

Civil Procedure: Examples and Explanations

Part 1: Choosing a Proper Court

1. Personal Jurisdiction: The Enigma of Minimum Contacts
 - A. Introduction
 - B. The Minimum Contacts Test
 - C. Specific and General Jurisdiction: The “Shoe Spectrum”
 - D. Some Guidelines in Applying Minimum Contacts
 - E. Purposeful Availment
 - F. Other Factors in the Jurisdictional Calculus

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 - A. Introduction
 - B. “Enumerated Act” Long-Arm Statutes
 - C. Going to the Limits of Due Process
 - D. Uniform Interstate and International Procedure Act

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 - A. Introduction
 - B. Challenging Jurisdiction in the Rendering State
 - C. Challenging Jurisdiction in the Enforcing State

4. Diversity Jurisdiction: When Does Multiplicity Constitute Diversity?
 - A. Introduction
 - B. The Meaning of State Citizenship
 - C. The Amount-in-Controversy Requirement

5. Personal and Subject Matter Jurisdiction: The First Two Rings
 - A. Introduction
 - B. Basic Distinctions
 - C. Sources of Confusion
 - D. Personal Jurisdiction in the Federal Courts

6. Second Guessing the Plaintiff’s Choice of Forum; Removal
 - A. Introduction
 - 1) Traditional rule has been that the P chooses the forum in which to bring suit, subject to the limitations of PJ, SMJ, and venue; P chooses the geographical place of suit by suing in the courts of the state he prefers, choose the court system in which to litigate by starting in either fed or st ct
 - 2) Removal is an exception to this rule
 - 3) Fed removal statutes allow the D, after P has chose a st ct, to “second-guess” that choice by “removing” some types of cases from the st ct to a fed ct; once properly removed, the case becomes a fed case, and the st ct loses jur over it
 - 4) Rationale for removal is that D as well as P should have the option to choose fed ct for cases w/n the fed jur – that jur is intend to protect both parties, and therefore both parties should have access to it
 - 5)
 - B. The Procedure for Removal