

CLAIM PRECLUSION & ISSUE PRECLUSION

	Claim Preclusion	Issue Preclusion
Prior Judgment	Valid, Final, & On the Merits	Valid & Final
Scope of Preclusion	Same Claim	Same Issue
	<ul style="list-style-type: none"> Any claim(s) asserted in prior action Previously unasserted claims arising from <i>same transaction</i> as claims decided in prior action 	<ul style="list-style-type: none"> Any issue of fact or law Issue must have been <i>actually litigated</i> and <i>necessary to judgment</i>
Parties		
Party Precluded	Must have been claimant in prior action	Must have been party in prior action
Party Asserting Preclusion	Must have been party in prior action	May not have been party in prior action
		<ul style="list-style-type: none"> <i>Defensive</i>: Non-party may generally assert issue preclusion as a defense <i>Offensive</i>: Non-party may sometimes assert issue preclusion

		to establish element(s) of claim
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