

§ 7.4

Court Rules

How to Use Them

A paralegal must be able to research quickly and accurately the rules of court for the jurisdiction in which an action is being litigated. In the law library, the court rules are usually found alongside the corresponding state statutes. There are usually several sets of rules within a single volume (often soft bound). Begin your research in the rules index.

If you prefer to research the following questions online you may use *Lexis*, *Westlaw*, or conduct a *Google* search for your court rules. [Sample Google search: *your state* rules of civil procedure]

If you search for online rules in a standard web site, you will need to be flexible. The index that would typically be used in a law library set of the rules will most likely not exist online. Thus, you will need to use whatever search mechanism the site provides.

EXERCISE | INTRODUCTION TO RESEARCHING COURT RULES

Locate the *Rules of Civil Procedure* for your state and provide the rule that applies to the following questions with a brief answer to the question. We will cover proper citation format later, but for now, simply provide the number of the rule.

1. *How is a civil action commenced?*

Rule:

Answer:

2. *How long does one have to respond to requests for admissions?*

Rule:

Answer:

3. *What happens if one fails to respond within the designated time to the above requests for admissions?*

Rule:

Answer:

4. *How long does a defendant have to answer a complaint?*

Rule:

Answer:

5. *May a deposition be videotaped? If yes, is a written transcript required?*

Rule:

Answer:

6. *Do the rules require that a motion for summary judgment be accompanied by supporting affidavits?*

Rule:

Answer:

7. *May damages requested in a counterclaim exceed damages claimed in the complaint?*

Rule:

Answer:

8. *Do the rules set time limits for filing a proof of service once personal service has been effectuated? If yes, what are those time limits?*

Rule:

Answer:

9. *What may happen if a party fails to comply with an order compelling discovery?*

Rule:

Answer:

10. *How many affirmative defenses are allowed, according to the rules?*

Rule:

Answer:

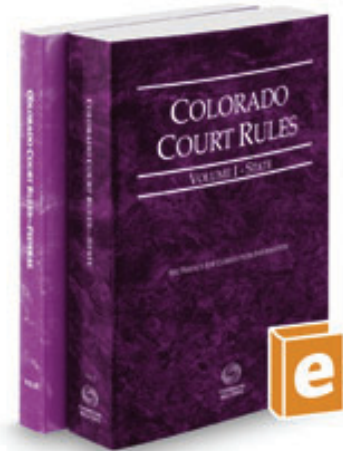
Finding the Rules

Court rules are usually found as an individual volume or set of volumes, depending on the state. For instance, Colorado Court Rules – State and Federal is a 2-volume set that includes all court rules in that state.

The set may be purchased as softbound volumes or as a digital download. However, the rules can be found in other places.

Online Research Services

Westlaw and *Lexis* are the two major online research sources. They are subscription services and it is likely that your firm will subscribe to one or the other. But using these services is not free, so try using either a set that your firm already owns (probably kept in its library) or use one of the free options below.



- *Online Search*

This makes the most sense. Almost all court rules can be found searching online. Be sure the result you find is a current set of the rules.

To search for court rules online, simply use a search such as:

[your state] [court title] rules

Examples:

Hawaii circuit court rules
Hawaii trial court rules
Hawaii appellate court rules
Hawaii supreme court rules

- *The Law Library*

If you can access a local law library it will have all court rules, including local, state, and federal.