

SAMPLE QUESTION

Sam lived in a house that was located about one-half a city block from the intersection of Main and Vine, in Evansville, Indiana. One beautiful Saturday afternoon, Sam was standing on his front porch and just happened to look toward that intersection when he saw a white car driving on Main Street run a red light and collide with a blue car driving down Vine Street. It was a terrible crash. None of the flying debris ever came close to reaching Sam and Sam was not physically hurt at all by this traffic accident. He never left his porch and did not see any of the injured people. However, Sam was frightened by the sound of the crash and all the sirens he heard of the police cars and ambulances rushing to the scene. Sam became so upset that he decided to sue the driver of the white car for running the red light and upsetting him so much.

When Sam got a copy of the police accident report, he saw that the driver of the white car was from Michigan. The driver of the blue car was from Illinois. Sam sued the driver of the white car in Illinois for causing his problems. Before trial, the driver of the white car filed a motion with the judge in the Illinois court to dismiss the lawsuit.

Tell me all of the law that applies to the legal issue raised here that we have studied thus far in class and in the textbook reading assignments.

SUGGESTED ANSWER

The legal issues in this case involve primarily jurisdiction, venue and standing to sue.

Jurisdiction is the power or authority of a court to hear a case. There are several different types of jurisdiction. There is jurisdiction over the person (en personam jurisdiction). This is the right the court has to make a decision involving these particular litigants (parties to the lawsuit). It usually has to do with authority over people living in a particular geographical area. If the court does not have jurisdiction over the person of the parties, the case must be dismissed for lack of jurisdiction.

A court must also have jurisdiction over the subject matter of the lawsuit. There are restrictions on what kinds of cases a particular court can hear. The case filed in a court must be of a kind of case that this particular court is authorized (has jurisdiction) to make a decision about. If the court does not have jurisdiction to hear that kind of a case, the judge must dismiss the case for lack of jurisdiction.

There is the question of jurisdiction en rem. This means that a court can exercise control (jurisdiction) over property that is located within its boundaries.

The Long Arm Statute gives a court power to exercise jurisdiction over a defendant who has never been to that state if the defendant has enough “contacts” with the state where the court is

being held. Contacts include writing letters to the state, making money payments to someone in that state, selling products to people in that state, etc.

Venue relates to which court is the best court to hear the case, when there are several courts that would have jurisdiction to hear it. The court where the incident occurred is usually where a case is brought, except in instances of adverse pretrial publicity, distances traveled by the parties to court, etc.

Standing to Sue is the requirement that before a person can properly file a lawsuit, he must have been close enough to the incident to have been injured by it, to otherwise have a legally protected and tangible interest at stake in the lawsuit. He must have suffered a harm or been threatened with harm by the wrongful action of the defendant. When he so qualifies, he is said to have standing. Without standing, a person's lawsuit will be dismissed.