

**PROFESSOR MARTIN L. SEEGER, IV
CIVIL PROCEDURE**

**EMPIRE SCHOOL OF LAW
DECEMBER, 2012**

**ISSUE OUTLINE
QUESTION ONE
MIDTERM EXAM - DECEMBER 2012**

ISSUE 1:

This part requires a discussion of personal jurisdiction. This issue is whether or not a state may subject a Defendant to its jurisdiction based upon the activity of in state, even if attenuated. It calls for a discussion of the various cases dealing with personal jurisdiction and particularly World-Wide Volkswagen.

ISSUE 2:

This question requires a discussion of the "Minimum Contacts" test of International Shoe and its progeny.

ISSUE 3:

This question deals with the common law concept of Forum Non Conveniens and the statutory grounds for a transfer to a district where it might have been brought.

ISSUE 4:

This question deals with Subject Matter Jurisdiction and the waiver and consolidation provisions of Rule 12, FRCP.

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**ISSUE OUTLINE
QUESTION TWO
MIDTERM EXAM - DECEMBER 2012**

ISSUE 1:

This question deals with the statutory ground for removal and remand, subject matter jurisdiction and proper venue.

ISSUE 2:

This question deals with the waiver and preservation of defenses under Rule 12, FRCP.

ISSUE 3:

This question involves a complete discussion of the Erie Doctrine and the several cases interpreting it.

ISSUE 4:

This question requires a discussion of Subject Matter Jurisdiction and the waiver of a challenge based on that defense, or not.