

Multistate Bar Exam Outlines

CIVIL PROCEDURE

1. **PERSONAL JURISDICTION** – jurisdiction over the parties in the state. Must satisfy a state **statute** and **due process** under the constitution.
 - a. **Long Arm Statutes** – Used to assert a state's jurisdiction over non-residents. (2 types)
 - i. **General** – permit a state court to exercise jurisdiction over any party as long as it is constitutionally permissible.
 - ii. **Enumerated** – Narrow and provide that only certain acts will warrant jurisdiction.
 - b. **In Personam** – Jurisdiction over the person based on **contacts** with the forum state
 - i. **Traditional Basis**
 1. **Consent**.
 2. **Personally Served with process** within the state, (if not tricked or forced into forum) or
 3. **Domiciled** within the state.
 - ii. **Minimum Contacts** – “Whether the D has such **minimum contacts** with the forum so that exercise of jurisdiction does not offend traditional notions of **fair play and substantial justice**”
 1. **Contact** – There must be a **relevant tie** between the D and the forum state.
 - a. **Purposeful Availment** – “Purposely availed himself to the benefits and protections of the forum state”
 - i. i.e. trying to make money, using roads, causing effect in state.
 - ii. Internet – Interactive websites are sufficient, passive websites are not.
 - b. **Foreseeability** – “Reasonably likely to be hauled into court there”
 2. **Fairness** – “fair play and substantial justice”
 - a. **Relatedness** between the contact and plaintiff's claim.
 - i. **Specific** – Does P's claim arise from the D's contact with the forum state?
 1. IF so only **minimal contacts** are required.
 2. D can only be sued there for a claim arising from those activities
 - ii. **General** – Does P's claim NOT arise from D's contact with the forum state?
 1. IF so need **continuous, substantial and systematic** contacts with the forum. (i.e. doing business, domicile, incorporation)
 2. D can be sued there for a claim that arose anywhere in the world
 - b. **Convenience** – The forum is OK unless it puts D at a **severe disadvantage** in the litigation. (very hard standard to meet)
 - c. **State's Interest** – In providing the forum to its citizens
 - c. **In Rem** – A court possesses the power to determine the status of property within its state with respect to all possible interest holders in that property.
 - d. **Quasi In Rem** – Proceeding against a person based on the presence of that person's property within the state. Modernly must meet a **minimum contacts analysis**.
 - i. **Note** – Jurisdiction is limited to the amount of property.
2. **SUBJECT MATTER JURISDICTION (Power over the CASE)**
 - a. **Diversity of Citizenship**

Blonds Multistate Questions

Jianjun Gao



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Barbri Bar Review ,2008 *Forthcoming Books* Rose Arny,1993-04 **Ethical Problems in the Practice of Law** Lisa G. Lerman,Philip G. Schrag,2005 Ethical Problems in the Practice of Law

Blonds Multistate Questions Book Review: Unveiling the Magic of Language

In an electronic digital era where connections and knowledge reign supreme, the enchanting power of language has become apparent than ever. Its ability to stir emotions, provoke thought, and instigate transformation is really remarkable. This extraordinary book, aptly titled "**Blonds Multistate Questions**," published by a highly acclaimed author, immerses readers in a captivating exploration of the significance of language and its profound effect on our existence. Throughout this critique, we shall delve into the book's central themes, evaluate its unique writing style, and assess its overall influence on its readership.

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