

RESEARCH PROJECT STUDYING THE USE OF SUMMARY JUDGMENT MOTIONS IN CIVIL COURTS

A summary judgment is a legal means by which parties seek to reach a judicial resolution prior to the case going to a full trial. As such, the summary judgment is a vital judicial tool to combat the litigation explosion. As discussed in Professor Garry's previous book, *A Nation of Adversaries*, litigation explosion makes it much more costly and difficult for parties to have their cases heard in court, since the courts are overburdened by the flood of existing cases.

This research project involves an empirical study of how courts actually use the tool of a summary judgment motion. It will gather statistical evidence on how often such motions are brought to the court, how often courts grant these motions, and what factors the court uses in the granting of such motions. The project will look at the use of summary judgment motions in civil trials in Minnehaha County, South Dakota over a period of two years. This project will be the basis for a much larger project studying the use of summary judgments over a larger multi-state region and covering a longer period of time.

Various judicial and professional organizations are interested in finding projects of this type if they have a clear vision of what the projects will produce. It is our hope that a research project that focuses on Minnehaha County, South Dakota over a period of two years will provide a snapshot of a much larger research project that could be funded by these judicial or legal practice organizations.