

A photograph of a courtroom interior. In the foreground, a wooden bench is visible. In the background, there is a judge's bench and an American flag. The text "An Introduction to Summary Judgment in Civil Cases" is overlaid on the image.

An Introduction to Summary Judgment in Civil Cases

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An Introduction to Summary Judgment in Civil Cases

A summary judgment is a procedural maneuver to dispose of a civil case and avoid a jury trial. A summary judgment, or judgment as a matter of law, is appropriate when there is no dispute regarding the material facts in a civil case. Any party in a civil lawsuit that is entitled to judgment under the laws of the jurisdiction where the lawsuit was filed may file a motion for summary judgment. There are even instances when the parties of a lawsuit agree to jointly file a motion for summary judgment. The judge in a civil case may also independently decide that summary judgment is the most appropriate way to dispose of a case.

Motion for Summary Judgment

The available evidence in a civil lawsuit, including affidavits, depositions, interrogatories and other admissions, can be cited to support a motion for summary judgment. Any evidence that would be admissible in a jury trial can be used to support a motion for summary judgment by one or both parties in a civil case. Typically, a judge will allow oral arguments, but a judge may also rule on the summary judgment motion after reviewing the legal briefs and supporting documentation.

Summary judgments make it possible to avoid unnecessary civil trials. Even when a civil case proceeds to trial, partial summary judgments may be used to dispose of particular claims or issues. The jury will then be charged with the responsibility of deciding the remaining issues. The following criteria must be met for a summary judgment to be granted:

- There are no legitimate disputes regarding the material facts of the case.
- The moving party, sometimes referred to as a movant, must be entitled to a summary judgment award under the law of the relevant jurisdiction.

If a litigant wishes to oppose a motion for summary judgment, they must provide evidence that contradicts the moving party's interpretation of the material facts of the case. Additionally, the disputed evidence must be central to the case. Minor factual disputes are generally regarded as insufficient grounds for defeating a summary judgment motion. If a summary judgment motion is granted, this does not mean that the presiding judge has decided which litigant would have prevailed at trial or whether the witnesses were credible.

Summary judgment means that there are no significant factual questions that need to be decided by a jury or judge. The moving party is responsible for demonstrating that a summary judgment ruling is appropriate under the law. . The requirements for opposing a summary judgment ruling will vary from jurisdiction to jurisdiction.

Each state has its own guidelines pertaining to the granting of a summary judgment in a civil case. Summary judgments in federal court are governed by Rule 56 of the Federal Rules of Civil Procedures. While most jurisdictions, including the federal judiciary, require the presentation of additional evidence when opposing a motion for summary judgment, simply making the court aware of inconsistencies in the moving party's evidence is sufficient in some jurisdictions.

Filing a Motion for Summary Judgment

When there are no factual disputes in a civil case, the presiding judge can decide the case based on the law. On the other hand, the material facts in a civil case may not be easily established. Once the moving party has filed a motion for summary judgment and the judge has reviewed the material facts from the point of view of the non-moving party, the motion for summary judgment will be granted or denied. A legal paper, commonly referred to as Motion for Summary Judgment, may be filed by a litigant in a civil lawsuit. The most common time for a summary judgment motion to be filed is during or after the discovery phase of a civil action.

Summary judgments make it possible for the focus of a civil case to be narrowed. Various kinds of evidence can be presented during a summary judgment hearing, including discovery responses, affidavits, depositions and expert testimony. When deciding whether to grant a summary judgment motion, the judge is obligated to accept the non-moving party's interpretation of the evidence. If the judge determines that there is a dispute of material fact, the motion for summary judgment will likely be denied.

As was mentioned previously, it is generally not permissible to oppose a motion for summary judgment by merely citing inconsistencies in the moving party's pleadings or by citing evidence that isn't crucial to the law. This type of nonessential evidence is known as a nuh-uh fact. The presiding judge may want to take the motion for summary judgment under advisement before making a final decision. After reviewing the legal briefs related to the motion, the judge will then notify the litigant's attorneys of his or her ruling. It should be noted that most judges prefer that a jury make the final decision when a potential factual dispute is difficult to assess.

Denial of summary judgment means that the legal issue in question will be decided at trial unless a negotiated settlement is reached by the litigants. This is by no means an unusual occurrence. Many legal disputes are ultimately settled in the corridors adjoining the courtroom or on the steps of the courthouse. In most cases, a summary judgment ruling favors one party over another. There are instances, however, when both parties jointly file a motion for summary judgment to eliminate discreet issues pertaining to the case as a whole.

There are a number of stages that occur before proceeding to trial, including the discovery stage. Discovery requires the litigants in a civil case to disclose the evidence that will be presented at trial. Submitting a motion for summary judgment may represent an attempt to avoid the expense of discovery and a jury trial since the ultimate outcome is predictable. Summary judgment can also be used as a strategy for avoiding an unfavorable verdict at trial. Evidence in the form of sworn statements and other documentary evidence can be used to convince the presiding judge that a summary judgment ruling is justified.

In essence, the moving party in a motion for summary judgment is claiming that the material facts are indisputable and there's no need for a trial. Not surprisingly, the vast majority of summary judgment motions are filed by defendants. The moving party must also consider the possibility that the judge, while agreeing that there are no disputed material facts in the case, might rule that the non-moving party is actually entitled to summary judgment under the law. The moving party must weigh the risk before filing a motion for summary judgment since the presiding judge has sole discretion in the matter.

Summary judgment and pretrial dismissals are the primary means of avoiding trial in the event that a settlement cannot be reached. A trial provides the litigants with an opportunity to convince the fact finder (judge or jury) that they should prevail under the law. The American legal system empowers a judge to award summary judgment before a scheduled trial begins. Summary judgments are not applicable to criminal trials because the United States Constitution guarantees a jury trial for every criminal defendant.

Since the legal procedures for filing a summary judgment motion can vary depending on the relevant jurisdiction and presiding judge, many judges publish summary judgment guidelines and sample forms. Summary judgments are an essential part of the American judicial system. More than half of the federal civil cases reaching the judgment stage are brought to an end by a summary judgment. Moreover, it should be noted that over 65 percent of all federal lawsuits are dismissed or settled prior to trial.

Substantiating a Summary Judgment Motion

When filing a motion for summary judgment, the moving party can cite any evidence that would otherwise be presented at trial. This kind of evidence may include admissions, depositions, witness statements and other evidence produced during the discovery phase of the civil action. The evidence will be accompanied by a declaration on the part of the moving party stating that the documents included as part of the motion for summary judgment are accurate and true. Additionally, the plaintiff and defendant will submit legal memoranda to support or oppose the summary judgment motion. This provides the competing parties with an opportunity to detail their distinct interpretations of laws that are applicable to the case.

An opposing party can also file what is known as a cross-motion if there is sufficient time. The attorneys for the litigants may also be allowed to present oral arguments related to the motion for summary judgment, especially if the judge has questions or wants further clarification on certain issues in the case. The judge in a civil case may establish a case management plan as part of a discovery order. Once the deadline for filing a motion for summary judgment has expired, it will be necessary to ask the presiding judge for leave of court in order to file a summary judgment motion or cross-motion. The moving party will be required to present a valid reason for deviating from the case management plan since most judges are reluctant to alter a discovery order.

When a judge decides to grant summary judgment, thereby ruling in favor of one of the litigants, the judge's decision can be immediately appealed. Denial of a motion for summary judgment cannot be immediately appealed in most instances. Instead, the case proceeds to trial for final resolution. In federal court, for example, denial of a summary judgment motion cannot be appealed until the entire case has been resolved.

When the supporting evidence is inadequate for a judge to grant a motion for summary judgment related to the case as a whole, summary judgment may be awarded on specific claims. The legal profession refers to this outcome as a partial summary judgment. It's also worth noting that summary judgment rulings are frequently overturned on appeal, especially in complicated civil cases. When a summary judgment is reviewed without deference to the legal interpretations and rulings of the trial judge, it is known as a *de novo* review. A *de novo* review allows a litigant to challenge the trial judge's determination that there are no disputes of material fact in the case.

Summary Judgment in State Courts

The procedures for granting summary judgment at the state level are similar to those of the federal court system. Certain states may require the moving party to present actual evidence while other states allow the moving party to merely refer to evidence in the case. In the state of California, for example, the moving attorney must summarize the material facts and submit supporting documentation. This means that the presiding judge may have to review a considerable amount of written material. In fact, the official summary judgment motion record could include thousands of pages that must be reviewed before a final decision can be rendered.

There may also be minor differences in the terminology that is employed by the various state court systems. California, to cite one small example, prefers the term “summary adjudication” rather than “partial summary judgment.” There are even differing views among the court systems in certain states regarding the availability of summary judgment. A district court may interpret the availability of summary judgment more narrowly than a court of appeals for example. The right to summary judgment may also change over time due to new laws and court rulings.

Summary Judgment Strategies

The decision whether to file a motion for summary judgment in a civil case involves a number of strategic considerations. Winning at trial is far more exciting, but a summary judgment award can save a legal client a substantial amount of time, money and stress. Nevertheless, filing a motion for summary judgment can place the interests of a client at tremendous risk. The grounds for filing a summary judgment motion must be based on indisputable material facts, and the motion must be lean and well prepared.

First and foremost, it must be determined whether a motion for summary judgment is likely to be awarded by the presiding judge. Winning is exhilarating, but losing is likely to enhance the confidence of an opponent. The time and cost related to a summary judgment motion must also be carefully considered. It's true that a victorious summary judgment motion offers many rewards, but a losing motion only adds to the burden that a civil law client has to bear. If there is a single material fact that remains in question, filing a motion for summary judgment can be fraught with unpredictable risks.

Even if filing a motion for summary judgment would place the judge in a difficult position, the risk may not be warranted. Not only is it essential to be certain about the material facts of a civil case, a litigator also needs to understand the tendencies and preferences of the presiding judge. Yet the tendency of a particular judge to spurn summary judgment motions should not prevent a litigator from filing a strong and well-crafted motion for summary judgment. Aside from the strength of the motion, it may also be possible to gauge a judge's view of a civil case. Some judges will even encourage an attorney to file a motion for summary judgment.

The viability of filing a successful summary judgment motion may change as the legal proceedings advance from one stage to another. A witness may unexpectedly alter their testimony, presenting one side or the other with an opportunity to seek a summary judgment ruling. Another reason to be cautious when considering the potential of a summary judgment motion is that the opposing legal counsel may gain a significant advantage if the motion is denied. In essence, a motion for summary judgment is a trial reduced to paper. The opposition will not only gain confidence, they will have access to the moving party's trial strategies and priorities. It provides the non-moving party with a preview of the exact case that will be presented at trial if the motion for summary judgment is denied.

Once an attorney decides that filing a summary judgment motion is warranted, the design and clarity of the required legal documents should receive special attention. The judge isn't interested in hearing a story, only the material facts as they pertain to the law. The legal analysis must demonstrate that the undisputed material facts of the case clearly indicate that summary judgment is warranted. A concise presentation will not only save the judge time, it will increase the odds of obtaining a positive outcome.

Organizing the legal papers in a way that meets the presiding judge's unique needs and preferences is highly recommended. The manner in which the documents are formatted and indexed can make the summary judgment much easier for the judge to review. One judge may prefer that everything be presented on paper while another judge may be comfortable with electronic media. The legal staff of a civil law lawyer will play an important role in the preparation of a successful summary judgment motion.

The relationship between opposing attorneys during a civil lawsuit can play an integral role in determining whether a motion for summary judgment is advisable. One attorney might boast that their client will easily move past a summary judgment motion to deter the opposition. The legal maneuvers are likely to keep both attorneys on high alert as the case moves along. When a litigator fully expects his or her opponent to file a motion for summary judgment, they may be thrown off guard when the motion never arrives.

Summary judgment motions are often used to gain access to an opponent's evidence or provide leverage in a civil case. This sort of psychological warfare may produce unexpected consequences even when the moving party believes they have the stronger case. A losing summary judgment motion may substantially influence the settlement position of the non-moving party. There are also instances when the attorney with a reasonably strong case decides to invest the available resources in preparing for trial rather than applying for summary judgment.

The decision of whether or not to file a motion for summary judgment may ultimately be influenced by the presiding judge. The judge may even inform legal counsel that any motion for summary judgment would be filed in vain. If an attorney decides to ignore the judge and file a summary judgment motion, the judge may not even render a ruling. Some judges have been known to advise both attorneys to file cross-motions to obtain summary judgment.

Summary Judgment Summation

An award of summary judgment by a presiding judge means that it will not be necessary to proceed to trial. Filing a motion for summary judgment involves the submission of legal briefs to cite the undisputed material facts of a civil case. The non-moving party may also submit legal papers to oppose the granting of summary judgment. Finally, the moving party may choose to file papers to respond to the legal position of the non-moving party.

If even one material fact is in dispute, the motion for summary judgment will not be granted, although the judge may decide to grant partial summary judgment. The remaining material facts that are still in dispute will be sent to trial. Although American law allows for the granting of summary judgment prior to trial, summary judgment may be sought at any stage of a civil case unless otherwise indicated by the presiding judge. Many judges publish guidelines concerning the filing of summary judgment motions. The approved trial management plan also provides guidance regarding the timelines for filing summary judgment motions.

A motion for summary judgment offers potential risks and rewards. Making it easy for the judge by carefully organizing the undisputed material facts of a civil case as they pertain to the law is vital. Every civil case is unique. An attorney of record must be able to communicate the essence of a civil case to a judge as succinctly as possible. An attorney must also cater to the tendencies and preferences of the presiding judge.

There are so many variables involved in a summary judgment motion that it is difficult to predict the ultimate outcome. It can be stated with certainty, however, that the quality of a summary judgment motion and the skill of the attorney of record will play an important role in determining the success or failure of a summary judgment motion. Finally, the skill and dedication of an attorney's legal staff is equally important in the preparation of a victorious summary judgment motion.

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