LAW CLASS
How Courts Work

Steps in a Trial

Jurisdiction and Venue

The plaintiff's lawyer must decide where to file the case. A court has no authority to decide a case unless it has jurisdiction over the person or property involved. To have jurisdiction, a court must have authority over the subject matter of the case and

•the court must be able to exercise control over the defendant,

•or the property involved must be located in the area under the court's control.

The extent of the court's control over persons and property is set by law.

 Certain actions are **transitory** . They can be brought wherever the defendant may be found and served with a summons. An example would be a lawsuit against a business--it would probably be sufficient to file suit in any county in which the business has an operation, and not necessary to file suit in the county where it its headquartered.

 Other actions - such as foreclosing on a piece of property - are **local**. They can be brought only in the county where the subject of the suit is located.

 Venue refers to the county or district within a state or the U.S. where the lawsuit is to be tried. The venue of a lawsuit is set by statute, but it can sometimes be changed to another county or district. For example, if a case has received widespread pre-trial publicity, one of the parties may make a motion (request to the judge) for change of venue in an effort to secure jurors who haven’t already formed an opinion about the case. Venue also may be changed for the convenience of witnesses