

Friday, November 20, 2020 (Civ Pro class 12 of 15!)

Today:

- Finalizing the summons & complaints!
- Gaining personal jurisdiction: Service of papers!

Mon. Nov. 23 (Intro):

- Draft demand letter due by email 10am.
- FYLC Collaborative Assignment #3 due on OL end of day.

Wed. Nov. 25:

- Final demand letter due by email end of day.
- College on Friday schedule! *but we will not meet.* ☹️

For Fri. Dec. 4 (Civ Pro class 14 of 15!):

- Quiz #4! Everything covered since quiz #3 *plus some review.* 😊
- Review for final exam! *Bring questions.*
- Read C&W ch. 16 (Disclosure)! *No email needed.* 😊
- Guest speaker! *Details to follow.* 😊
- Final summons & verified complaint due by end of day!

Fri. Dec. 11: FINAL EXAM! *Wow.*

* * *

Helpful hints to finalize your summons & complaints!

- Review assignment, samples & templates!! *Again & again!!*
- Incorporate appropriate names!! *Parties, attorney, etc.—per the assignment.* You can be the notary. 😊
- Check your MATH!! ☹️
- Remember the PLEADING requirements! *CPLR Art. 30.*
- **PROOFREAD!!** *Again & again!!*

Gaining personal jurisdiction: Service of papers!!

Service of papers = delivery of legal papers/court documents to the person required to respond to them (defendant, witness, etc.)

- a/k/a "service of process"
- gives court personal jurisdiction over defendant/recipient
- governed by CPLR R. 2103 → *VERY specific requirements!!*

CPLR R. 2103: Service of Papers

(a) **Who can serve:** (1) not a party (2) 18+

(b) & (c) → *who they can serve:*

(b) **If the party has an attorney, must serve attorney!** *Options:*

1. Deliver personally

2. Mail

3. Leave at attorney's office

➤ *if open, with "person in charge" or in "conspicuous place"*

➤ *if closed, in "letter drop"*

4. Leave at attorney's residence

➤ *only if can't leave at office*

➤ *with "person of suitable age & discretion"*

5. Fax (plus mail)

6. Overnight delivery (*such as FedEx*)

7. Email

(c) **If party has no attorney, may serve party.** By **1, 2, 4, 5 or 6** above (under b). NOT **3 or 7**.

Proof of service (CPLR R. 306):

(a) **Generally** → *All proofs of service shall state:*

➤ papers served (*such as* summons and complaint)

➤ person served (name)

➤ date and time of service

➤ address (or "place and manner" if no address)

➤ facts showing service made by authorized person, in authorized manner

(b) **Personal service** → also include description of person served:

➤ *including* sex, skin & hair color, approx. age, weight, height