

Contents

THE UNITED STATES CONSTITUTION	1
FEDERAL RULES OF CIVIL PROCEDURE	25
TITLE I. SCOPE OF RULES; FORM OF ACTION	25
Rule 1. Scope and Purpose	25
Rule 2. One Form of Action	25
TITLE II. COMMENCING AN ACTION; SERVICE OF PROCESS, PLEADINGS, MOTIONS, AND ORDERS	25
Rule 3. Commencing an Action	25
Rule 4. Summons	25
Rule 4.1. Serving Other Process	33
Rule 5. Serving and Filing Pleadings and Other Papers	33
Rule 5.1. Constitutional Challenge to a Statute—Notice, Certification, and Intervention	35
Rule 5.2. Privacy Protection for Filings Made with the Court	36
Rule 6. Computing and Extending Time; Time for Motion Papers	37
TITLE III. PLEADINGS AND MOTIONS	39
Rule 7. Pleadings Allowed; Form of Motions and Other Papers	39
Rule 7.1. Disclosure Statement	40
Rule 8. General Rules of Pleading	40
Rule 9. Pleading Special Matters	42
Rule 10. Form of Pleadings	43
Rule 11. Signing Pleadings, Motions, and Other Papers; Representations to the Court; Sanctions	43
Rule 12. Defenses and Objections: When and How Presented; Motion for Judgment on the Pleadings; Consolidating Motions; Waiving Defenses; Pretrial Hearing	44
Rule 13. Counterclaim and Crossclaim	47
Rule 14. Third-Party Practice	48

Contents

	Rule 15.	Amended and Supplemental Pleadings	49
	Rule 16.	Pretrial Conferences; Scheduling; Management	51
	Rule 16.1.	Multidistrict Litigation	53
TITLE IV.		PARTIES	54
	Rule 17.	Plaintiff and Defendant; Capacity; Public Officers	54
	Rule 18.	Joinder of Claims	55
	Rule 19.	Required Joinder of Parties	56
	Rule 20.	Permissive Joinder of Parties	57
	Rule 21.	Misjoinder and Nonjoinder of Parties	57
	Rule 22.	Interpleader	57
	Rule 23.	Class Actions	58
	Rule 23.1.	Derivative Actions	63
	Rule 23.2.	Actions Relating to Unincorporated Associations	63
	Rule 24.	Intervention	63
	Rule 25.	Substitution of Parties	64
TITLE V.		DISCLOSURES AND DISCOVERY	65
	Rule 26.	Duty to Disclose; General Provisions Governing Discovery	65
	Rule 27.	Depositions to Perpetuate Testimony	74
	Rule 28.	Persons Before Whom Depositions May Be Taken	75
	Rule 29.	Stipulations About Discovery Procedure	76
	Rule 30.	Depositions by Oral Examination	76
	Rule 31.	Depositions by Written Questions	80
	Rule 32.	Using Depositions in Court Proceedings	81
	Rule 33.	Interrogatories to Parties	84
	Rule 34.	Producing Documents, Electronically Stored Information, and Tangible Things, or Entering onto Land, for Inspection and Other Purposes	85
	Rule 35.	Physical and Mental Examinations	86
	Rule 36.	Requests for Admission	87
	Rule 37.	Failure to Make Disclosures or to Cooperate in Discovery; Sanctions	88
TITLE VI.		TRIALS	92
	Rule 38.	Right to a Jury Trial; Demand	92
	Rule 39.	Trial by Jury or by the Court	92
	Rule 40.	Scheduling Cases for Trial	93
	Rule 41.	Dismissal of Actions	93
	Rule 42.	Consolidation; Separate Trials	94
	Rule 43.	Taking Testimony	94
	Rule 44.	Proving an Official Record	95
	Rule 44.1.	Determining Foreign Law	96
	Rule 45.	Subpoena	96

Contents

Rule 46.	Objecting to a Ruling or Order	100
Rule 47.	Selecting Jurors	100
Rule 48.	Number of Jurors; Verdict; Polling	100
Rule 49.	Special Verdict; General Verdict and Questions	101
Rule 50.	Judgment as a Matter of Law in a Jury Trial; Related Motion for a New Trial; Conditional Ruling	102
Rule 51.	Instructions to the Jury; Objections; Preserving a Claim of Error	103
Rule 52.	Findings and Conclusions by the Court; Judgment on Partial Findings	104
Rule 53.	Masters	105
TITLE VII.	JUDGMENT	107
Rule 54.	Judgment; Costs	107
Rule 55.	Default; Default Judgment	108
Rule 56.	Summary Judgment	109
Rule 57.	Declaratory Judgment	111
Rule 58.	Entering Judgment	111
Rule 59.	New Trial; Altering or Amending a Judgment	112
Rule 60.	Relief from a Judgment or Order	112
Rule 61.	Harmless Error	113
Rule 62.	Stay of Proceedings to Enforce a Judgment	114
Rule 62.1.	Indicative Ruling on a Motion for Relief That Is Barred by a Pending Appeal	114
Rule 63.	Judge's Inability to Proceed	115
TITLE VIII.	PROVISIONAL AND FINAL REMEDIES	115
Rule 64.	Seizing a Person or Property	115
Rule 65.	Injunctions and Restraining Orders	115
Rule 65.1.	Proceedings Against a Security Provider	117
Rule 66.	Receivers	117
Rule 67.	Deposit into Court	117
Rule 68.	Offer of Judgment	118
Rule 69.	Execution	118
Rule 70.	Enforcing a Judgment for a Specific Act	119
Rule 71.	Enforcing Relief For or Against a Nonparty	119
TITLE IX.	SPECIAL PROCEEDINGS	119
Rule 71.1.	Condemning Real or Personal Property	119
Rule 72.	Magistrate Judges: Pretrial Order	124
Rule 73.	Magistrate Judges: Trial by Consent; Appeal	124
Rule 74.	[Abrogated.]	125
Rule 75.	[Abrogated.]	125
Rule 76.	[Abrogated.]	125

TITLE X.	DISTRICT COURTS AND CLERKS: CONDUCTING BUSINESS; ISSUING ORDERS	125
	Rule 77. Conducting Business; Clerk’s Authority; Notice of an Order or Judgment	125
	Rule 78. Hearing Motions; Submission on Briefs	126
	Rule 79. Records Kept by the Clerk	126
	Rule 80. Stenographic Transcript as Evidence	127
TITLE XI.	GENERAL PROVISIONS	127
	Rule 81. Applicability of the Rules in General; Removed Actions	127
	Rule 82. Jurisdiction and Venue Unaffected	129
	Rule 83. Rules by District Courts; Judge’s Directives	129
	Rule 84. Forms [Abrogated.]	130
	Rule 85. Title	130
	Rule 86. Effective Dates	130
	Rule 87. Civil Rules Emergency	130
	SUPPLEMENTAL RULES FOR ADMIRALTY OR MARITIME CLAIMS AND ASSET FORFEITURE ACTIONS	131
	Rule A. Scope of Rules	131
	Rule B. In Personam Actions: Attachment and Garnishment	132
	Rule C. In Rem Actions: Special Provisions	133
	Rule D. Possessory, Petitory, and Partition Actions	135
	Rule E. Actions In Rem and Quasi In Rem: General Provisions	135
	Rule F. Limitation of Liability	139
	Rule G. Forfeiture Actions In Rem	142
	SELECTED FEDERAL STATUTES	149
	28 U.S.C. § 41. Number and composition of circuits	149
	28 U.S.C. § 133. Appointment and number of district judges	149
	28 U.S.C. § 631. Appointment and tenure	153
	28 U.S.C. § 636. Jurisdiction, powers, and temporary assignment	156
	28 U.S.C. § 1251. Original jurisdiction	160
	28 U.S.C. § 1253. Direct appeals from decisions of three-judge courts	161
	28 U.S.C. § 1254. Courts of appeals; certiorari; certified questions	161
	28 U.S.C. § 1257. State courts; certiorari	161
	28 U.S.C. § 1291. Final decisions of district courts	161
	28 U.S.C. § 1292. Interlocutory decisions	162
	28 U.S.C. § 1331. Federal question	163
	28 U.S.C. § 1332. Diversity or citizenship; amount in controversy; costs	164

Contents

28 U.S.C. § 1333.	Admiralty, maritime and prize cases	168
28 U.S.C. § 1334.	Bankruptcy cases and proceedings	168
28 U.S.C. § 1335.	Interpleader	169
28 U.S.C. § 1337.	Commerce and antitrust regulations; amount in controversy, costs	169
28 U.S.C. § 1338.	Patents, plant variety protection, copyrights, mask works, designs, trademarks, and unfair competition	170
28 U.S.C. § 1339.	Postal matters	170
28 U.S.C. § 1340.	Internal revenue; customs duties	170
28 U.S.C. § 1341.	Taxes by States	170
28 U.S.C. § 1343.	Civil rights and elective franchise	170
28 U.S.C. § 1344.	Election disputes	171
28 U.S.C. § 1345.	United States as plaintiff	171
28 U.S.C. § 1346.	United States as defendant	171
28 U.S.C. § 1348.	Banking association as party	173
28 U.S.C. § 1349.	Corporation organized under federal law as party	173
28 U.S.C. § 1350.	Alien's action for tort	173
28 U.S.C. § 1351.	Consuls, vice consuls, and members of a diplomatic mission as defendant	173
28 U.S.C. § 1352.	Bonds executed under federal law	173
28 U.S.C. § 1353.	Indian allotments	174
28 U.S.C. § 1354.	Land grants from different states	174
28 U.S.C. § 1355.	Fine, penalty or forfeiture	174
28 U.S.C. § 1356.	Seizures not within admiralty and maritime jurisdiction	175
28 U.S.C. § 1358.	Eminent domain	175
28 U.S.C. § 1359.	Parties collusively joined or made	175
28 U.S.C. § 1360.	State civil jurisdiction in actions to which Indians are parties	175
28 U.S.C. § 1361.	Action to compel an officer of the United States to perform his duty	176
28 U.S.C. § 1362.	Indian tribes	176
28 U.S.C. § 1365.	Senate actions	176
28 U.S.C. § 1366.	Construction of references to laws of the United States of Acts of Congress	178
28 U.S.C. § 1367.	Supplemental jurisdiction	178
28 U.S.C. § 1368.	Counterclaims in unfair practices in international trade	179
28 U.S.C. § 1369.	Multiparty, multiforum jurisdiction	179
28 U.S.C. § 1390.	Scope	180
28 U.S.C. § 1391.	Venue generally	180
28 U.S.C. § 1400.	Patents and copyrights, mask works, and designs	182
28 U.S.C. § 1402.	United States as defendant	182
28 U.S.C. § 1404.	Change of venue	183

Contents

28 U.S.C. § 1406.	Cure or waiver of defects	183
28 U.S.C. § 1407.	Multidistrict litigation	184
28 U.S.C. § 1441.	Removal of civil actions	186
28 U.S.C. § 1442.	Federal officers or agencies sued or prosecuted	187
28 U.S.C. § 1442a.	Members of armed forces sued or prosecuted	189
28 U.S.C. § 1443.	Civil rights cases	189
28 U.S.C. § 1445.	Nonremovable actions	189
28 U.S.C. § 1446.	Procedure for removal of civil actions	190
28 U.S.C. § 1447.	Procedure after removal generally	192
28 U.S.C. § 1448.	Process after removal	192
28 U.S.C. § 1449.	State court record supplied	192
28 U.S.C. § 1450.	Attachment or sequestration; securities	193
28 U.S.C. § 1451.	Definitions	193
28 U.S.C. § 1452.	Removal of claims related to bankruptcy cases	193
28 U.S.C. § 1453.	Removal of class actions	193
28 U.S.C. § 1454.	Patent, plant variety protection, and copyright cases	194
28 U.S.C. § 1603.	Definitions	195
28 U.S.C. § 1651.	Writs	196
28 U.S.C. § 1652.	State laws as rules of decision	196
28 U.S.C. § 1711.	Definitions	196
28 U.S.C. § 1712.	Coupon settlements	196
28 U.S.C. § 1713.	Protection against loss by class members	197
28 U.S.C. § 1714.	Protection against discrimination based on geographic location	198
28 U.S.C. § 1715.	Notifications to appropriate Federal and State officials	198
28 U.S.C. § 1738.	State and territorial statutes and judicial proceedings; full faith and credit	200
28 U.S.C. § 1861.	Declaration of policy	200
28 U.S.C. § 1862.	Discrimination prohibited	200
28 U.S.C. § 1865.	Qualifications for jury service	201
28 U.S.C. § 1866.	Selection and summoning of jury panels	201
28 U.S.C. § 1870.	Challenges	203
28 U.S.C. § 1871.	Fees	203
28 U.S.C. § 1872.	Issues of fact in Supreme Court	206
28 U.S.C. § 1873.	Admiralty and maritime cases	206
28 U.S.C. § 1874.	Actions on bonds and specialties	206
28 U.S.C. § 1875.	Protection of jurors' employment	206
28 U.S.C. § 1912.	Damages and costs on affirmance	207
28 U.S.C. § 1927.	Counsel's liability for excessive costs	207
28 U.S.C. § 1961.	Interest	207
28 U.S.C. § 1963.	Registration of judgments for enforcement in other districts	208
28 U.S.C. § 2071.	Rule-making power generally	208

Contents

28 U.S.C. § 2072.	Rules of procedure and evidence; power to prescribe	209
28 U.S.C. § 2073.	Rules of procedure and evidence; method of prescribing	209
28 U.S.C. § 2074.	Rules of procedure and evidence; submission to Congress; effective date	210
28 U.S.C. § 2075.	Bankruptcy rules	210
28 U.S.C. § 2077.	Publication of rules; advisory committees	211
28 U.S.C. § 2201.	Creation of remedy	211
28 U.S.C. § 2202.	Further relief	212
28 U.S.C. § 2361.	Process and procedure	212
28 U.S.C. § 2403.	Intervention by United States or a State; constitutional question	212
42 U.S.C. § 1981.	Equal rights under the law	213
42 U.S.C. § 1983.	Civil action for deprivation of rights	213
42 U.S.C. § 1988.	Proceedings in vindication of civil rights	213
SAMPLE SELECTED LOCAL RULES		215
Local Rules of the United States District Court for the Northern District of Illinois		215
SAMPLE STANDING ORDER		223
Individual Rules & Practices Of The Hon. Kimba M. Wood United States District Judge (Updated January 29, 2020)		223
SELECTED FEDERAL RULES OF APPELLATE PROCEDURE		251
Rule 4.	Appeal as of Right—When Taken	251
Rule 5.	Appeal by Permission	255
Rule 10.	The Record on Appeal	256
Rule 28.	Briefs	258
Rule 28.1.	Cross-Appeals	260
Rule 32.	Form of Briefs, Appendices, and Other Papers	261
Rule 34.	Oral Argument	264
SELECTED FEDERAL RULES OF EVIDENCE		265
Rule 401.	Test for Relevant Evidence	265
Rule 403.	Excluding Relevant Evidence for Prejudice, Confusion, Waste of Time, or Other Reasons	265
Rule 407.	Subsequent Remedial Measures	265
Rule 606.	Juror’s Competency as a Witness	265
Rule 701.	Opinion Testimony by Lay Witnesses	266
Rule 702.	Testimony by Expert Witnesses	266
Rule 703.	Bases of an Expert’s Opinion Testimony	266
Rule 801.	Definitions That Apply to This Article; Exclusions from Hearsay	267
Rule 802.	The Rule Against Hearsay	268