule, § **A23:2**

SPECIAL MATTERS AND PROCEEDINGS

Pleadings and Motions, this index

Rules of Civil Procedure, this index

Special Appeal Proceedings, this index

Trials, this index

SPECIFIC ACTS

Judgment for Specific Acts, this index

STANDARDS

Trials, this index

STANDING DOCTRINE

Appeals and reviews, seeking, § **0:11**; § **0:19**

Superior Court, establishing standing to sue, § **0:19**

STATEMENT OF ISSUES

Rules of Appellate Procedure, this index

STATEMENTS

Pleadings and Motions, this index

STATUTE OF LIMITATIONS

Affirmative defense raised by motion, § 12:12

Commencement of action, § 3:2

Computation of time period, § 6:1

Counterclaim and cross-claims, § 13:9

Pleading, § 8:16; § 9:5; § 12:12

STAY OF PROCEEDINGS

Judgment, this index

STIPULATIONS

Discovery, this index

STUDENTS

Legal Assistance by Law Students, this index

SUBPOENAS

Discovery, this index

Trials, this index

SUBSTITUTION OF PARTIES

Parties, this index

SUMMARY JUDGMENT

Generally, **CivilProc Rule 56; § 56:1 et seq.**

Affidavits

generally, § 56:7 to 56:9

bad faith, § 56:9

treating motion to dismiss as summary judgment, § 12:13

unavailable, § 56:8

Alternative to judgment as matter of law at trial, § 50:1

Appellate review

generally, § 56:12

partial summary judgment, § 56:10

Applicability, § 56:2

Availability of affidavits, § 56:8

Bad faith, affidavits, § 56:9

Business and Consumer Docket (BCD), § 134:2

Comparison with Fed. R. Civ. P. 56, § 56:13

Converting a Rule 12(b)(6) motion to, § 12:13

Cross-motions, § 56:11

Fed. R. Civ. P. 56 compared, § 56:13

Foreclosures, residential mortgage, § 56:5

Format

affidavits, § 56:7

motion, § 56:4

INDEX

SUMMARY JUDGMENT—Cont'd

- Further testimony, § 56:7
- Judgment as matter of law at trial, relation to, § 50:1; § 56:3
- Matters considered, § 56:6
- Mortgage foreclosures, residential, § 56:5
- Motions
 - generally, § 7:2
 - amend pleadings, § 15:4
 - cross-motions, § 56:11
 - format, § 56:4
 - judgment as matter of law at trial counterpart to, § 50:1
 - opposition to, § 7:3
 - proceedings on, § 56:6
 - residential mortgage foreclosures, § 56:5
 - time and form of, § 56:4; § 56:5
- Partial summary judgment, § 56:10
- Parties applicable, § 56:2
- Proceedings on motion, § 56:6
- Relation to judgment as matter of law, § 50:1; § 56:3
- Residential mortgage foreclosures, § 56:5
- Review by law court, § 56:12
- Testimony, further, § 56:7
- Time of motion, § 56:4; § 56:5

SUMMONS

- Process and Service of Process and Papers, this index

SUPERIOR COURT

- Administrative appeals, jurisdiction, § 0:16; § 0:19
- Always open, § 77:1
- Appeals
 - administrative appeals, jurisdiction, § 0:16; § 0:19
 - district and administrative courts appeals, jurisdiction, § 0:7; § 0:17
- Business and Consumer Court Docket (BCD), transfer to, § 0:34
- Case management, pretrial procedure, § 16:2; § 16:3
- Court Clerks, this index
- Criminal cases appeals, jurisdiction, § 0:17
- Demand for trial by jury, § 38:3
- District and administrative courts appeals, jurisdiction, § 0:17
- District court, concurrent jurisdiction with, § 0:24
- Eminent domain appeals, jurisdiction, § 0:15
- Equity
 - jurisdiction, § 0:18
 - jury trial of right, § 38:2
- Extraordinary remedies, jurisdiction, § 0:14; § 0:16
- Family law, jurisdiction, § 0:18
- Fee for jury trial demand, § 38:3
- Foreign judgments, recognition and enforcement, § 0:20

SUPERIOR COURT—Cont'd

Jurisdiction

- generally, § 0:12 et seq.
- administrative appeals, § 0:16; § 0:19
- concurrent with District court, § 0:24; § 0:25
- concurrent with Probate court, § 0:33
- criminal case appeals, § 0:17
- defined, § 0:19
- district and administrative courts, appeals from, § 0:7; § 0:17
- eminent domain, appeals in, § 0:15
- equity, § 0:18
- extraordinary remedies, § 0:14; § 0:16
- family law, § 0:18
- justiciability and, § 0:19
- probate appeals, § 0:17
- probate court, concurrent jurisdiction, § 0:33
- special proceedings, § 0:13
- standing to sue, § 0:19
- types, § 0:19

Jury Trial De Novo in Small Claims Appeals to Superior Court, this index

Jury trial of right

- generally, **CivilProc Rule 38; § 38:1 et seq.**
- comparison with Federal Rule, § 38:6
- demand for trial by jury, § 38:3
- equitable issues, § 38:2
- Federal Rule compared, § 38:6
- fee, § 38:3
- issues, § 38:2; § 38:4
- legal and equitable issues, § 38:2
- preservation of right of jury trial, § 38:1
- reviving the right by motion, § 38:5
- source, § 38:1
- specification of issues, § 38:4
- time, § 38:4
- waiver, § 38:3; § 38:5
- writing requirement, § 38:5

Justiciability and jurisdiction, § 0:19

Pleadings and motions. Pretrial procedure, below

Pretrial procedure

- generally, **CivilProc Rule 16; § 16:1 et seq.**
- case management, § 16:2; § 16:3
- comparison with Federal Rule, § 16:6
- conference, trial management, § 16:4
- Federal Rule compared, § 16:6
- noncompliance sanctions, § 16:5
- order, pretrial, § 16:4
- pretrial order and trial management conference, § 16:4

INDEX

SUPERIOR COURT—Cont'd

Pretrial procedure—Cont'd

sanctions, § 16:5

scheduling orders, § 16:2 to 16:5

standard scheduling order, § 16:2

Probate appeals, jurisdiction, § 0:17

Process, trustee process, venue, § 0:22

Removal and Appeal from District Court to Superior Court or Law Court, this index

Right to jury trial. Jury trial of right, above

Sanctions, pretrial procedure, § 16:5

Scheduling orders, pretrial procedure, § 16:2; § 16:3; § 38:3

Special proceedings, jurisdiction, § 0:13

Specification of issues, jury trial of right, § 38:4

Staffing, § 0:12

Standard scheduling order, pretrial procedure, § 16:2

Standing to sue, establishing, § 0:19

Transfer of venue, § 0:21

Transfer to Business and Consumer Court Docket (BCD), § 0:34

Trustee process, venue, § 0:22

Venue

appeals, § 0:23

civil actions, generally, § 0:21

trustee process, § 0:22

Waiver, jury trial of right, § 38:3; § 38:5

Waiver of venue, § 0:21

SUPPLEMENTAL PLEADINGS

Pleadings and Motions, this index

SUPREME JUDICIAL COURT

Administrative and supervisory responsibilities, § 0:2

Advisory and internal committees, § 0:2

Advisory opinions, § 0:3

After hours filings, § A12A:1

Appeals, jurisdiction as law court, § 0:7

Appellate procedure rules. Rules of Appellate Procedure, this index

Appointment of Chief Justice, § A12:1

Authority of clerk of law court to act for court, § A12A:3

Business hours of law court, § A12A:2

Certification of questions of state law by federal courts, § 0:9

Chief Justice powers, § 0:2

Citing to published opinions of law court, § A12:3

Clerk of law court

generally, § A12A:1

authority to act for court, § A12A:3

business hours, § A12A:2

filing with, § A12A:2

Composition of law court, § A12:1

SUPREME JUDICIAL COURT—Cont’d

- Concurrence of justices, § **A12:1**
- Costs and interest on judgments, § **A13:1 to A13:4**
- Decisions of law court, generally, § **A12:1**; § **A12:3**
- Direct review of administrative agencies, jurisdiction as law court, § **0:10**
- Electronic filings, § **A12A:2**; § **A12A:4**
- Electronic publication of opinions, § **A12:3**
- Federal Rule compared
 - composition, concurrence, and sessions of court, § **A12:4**
 - costs and interest on judgments, § **A13:4**
 - definitions, § **1B:2**
 - mandate, reconsideration, and suspension of rules, § **A14:4**
 - public access to proceedings and records, § **A12B:2**
 - time computation, § **1A:1**
- Filing with clerk of law court, § **A12A:2**; § **A12A:4**
- Fiscal and other managerial aspects, § **0:2**
- Jurisdiction and venue
 - generally, § **0:3 et seq.**
 - inherent power over administrative functions, § **0:4**
 - jurisdiction as law court, below
 - nonjudicial duties, generally, § **0:3 et seq.**
 - original jurisdiction, § **0:5**
- Jurisdiction as law court
 - generally, § **0:6 et seq.**
 - appeals, § **A1:2**; § **0:7**
 - certification of questions of state law by federal courts, § **0:9**
 - claim processing rule setting deadlines, § **0:11**
 - direct review of administrative agencies, § **0:10**
 - foreclosures, § **0:17**
 - justiciability, § **0:11**
 - mootness and ripeness doctrine, § **0:11**
 - reports, § **0:8**
 - standing, § **0:11**
- Justiciability and jurisdiction as law court, § **0:11**
- Memorandum of decisions, § **A12:3**
- Number of justices, § **A12:1**
- Oral arguments and records
 - public access to proceedings and records, § **A12B:1**
 - qualified justice absence, § **A12:1**
- Original jurisdiction, § **0:5**
- Panel of justices, § **A12:1**
- Procedure rules. Rules of Appellate Procedure, this index
- Public access to proceedings and records
 - comparison to Federal Rule, § **A12B:2**
 - oral arguments and records, public access to, § **A12B:1**
- Published opinions of law court, § **A12:3**
- Reports, jurisdiction as law court, § **0:8**

INDEX

SUPREME JUDICIAL COURT—Cont'd

- Rules of Appellate Procedure, this index
- Sessions of the law court, § **A12:2**
- Single-justice jurisdiction, § **0:5**
- Time computation, § **1A:1**
- Unpublished opinions of law court, § **A12:3**
- Venue. Jurisdiction and venue, above
- Website
 - business hours of law court, § **A12A:1**
 - publication of decisions of law court, § **A12:3**

SURVEYS AND TESTS

- Warrants for, **CivilProc Rule 80J**; § **80J:1**; § **80J:2**

SURVIVAL OF ACTION

- Substitution of parties on death, § **25:1**

SUSPENSION

- Revocation or Suspension, this index

TAXPAYERS

- Standing to sue, establishing, § **0:19**

TELEPHONE

- Discovery
 - deposition by telephone, § **30:7**

THIRD-PARTY PRACTICE

- Pleadings and Motions, this index

TIME

- Generally, **CivilProc Rule 6**
- Additional time after service by mail, § **6:7**
- Commencement of Action, this index
- Commencement of action, time limits, § **3:3**
- Comparison with Federal Rule, § **6:8**
- Computation of time periods, § **6:1**
- Discovery, this index
- Enlargement of Time, this index
- Federal Rule compared, § **6:8**
- For appeal
 - In general, **2B:1**
 - Successive motion to alter or amend the judgment, **2B:2**
- Forms. Enlargement of Time, this index
- Holding court, § **6:6**
- Holidays, § **6:1**; § **6:8**
- Judgment, this index
- Jury trial fee payment, § **38:3**
- Limitation in significance of terms of court, § **6:6**
- Pleadings and Motions, this index
- Rules of Appellate Procedure, this index

TIME—Cont'd

- Saturday and Sunday, § 6:1; § 6:8
- Scheduling and Docketing, this index
- Service by mail, additional time after, § 6:7; § 6:8
- Service of subpoena, § 45:2
- Statute of Limitations, this index
- Terms of court, limitation in significance of, § 6:6
- Trials, this index

TITLE

- Complaint, § 10:1
- Real Actions to Quiet Title, this index
- Rules of civil procedure, **CivilProc Rule 85**

TITLE OF RULES

- Rules of civil procedure, § 85:1

TRADEMARK VIOLATIONS

- Jurisdiction, § 0:24

TRAFFIC INFRACTIONS

- Generally, **CivilProc Rule 80F; § 80F:1 et seq.**
- Appeal, § 80F:4
- Commencement of proceedings, § 80F:2
- Comparison with Federal Rule, § 80F:6
- District court jurisdiction, § 0:24
- Establishment of violations bureau, § 0:2
- Federal Rule compared, § 80F:6
- Judgment, § 80F:4
- Judgment, notice of, § 80F:5
- Notice of order or judgment, § 80F:5
- Order or judgment, notice of, § 80F:5
- Pleadings, § 80F:3
- Purpose and scope of rule, § 80F:1
- Trial, § 80F:3
- Validity of rule, § 80F:1

TRANSCRIPT

- Costs and fees
 - waiver of payment of, § 91:2
- Discovery, this index
- New trials and amendment of judgments, availability of transcript, § 59:2;
§ 59:4
- Pleadings and motions, service and filing of condensed transcripts
 - Form of documents, § 5:7
- Removal and appeal from District Court to Superior Court or law court,
transcripts of electronic recordings on appeal, § 76H:4
- Rules of Appellate Procedure, this index

TRANSIT DISTRICT

- Condemnations appeals, jurisdiction, § 0:15

INDEX

TRESPASS

Venue, § 0:21

TRIALS

Advisory jury and trial by consent, § 39:2; § 39:5

Affidavits, assignment of cases for trial and continuances, § 40:4

Affirmation in lieu of oath, § 43:4

Alternate jurors, § 47:4

Amendment of request, findings by court, § 52:3

Appointments

interpreters, taking of testimony, § 43:11

referees, § 53:2

Argument of counsel and instructions to jury

generally, **CivilProc Rule 51; § 51:1 et seq.**

action by judge, § 51:3

amount of time for argument, § 51:1; § 51:2

appellate rights, § 51:3

argument of counsel, generally, § 51:1

comment on evidence, § 51:4

comparison with Federal Rule, § 51:6

conferences with judge, § 51:3

criminal cases, § 51:2; § 51:5

deadlocked jury, § 51:2

entitlement to jury instruction, § 51:2

evidence, comment on, § 51:4

Federal Rule compared, § 51:6

improper arguments, § 51:1

instructions to jury, generally, § 51:1; § 51:2

judge, action by, § 51:3

jury presence for objections, § 51:3

matters arising after jury retires, § 51:5

mistrial, motion for, § 51:1

new trial grounds, § 51:3; § 59:2

objections, generally, § 51:2

prejudice as to instructions, § 51:3

purpose of rule, § 51:2

requests, time for, § 51:3

retirement of jury, matters arising after, § 51:5

right to open and close, § 51:1

right to review, § 51:3

saving rights, § 51:3

time for requests, § 51:3

timing, matters arising after jury retires, § 51:5

waiver of objection, § 51:2

Assignment of cases for trial and continuances

generally, **CivilProc Rule 40; § 40:1 et seq.**

affidavits supporting continuance motion, requirements for, § 40:4

assignment of cases for trial, generally, § 40:2

TRIALS—Cont’d

Assignment of cases for trial and continuances—Cont’d

- chronological scheduling, § 40:2
- comparison with Federal Rule, § 40:5
- consolidation of trials, assignment of special judge, § 42:1
- continuances, generally, § 40:3
- deadline for assignment, § 40:2
- discretion of trial court, continuances, § 40:3
- Federal Rule compared, § 40:5
- forms, motion for continuance, § 40:6
- list, maintenance of, § 40:2
- modification of scheduling order, § 40:2
- motion for continuance, § 7:2; § 40:3
- motion for continuance, form, § 40:6
- partial continuances, § 40:4
- trailing docket, § 40:2; § 40:4

Attorneys. Argument of counsel and instructions to jury, above

Burden of proof, judgment as matter of law, § 50:2 to 50:5

Business and Consumer Docket (BCD), **CivilProc Rule 137**; § 137:1; § 137:2

Challenges, jurors, § 47:2; § 47:3

Change of venue, flexibility in trial, § 42:2

“Clearly erroneous” test, findings by court, § 52:7

Comment on evidence, § 51:4

Compensation of referees, § 53:2

Conference

- argument of counsel and instructions to jury, conferences with judge, § 51:3

- trial management, § 16:4

Consent, trial by, § 39:2; § 39:5

Consolidation or separate trials

- generally, **CivilProc Rule 42**; § 42:1 et seq.

- affirmative defense, separation for trial, § 42:6

- appeal of order, § 42:3

- assignment of judge, § 42:1

- bifurcation of liability and damages issues, § 42:5

- change of venue, flexibility in trial, § 42:2

- compared to joinder of all claims rule, § 42:1

- comparison with Federal Rule, § 42:7

- consolidation, generally, § 42:3; § 42:4

- convenience and interests of justice grounds, § 42:1; § 42:5

- costs for separation, § 42:6

- counterclaims or cross-claims, § 13:10; § 13:12

- Federal Rule compared, § 42:7

- flexibility in trial, § 42:1; § 42:2

- permissive counterclaims, separate trials, § 42:6

- permissive joinder of parties, separate trials, § 20:3

- separation for trial, generally, § 20:3; § 42:5; § 42:6

- venue, change of, § 42:2

INDEX

TRIALS—Cont'd

- Contempt, subpoena, § 45:3
- Contempt Proceedings
 - generally, **CivilProc Rule 66**
- Continuances
 - assignment of cases for trial and continuances, above
 - form of motion, § 40:6
 - motion for, § 7:2; § 40:3
- Copies, taking of testimony
 - corporate records, § 43:7
 - deeds, § 43:6
- Corporate records, taking of testimony, § 43:7
- Costs
 - previously dismissed action, § 41:4
 - referee costs, § 53:2
 - separation for trial, § 42:6
 - subpoena, § 45:2
- Counterclaims or cross-claims
 - dismissal, § 41:3
 - separate trial, § 13:10; § 13:12
- Credibility of witnesses, findings by court, § 52:8
- Cross-claims. Counterclaims or cross-claims, above
- Cross-examination, § 43:2
- Deeds, copies of, § 43:6
- Definition of “official record,” § 44:2
- Depositions
 - subpoenas for taking, § 45:5
 - using at trial, § 30:10
- Directed verdict. Judgment as matter of law, below
- Dismissal of actions
 - generally, **CivilProc Rule 41; § 41:1 et seq.**
 - class actions, § 41:1
 - comparison with Federal Rule, § 41:5
 - costs of previously dismissed action, § 41:4
 - counterclaim, cross-claim, or third-party claim, § 41:3
 - counterclaim, effect on, § 41:1
 - counterclaims or cross-claims, § 41:3
 - court order, voluntary dismissal, § 41:1
 - discretion of court, involuntary dismissal, § 41:2
 - failure to prosecute or comply with order, grounds, § 41:2
 - Federal Rule compared, § 41:5
 - fewer than all claims, voluntary dismissal, § 41:1
 - involuntary dismissal, § 41:2
 - previously dismissed action, costs of, § 41:4
 - receiver appointed, limitations when, § 41:1
 - stipulation, by, § 41:1
 - third-party claims, § 41:3

TRIALS—Cont'd

Dismissal of actions—Cont'd

time for voluntary dismissal, § **41:1**

voluntary dismissal, § **41:1**

want of prosecution grounds, § **41:2**

Electronic Sound Recording, this index

Entry of Judgment

generally, **CivilProc Rule 58**

Evidence, § **51:4**

argument of counsel and instructions to jury, comment on evidence, § **51:4**

insurance agreements, § **26:5**

judgment as matter of law, burden of proof, § **50:2 to 50:5**

newly discovered evidence, § **59:2**; § **60:7**

notice to produce written evidence, § **43:8**

official record, proof of, below

order of evidence, § **43:9**; § **43:10**

testimony, below

Examination

jurors, of, § **47:1**

witnesses, taking of testimony, § **43:2**; § **43:9**

Excluded evidence, record, taking of testimony, § **43:3**

Expedited track, § **16C:3**

Findings by court

generally, **CivilProc Rule 52**; § **52:1 et seq.**

amendment, findings of court, § **52:3**

appeal, § **52:8**

clearly erroneous test, § **52:7**

comparison with Federal Rule, § **52:9**

credibility of witnesses, § **52:8**

Federal Rule compared, § **52:9**

interlocutory injunction, § **65:6**

motions, requirement of, § **52:5**

preparation of findings of facts, § **52:6**

purpose of rule, § **52:1**

referees, § **59:2**

request, required only on, § **52:2**

requirement, § **52:2 to 52:5**

review by law court, § **52:7**; § **52:8**

time for request, § **52:3**

types of suits, § **52:4**

when request required, § **52:2 to 52:5**

witnesses, credibility of, § **52:8**

Flexibility, consolidation or separate trials, § **42:1**; § **42:2**

Foreign law, determination of

generally, **CivilProc Rule 44A**; § **44A:1**; § **44A:2**

comparison with Federal Rule, § **44A:2**

Format of taking testimony under 43(a), § **43:1**

INDEX

TRIALS—Cont'd

- Forms, motion for continuance, § 40:6
- General verdict accompanied by interrogatories, § 49:3
- Hearings
 - location of hearing without jury, § 39:4
 - referees, transcript of hearing, § 53:4
- Inability of a Judge to Proceed; Recusal
 - generally, **CivilProc Rule 63**
- Interpreter appointment, taking of testimony, § 43:11
- Interrogatories. Special verdicts and interrogatories, below
- Involuntary dismissal of actions, § 41:2
- Issuance of subpoena, § 45:1
- Judge's action, argument of counsel and instructions to jury, § 51:3
- Judgment as matter of law
 - generally, **CivilProc Rule 50; § 50:1 et seq.**
 - after return of verdict, § 50:1; § 50:4
 - appellate review of, § 50:5
 - at close of all the evidence, § 50:1; § 50:4
 - avoiding by establishing prima facie case, § 50:2
 - before case submitted to jury, § 50:1; § 50:4
 - burden of proof, § 50:2 to 50:5
 - comparison with Federal Rule, § 50:7
 - directed verdict aspect, § 50:1; § 50:4
 - effect, § 50:1
 - Federal Rule, comparison with, § 50:7
 - how made, § 50:1; § 50:4
 - motion for judgment as matter of law in nonjury cases, § 50:4; § 50:6
 - nonjury cases, motion for judgment as matter of law in, § 50:4; § 50:6
 - relation to summary judgment, § 50:1; § 56:3
 - review on appeal, standard of, § 50:5
 - standard of review on appeal, § 50:5
 - standards for judgment as a matter of law, generally, § 50:2; § 50:3
 - summary judgment, trial counterpart to, § 50:1
 - timing, § 50:1; § 50:4
 - verdict, after return of, § 50:4
 - when made, § 50:1; § 50:4
- Judgment notwithstanding the verdict. Judgment as matter of law, above
- Jurisdiction and Venue, this index
- Jurors
 - generally, § 47:1 et seq.
 - alternate jurors, § 47:4
 - cause, challenges for, § 47:2
 - challenges, peremptory, § 47:3
 - challenges for cause, § 47:2
 - comparison with Federal Rule, § 47:6
 - discharge of, § 49:4
 - examination, § 47:1

TRIALS—Cont'd

Jurors—Cont'd

- examination of jurors, § 47:1
- Federal Rule, comparison with, § 47:6
- gratuity given to jurors, § 59:2
- misconduct, § 59:2
- note-taking by jurors, § 47:5
- number of jurors empaneled, **CivilProc Rule 48; § 48:1**
- peremptory challenges, § 47:3
- polling the jury, § 49:4
- reconsideration, resubmitting verdict form for, § 49:1; § 49:3
- selection, § 47:1 *et. seq.*
- selection of, generally, **CivilProc Rule 47; § 47:1 to 47:6**

Jury and jury trial

- instructions. Argument of counsel and instructions to jury, above
- jurors, above
- Superior Court, this index
- trial by jury or by court, below

Jury instructions. Argument of counsel and instructions to jury, above

Jury trial of right. Superior Court, this index

Lack of official record, proof of, § 44:4

Legal and equitable issues, trial by jury or by court, § 39:3

Location of hearings without jury, trial by jury or by court, § 39:4

Majority verdict

- generally, **CivilProc Rule 48; § 48:1; § 48:2**
- comparison with Federal Rule, § 48:2
- stipulations as to number, **CivilProc Rule 48; § 48:1; § 48:2**

Motions

- assignment of cases for trial and continuances, form, § 40:6
- continuance, for, § 7:2
- findings by court, § 52:5
- judgment as matter of law, § 50:4; § 50:6

Nonjury cases, motion for judgment as matter of law in, § 50:6

Note-taking by jurors, § 47:5

Notice

- findings or fact and conclusions of law, notice by court, § 53:3
- foreign law, use, § 44A:1
- special verdict procedure, intent to use, § 49:1
- written evidence, to produce, § 43:8

Oath, affirmation in lieu of, § 43:4

Objections

- argument of counsel and instructions to jury, § 51:2
- failure to make, consequences, § 46:2
- preserving objections, below
- referees, § 53:1; § 53:3; § 53:4

Official publication, proving official record by, § 44:3

INDEX

TRIALS—Cont'd

- Official record, proof of
 - generally, **CivilProc Rule 44; § 44:1 et seq.**
 - absence of record, proof of, § 44:4; § 44:10
 - attestation of copy of official record
 - generally, § 44:1
 - absence of record, proving, § 44:4
 - domestic, form, § 44:6
 - foreign, form, § 44:8
 - certificate of legal custody of official record, domestic, form, § 44:7
 - certificate of signature and official position, foreign, form, § 44:9
 - certification, generally, § 44:1
 - comparison with Federal Rule, § 44:5
 - definition of “official record,” § 44:2
 - Federal Rule compared, § 44:5
 - forms
 - attestation of copy of official record, domestic, § 44:6
 - attestation of copy of official record, foreign, § 44:8
 - certificate of legal custody of official record, domestic, § 44:7
 - certificate of signature and official position, foreign, § 44:9
 - statement of lack of record, § 44:10
 - lack of record, proof of, § 44:4
 - official publication, proof of, § 44:3
 - publication, official, § 44:3
 - purpose and scope of rule, § 44:1
 - statement of lack of record, form, § 44:10
- Omitted issues, special verdicts and interrogatories, § 49:2
- Order of evidence, taking of testimony, § 43:10
- Order of trial of legal and equitable issues, § 39:3
- Peremptory challenges, jurors, § 47:3
- Pleadings
 - amendment at trial, § 15:4; § 15:5
- Polling jury, § 49:4
- Preserving objections
 - generally, **CivilProc Rule 46; § 46:1 to 46:3**
 - comparison with Federal Rule, § 46:3
 - failure to object, consequences, § 46:2
 - history of rule, § 46:1
 - manner of stating objections, § 46:2
 - offer of proof, § 46:2
 - overruled, § 46:2
 - practice for preserving objections, § 46:2
 - sustained, § 46:2
- Previously dismissed action, costs of, § 41:4
- Process and service of process. Subpoena, below
- Production of evidence, notice to produce written evidence, § 43:8
- Publication, proof of official record, § 44:3

TRIALS—Cont'd

Records

- copies of corporate records, taking of testimony, § 43:7
- excluded evidence, taking of testimony, § 43:3
- official record, proof of, above

Referees

- generally, **CivilProc Rule 53; § 53:1 et seq.**
- acceptance of referee's report, § 53:4
- agreement, reference by, § 53:1
- applicable proceedings, § 53:1
- appointment, § 53:1; § 53:2
- authority of referee, § 53:1; § 53:3
- comparison with Federal Rule, § 53:5
- compensation, § 53:2
- entry of judgment by referring court, § 53:4
- Federal Rule compared, § 53:5
- findings of fact and conclusions of law, making, § 53:1; § 53:3
- findings of fact and conclusions of law, new trial, § 59:2
- objections to reference, § 53:1; § 53:3; § 53:4
- procedures before referee, § 53:3
- report of referee, review of, § 53:4
- review of referee's report, § 53:4
- scope of rule, § 53:1; § 53:3
- service of objections to reference or report, § 53:4
- transcript of hearing, § 53:4

Relief from Judgment or Order

- generally, **CivilProc Rule 60**

Report of referee, review of, § 53:4

Requests

- argument of counsel and instructions to jury, time for, § 51:3
- findings by court, § 52:2

Retirement of jury, matters arising after, § 51:5

Return of verdict, special verdicts and interrogatories, § 49:4

Review

- generally. Appeal and Review, this index
- argument of counsel and instructions to jury, right to review, § 51:3
- findings by court, review by law court, § 52:7; § 52:8
- judgment as matter of law, standard of review on appeal, § 50:5
- referee's report, § 53:4
- sufficiency of special verdict form, § 49:1

Right to jury trial. Superior Court, this index

Rule 43(a), form of taking testimony under, § 43:1

Sanctions, subpoena, § 45:3

Saving rights, argument of counsel and instructions to jury, § 51:3

Scheduling and docketing. Assignment of cases for trial and continuances, above

Sealed verdicts, § 49:4

Separate trials. Consolidation or separate trials, above

INDEX

TRIALS—Cont'd

Special verdicts and interrogatories

- generally, **CivilProc Rule 49; § 49:1 et seq.**
- advantages and disadvantages of using special verdict form, § 49:1
- comparative negligence, § 49:1
- comparison with Federal Rule, § 49:5
- distinguishing general verdict from, § 49:1
- drafting special verdict form, § 49:1
- Federal Rule compared, § 49:5
- general verdict accompanied by interrogatories, § 49:3
- general verdict defined, § 49:1
- notice of intent to use special verdict procedure, § 49:1
- omitted issues, § 49:2
- polling jury, § 49:4
- resubmitting verdict form to jury for reconsideration, § 49:1
- return of verdict, § 49:4
- review of sufficiency of special verdict form, § 49:1
- special verdict, generally, § 49:1

Standards. Judgment as matter of law, above

Stipulations as to number, majority verdict, **CivilProc Rule 48; § 48:1; § 48:2**

Subpoena

- generally, **CivilProc Rule 45; § 45:1 et seq.**
- comparison with Federal Rule, § 45:7
- depositions, subpoenas for taking, § 45:5; § 45:9
- duces tecum, § 45:4
- Federal Rule compared, § 45:7
- forms
 - subpoena for deposition, § 45:9
 - subpoena for trial, § 45:8
- issuance, § 45:1
- sanctions, § 45:3
- service, generally, § 45:2
- subpoena duces tecum, § 45:4
- subpoena for deposition, form, § 45:9
- subpoena for trial, form, § 45:8
- terminology, § 45:1
- trial, subpoenas for, § 45:6; § 45:8

Subpoena duces tecum, § 45:4

Summary Judgment

- generally, **CivilProc Rule 56**

Superior Court, this index

Terminology, subpoena, § 45:1

Testimony, taking of

- generally, **CivilProc Rule 43; § 43:1 et seq.**
- affirmation in lieu of oath, § 43:4
- appointment of interpreters, § 43:11
- comparison with Federal Rule, § 43:12

TRIALS—Cont’d

Testimony, taking of—Cont’d

- copies of deeds, § 43:6
- credibility of witnesses, findings by court, § 52:8
- cross-examination, scope of, § 43:2
- deeds, copies of, § 43:6
- examination of witnesses, § 43:2; § 43:9
- excluded evidence, record of, § 43:3
- Federal Rule compared, § 43:12
- findings by court, credibility of witnesses, § 52:8
- format of taking testimony under 43(a), § 43:1
- interpreters, appointment of, § 43:11
- motions, evidence on, § 43:5
- notice to produce written evidence, § 43:8
- oath, affirmation in lieu of, § 43:4
- order of evidence, § 43:10
- production of evidence, notice to produce written evidence, § 43:8
- record of excluded evidence, § 43:3
- records, copies of corporate records, § 43:7
- Rule 43(a), form of taking testimony under, § 43:1
- scope of examination and cross-examination, § 43:2
- written evidence, notice to produce, § 43:8

Third-party claims, dismissal of actions, § 41:3

Time

- argument of counsel and instructions to jury, § 51:3; § 51:5
- findings by court, time for request, § 52:3
- judgment as matter of law, § 50:1

Trial by consent, § 39:2; § 39:5

Trial by jury or by court

- generally, **CivilProc Rule 39**; § 39:1
- advisory jury, § 39:2; § 39:5
- comparison with Federal Rule, § 39:6
- consent, trial by, § 39:2; § 39:5
- court, trial by, generally, § 39:2
- discretion of court, § 39:2
- Federal Rule compared, § 39:6
- hearings without jury, location of, § 39:4
- jury trial, generally, § 39:1
- legal and equitable issues, § 39:3
- location of hearings without jury, § 39:4
- motion for jury trial when no demand made, § 39:2
- order of trial of legal and equitable issues, § 39:3
- removing issues from jury, § 39:1
- speeding trials by hearings without jury, § 39:4
- trial by consent, § 39:2; § 39:5
- trial by court, generally, § 39:2
- trial by jury, generally, § 39:1

INDEX

TRIALS—Cont'd

Venue. Jurisdiction and Venue, this index

Verdicts

advisory jury, § **39:5**

binding effect, § **39:1**; § **39:3**; § **39:5**

directed. Judgment as matter of law, above

general verdict, § **49:1**; § **49:3**

hung jury, § **48:1**

identical jurors rule, § **48:1**

judgment as matter of law after return of verdict, § **50:4**

majority verdict, **CivilProc Rule 48**; § **48:1**; § **48:2**

number of jurors empaneled, **CivilProc Rule 48**; § **48:1**; § **48:2**

omitted issues, § **49:2**

polling jury, § **49:4**

recording of, § **49:4**

return of, § **49:4**

same jurors rule, § **48:1**

sealed, § **49:4**

special verdicts and interrogatories, above

Voluntary dismissal, § **41:1**

Witnesses

testimony, above

Written evidence, notice to produce, § **43:8**

TRUANCY PROCEEDINGS

Jurisdiction, § **0:24**; § **0:25**

TRUSTEE PROCESS

Generally, **CivilProc Rule 4B**

Additional trustee process, § **4B:10**

Affirmation. Disclosure of trustee under oath, below

Amount, § **4B:7**; § **8:3**

Answer of trustee. Disclosure of trustee under oath, below

Appeal from judgment, § **4B:21**

Appearance, motion to charge trustee who has failed, form, § **4B:29**

Assignment, § **4B:11**

Attachment, form of, § **4B:1**; § **4B:6**

Availability

generally, § **4B:2 to 4B:4**

exemptions, § **4B:3**; § **4B:4**; § **4B:6**; § **4B:9**

Burden of proof, § **4B:2**

Calculating amount, § **4B:7**

Comparison with Federal Rule, § **4B:23**

Constitutionality, § **4B:1**

Contents, disclosure of trustee under oath, § **4B:11**

Contest of disclosure, motion for, § **4B:16**

Costs sanctions, § **4B:14**

Counterclaim, § **4B:6**

TRUSTEE PROCESS—Cont'd

Credits of the defendant, § 4B:2

Cross-claim, § 4B:6

Death of trustee, § 4B:19

Discharge of trustee, § 4B:15; § 4B:21

Disclosure of trustee under oath

generally, § 4B:11 to 4B:14

contents, § 4B:11

contest of disclosure, motion for, § 4B:16

form, § 4B:25; § 4B:26; § 4B:29

intervention by third-party claimants, § 4B:18

motion to charge trustee who has failed to appear or disclose, § 4B:29

motion to contest disclosure, § 4B:16

presumption of truth, § 4B:11; § 4B:15

proceedings following service of disclosure, § 4B:15 et seq.

sanctions, § 4B:14

third-party claimants, intervention by, § 4B:18

trial of facts, § 4B:17

verification, § 11:1

weight given disclosure, § 4B:15

when served, § 4B:13

who may make, § 4B:12

Enforcement of judgment against trustee, § 4B:21; § 4B:22

Equitable proceeding, as, § 4B:1

Ex parte, § 4B:2; § 4B:5; § 4B:7

Excessive amount, § 4B:7

Exemptions, § 4B:3; § 4B:4; § 4B:6; § 4B:9

Failure to appear or disclose, motion to charge trustee, form, § 4B:29

Federal Rule compared, § 4B:23

Forms

appearance, motion to charge trustee who has failed, § 4B:29

approval of attachment and trustee process, motion for, § 4B:25

charge trustee who has failed to appear or disclose, motion to, § 4B:29

disclosure, § 4B:26; § 4B:29

ex parte approval of attachment and trustee process, motion for, § 4B:25

failure to appear or disclose, motion to charge trustee, § 4B:29

judgment, § 4B:27; § 4B:28

judgment charging trustee, motion for, § 4B:27

new forms, § 4B:25

order, § 4B:29

summons to trustee, § 4B:7 to 4B:9; § 4B:24

trustee's disclosure under oath, § 4B:25

Forum non conveniens, quasi in rem jurisdiction, § 4B:5

Intervention by third-party claimants, § 4B:18

Judgment

generally, § 4B:21

effect of judgment against trustee, § 4B:15

INDEX

TRUSTEE PROCESS—Cont'd

Judgment—Cont'd

form, § **4B:27**; § **4B:28**

proceedings to enforce judgment against trustee, § **4B:22**

Jurisdiction, quasi in rem, § **4B:5**

Motions, forms

approval of attachment and trustee process, § **4B:25**

charge trustee who has failed to appear or disclose, § **4B:29**

disclosure of trustee under oath, motion to contest disclosure, § **4B:16**

enforce judgment charging trustee, § **4B:21**; § **4B:22**

ex parte approval of attachment and trustee process, § **4B:25**

judgment charging trustee, § **4B:27**

Nature of, § **4B:1**

New forms, § **4B:25**

Oath and affirmation. Disclosure of trustee under oath, above

Order, form, § **4B:29**

Partnership, service of summons on, § **4B:8**

Pending action, trustee service upon defendant in, § **4B:20**

Proceedings following service of disclosure

generally, § **4B:15 et seq.**

intervention by third-party claimants, § **4B:18**

motion to contest disclosure, § **4B:16**

trial of facts, § **4B:17**

weight given disclosure, § **4B:15**

Proceedings to enforce judgment against trustee, § **4B:22**

Quasi in rem jurisdiction, § **4B:5**

Sanctions, § **4B:14**

Service by trustee upon defendant in pending action, § **4B:20**

Service of disclosure

proceedings following service of disclosure, above

when served, § **4B:13**

Service of motion to enforce judgment charging trustee, § **4B:22**

Service of summons to trustee, § **4B:8**

Subsequent trustee process, § **4B:10**

Summons to trustee

generally, § **4B:7**

form, § **4B:24**

issuance, § **4B:7**

service, § **4B:8**

wages, for, § **4B:9**

Third-party claims

intervention by, § **4B:18**

venue problems, § **4B:6**

Time

disclosure of trustee under oath, § **4B:13**

motion to contest disclosure of trustee under oath, § **4B:16**

subsequent or additional trustee process, § **4B:10**

TRUSTEE PROCESS—Cont'd

Trial of facts, disclosure of trustee under oath, § 4B:17

Venue problems, § 0:22; § 0:29; § 4B:6

Wages

availability exemptions, § 4B:4; § 4B:6; § 4B:9

summons to trustee, § 4B:9

Weight given disclosure, § 4B:15

TRUSTEES

Money paid into court. Deposit in Court, this index

Trustee Process, this index

UNINCORPORATED ASSOCIATIONS

Parties, this index

VENUE

Jurisdiction and Venue, this index

VERDICTS

Trials, this index

VIDEOTAPED DEPOSITIONS

Discovery, this index

WAGES

Trustee Process, this index

WAIVER

Attorney work product immunity, § 26:6

Jury trial of right, superior court, § 38:5

Lack of jurisdiction over person by serving counterclaim, § 12:8

Payment of costs and fees. Costs and Fees, this index

Pleadings and motions

defenses, of, § 12:18

Venue

district court, § 0:28

superior court, § 0:21

WARRANTS

Administrative Inspection Warrants, this index

Search warrants for Schedule Z drugs, **CivilProc Rule 80I:1; § 80I:1**

Surveys and tests, warrants for, **CivilProc Rule 80J; § 80J:1; § 80J:2**

WEEKENDS

Saturday or Sunday, this index

WILDLIFE AND CONSERVATION STATUTES VIOLATIONS

Jurisdiction, § 0:24

WITHDRAWAL OF ATTORNEYS

Attorneys, this index

WITNESSES

Discovery, this index

INDEX

WITNESSES—Cont'd

Trials, this index

WORKERS' COMPENSATION BOARD

Special Appeal Proceedings, this index

WRITS

Abolition of writs, applicability of rules, § **81:8 to 81:13**

Attachment, this index

Extraordinary Writ Proceedings, this index

Forcible entry and detainer, writ of possession, § **80D:5**

Quiet title actions, writ of entry. Real Actions to Quiet Title, this index

WRITTEN QUESTIONS

Discovery, this index

ZONING APPEALS

Standing, establishing, § **0:19**