

The book was found

Civil Procedure (Quickstudy: Law)

AMERICAN LEGAL REFERENCE CHART
Copyrighted Material

CIVIL PROCEDURE

JURISDICTION SUBJECT MATTER COURT'S POWER TO HEAR AND THE TYPE OF CASE BEFORE IT	SUPPLEMENTAL JURISDICTION [28 USC 1367]	PERSONAL JURISDICTION POWER TO BRING PARTIES BEFORE COURT AND HOLD THEM IN A COURT
FEDERAL QUESTION (28 USC 1332) FRAMING 1. A Federal law creates the cause of action 2. Plaintiff's right to relief depends on the constitution of a substantial question of Federal law EXAMPLES 1. Federal Statutes a. Cause of action starts cause within section of statute the subject-matter jurisdiction to apply (Section 5, 5202) 2. Admiralty cases 3. Jurisdiction over suit stemming from removal filed of undisputed issues (e.g. <i>Robert's Case</i> , <i>Allen Bradley</i>) 4. Interstate Commerce, Copyrights and Patents 5. Constitution of patent, including some of air rights, claims, to within court's exclusive province (Section 11, <i>Shelton</i>) 6. Cases where the U.S. is a party 7. Controversies between U.S. citizens and foreigners ADVERSE 1. The amount in controversy does not matter if there is a Federal question involved	ADVERSE PARTY JURISDICTION 1. Defendant with counter-claim, cross-claim or third-party claim may bring them in Federal court as long as Federal court has jurisdiction over original claim 2. Adversely affected parties who would claim some benefit from their right to claim or to be required to answer claim in Federal court 3. Tolling provision (IMTA) does not apply to claims filed in Federal court against nonconsenting state (Rogers v. Sargent & Mundy) 4. Application to diversity and Federal question claim 5. Applies to: a. Compulsory Counterclaims (FRCP 13(a)) b. Joinder of Additional Parties to Counterclaims (FRCP 13(b)) c. Counterclaims (FRCP 13(c)) d. Joinder of Parties (FRCP 14) e. Joinder of Claims (FRCP 18) f. Joinder of Parties Needed for Just Adjudication (FRCP 19) g. Joinder of Parties (FRCP 20) h. Intervention of Right (FRCP 24) i. New actions, in which a federal judgment creditor seeks to impose liability for a money judgment on a person not otherwise liable for the judgment (Frank v. Frank) 3. Does not also include jurisdiction over parties requirement PERMISSIVE CLAIM JURISDICTION 1. Plaintiff with valid Federal question claims may bring along a state-based claim in Federal court 2. Must derive from common nucleus of operative fact 3. Up to court's discretion whether to hear parallel claims based on considerations of judicial economy, convenience and fairness to litigants PERMISSIVE PARTY JURISDICTION 1. Plaintiff with valid Federal claims against one defendant may bring state-based claim against second defendant even when no independent basis of Federal jurisdiction exists a. Must derive from common nucleus of operative fact b. Does not apply to diversity jurisdiction	INTRUSION OR OBSTRUCTION OF RIGHTS 1. Court has power to act upon the person or property 2. Plaintiff's right to relief depends on the constitution of a substantial question of Federal law THREE TYPES OF JURISDICTION 1. In Personam a. Federal State claims in which up are suing his jurisdiction over the Defendant's person b. Jurisdiction in personam is limited to full faith and credit in other State 2. In Rem a. When Court has power over Defendant's property or status b. In rem actions to quiet title to property; dissolution of marriage 3. Quasi In Rem a. Power of Court to attach or garnish property to gain jurisdiction over Defendant (Shelton v. Boyer) b. Requires due to be "well-ordered" "substantial contact" (instead of "substantial State") c. Judgment affects only the property seized
DIVERSITY (28 USC 1332) MEANS 1. Controversy is between citizens of different States, or between citizens of a State and citizens or subjects of a foreign State and the action is to more than \$75,000 2. Where law controls in matters involving death where defendant and covered under federal statute (Shelton v. Boyer) 3. Application of claims, some claims may be added together to satisfy jurisdictional amount 4. Federal courts may still decline to exercise jurisdiction a. When absolute diversity is not Federal courts due to their courts based on difficulty of questions of their law presented for the Federal litigation on State court b. When diversity is obtained from improper or defective joinder of parties c. When parties issue are the same part of the suit d. When elements violations are similar part of the suit COMPLETE DIVERSITY 1. No one Plaintiff can be a citizen of the same State as any one Defendant 2. Plaintiff's diversity (2-part test) a. The party you are physically located in b. The state you are a citizen of (not necessarily) 3. Diversity must exist at the time the Complaint is filed with the Court a. It need not exist at the time of trial or when the cause of action arose b. Complete diversity must be met at the time judgment is entered (Kane v. Lantz) 4. Citizenship of Corporations a. The State of incorporation and b. State where principal place of business is located 5. Domicile a. The natural representative is the person whose citizenship is considered b. U.S. citizens living abroad c. Not citizens of any State, therefore, cannot sue in that jurisdiction	REMOVAL FROM STATE TO FEDERAL COURT BASIS FOR REMOVAL 1. If Federal courts would have had original jurisdiction 2. Federal question jurisdiction started at time action was filed 3. No Federal Court jurisdiction when complaint does not allege federal question (Hudson v. Spillane) 4. Federal courts preserve cause of action (Hudson v. Spillane, <i>Anderson</i>) 5. Diversity jurisdiction existed if time action was filed 6. Issue of personal jurisdiction proceeds subject matter jurisdiction (Hudson v. Spillane, <i>Anderson</i>) 7. Time for removal is triggered by formal service of process, not by informal receipt of complaint (Hudson v. Spillane, <i>Anderson</i>) EXEMPT FROM REMOVAL 1. Does not apply to Plaintiff's defending counterclaim 2. Claims that depend on state court should be dismissed because of prior Federal ruling is not basis for removal under FRCP 12 (Hudson v. Spillane, <i>Anderson</i>) MULTIPLE CLAIMS 1. If a cause of action which can be removed is joined with a cause of action that has no independent claim to Federal jurisdiction, then the entire case can be removed to Federal court together CASES WHERE I AM NOT RESPONSIBLE 1. In suits under FELA Act, Jones Act, Violence Against Women Act, and State defendant's compensation laws (28 USC 1445) OTHER BASIS 1. Cannot sue "without abating" disputing the existence or lack of Federal question 2. Cases go to the "district court of the U.S. for the district and division embracing the place" (Note the State v. <i>Anderson</i>)	TRADITIONAL TEST (OPENNER V. NEFF) PRESENCE IN FORUM STATE and 1. Defendant's, Defendant's, Defendant's temporary presence in State essential to activity in lawsuit filed within jurisdiction of court PRESENCE MUST BE SERVED WITH NOTICE OF SUIT AGAINST HIM WITHIN FORUM STATE 1. Court of jurisdiction is only within the forum State a few hours, he may be served with process there 2. Jurisdiction on a plane flying over forum State is called MODERN BASIS DEFENDANT'S MULTIPLE AVENUE CONTACT, DOMICILE, OR CONSENT MINIMUM CONTACTS (INTERNATIONAL JURISDICTION) 1. Court does not offend "traditional notions of fair play and substantial justice" 2. Constitutional considerations a. Activities must be systematic and continuous (International Brotherhood of Teamsters v. <i>Elser</i>) b. Activities must be purposefully directed towards forum State (World-Wide Volkswagen Corp. v. <i>Woodward</i>) c. Defendant must purposefully avail himself of privileges of the forum State (Elser v. <i>Woodward</i>) 3. Reasoning of Supreme Court by International (North, <i>World-Wide Volkswagen, Shuman</i>) 4. There must be connection between litigation, Defendant and forum state 5. Where presence of property is not enough unless Defendant had necessary "minimum contacts" with forum State (Shelton v. <i>Boyer</i>) MINIMUM 1. Jurisdiction over person domiciled within forum State, even if temporarily not within State 2. Domicile - current dwelling place 3. Intent to indefinitely remain a. They are domiciled at a time b. Forum state must make the place his home, for the time being CONSENT 1. Jurisdiction over person by contract, even if no contacts with forum State 2. Consent by filing an action 3. Consent by the Defendant against original Plaintiff and by contract subsequently directed to the action 4. Substantive Contract a. U.S. law contract, depending on agent 4. Voluntary Appearance in Court

visit us at quickstudy.com
Customer Hotline 1-800-333-8332
We welcome your feedback, but we can't guarantee that we'll respond to your suggestions.

© 2002, Inc. All Rights Reserved. All Rights Reserved.

Continued on next page



Synopsis

Civil law is extending into areas undreamt of just a few years ago, and our study guide helps you stay informed. Â

Book Information

Series: Quickstudy: Law

Pamphlet: 4 pages

Publisher: QuickStudy; Lam Crds edition (November 21, 2005)

Language: English

ISBN-10: 157222956X

ISBN-13: 978-1572229563

Product Dimensions: 8.5 x 11 x 0.1 inches

Shipping Weight: 0.3 ounces (View shipping rates and policies)

Average Customer Review: 4.7 out of 5 starsÂ Â See all reviewsÂ (39 customer reviews)

Best Sellers Rank: #5,426 in Books (See Top 100 in Books) #3 inÂ Books > Law > Rules &

Procedures > Civil Procedure #1660 inÂ Books > Reference

Customer Reviews

well, the idea is great. Having something so clearly written out and easy to read is awesome. My only problem is that it is outdated, therefore some of the information is outdated and incorrect, which is a big issue.

What BarCharts are NOT: a comprehensive study guide. You cannot do well on a law school exam or bar exam relying solely upon BarCharts. That is not their purpose. What BarCharts ARE: a condensed overview of the black letter law. Use them as a quick reference to understand the material during the semester. Use them as a REVIEW of the material you (should) have already studied for the exam. In law school, BarCharts were the last thing I skimmed over before taking an exam. It's a good refresher. Same with the bar exam. I skimmed over my BarCharts both nights before the exam.

I love these... I am a list person. Love top 10's and all that kind of stuff, so these fit the bill. Breaks down several areas with basic/top info to know. Nice quick review in sturdy lamination.

I bought two huge supplemental textbooks, won a supplement via a Lexis raffle, and hauled around

two of the commercial outlines that Bar prep programs give away. Ultimately, it came down to this bad boy. Because of this product, my highest exam grade was in Civ Pro. Trust me, I thought I was on my way to getting a D in that course. Definitely buy!

We own a series of Quick Study guides. These guides are clearly not a substitute for 500-page study books, but are generally very useful quick references. We routinely consult the Quick Study guides when we need to write something with a legal slant, on a scientific topic, or merely a flawlessly punctuated document. This is a generic review, as one could always argue what each Quick Study guide should contain or shouldn't contain. As a general, basic reference, the sturdy guides are excellent, well-organized, and concise.

What these laminates do better than nearly any other resource is to give you a general overview and guide so you can understand where the material is going. Similar to the artist's technique where you have to create a vague rough sketch to understand proportion and relevance, these allow you to understand the significance of minutia and detail in the bigger schematic. Also great refresher if you are return after a long time away and your own notes don't make sense anymore. The Bad: These cannot replace the actual text or class material, though of the entire series Constitutional Law, Civil Procedure and Criminal Procedure come closest. Also, some of the case references are outdated. In particular, they do not have the 2007 amendments to FRCP which have been in effect for some time now. The Ugly: For those gunners out there, the laminate surface also makes these perfect to buy a second set to keep in the can for those "first thing in the morning" study sessions.

go and simple easy to follow and understand. a great companion to have in your brief case at all times. Excellent for a Pro Se

SUPER easy and convenient chart. When I was studying for the Civ Pro final, this chart really brought things together and put it in a format that was easy to study. I would recommend it for anyone taking Civil Procedure, or studying for the bar.

[Download to continue reading...](#)

Glannon Guide To Civil Procedure: Learning Civil Procedure Through Multiple-Choice Questions and Analysis, Third Edition Civil Procedure (Quickstudy: Law) Legal Terminology And Phrases: Essential Legal Terms Explained You Need To Know About Civil Law And Civil Procedure 2016 Federal Civil Rules Booklet (For Use With All Civil Procedure and Evidence Casebooks) Federal

Civil Rules Supplement: 2016-2017, For Use with All Civil Procedure Casebooks (Selected Statutes) 2015 Federal Civil Rules Booklet (For Use With All Civil Procedure and Evidence Casebooks) 2014 Federal Civil Rules Booklet (For Use With All Civil Procedure Casebooks) 2012 Federal Civil Rules Booklet (For Use With All Civil Procedure Casebooks) Law in a Flash Cards: Civil Procedure Part I Emanuel Law Outlines: Civil Procedure Emanuel Law Outlines: Civil Procedure, Keyed to Yeazell Civil Procedure Stories (Law Stories) Intellectual Property Law (Quickstudy: Law) Mastering Multiple Choice for Federal Civil Procedure MBE Bar Prep and 1L Exam Pre (Career Guides) Mastering Multiple Choice for Federal Civil Procedure MBE Bar Prep and 1L Exam Prep (Career Guides) Federal Civil Procedure Complete (All The Rules) Casenote Legal Briefs: Civil Procedure, Keyed to Friedenthal, Miller, Sexton, and Hershkoff, Eleventh Edition Casenotes Legal Briefs: Civil Procedure, Keyed to Subrin, Minow, Brodin, & Main, Fourth Edition (Casenote Legal Briefs) CrunchTime: Civil Procedure (Emanuel Crunchtime) Civil Procedure, 7th Edition (Examples & Explanations)

[Dmca](#)