

Empire College School of Law
Professor Seeger
Civil Procedure – Fall 2013 Midterm
Issue Outline

Question One

1. The first question calls for a discussion on service and an analysis of personal jurisdiction on an out of state defendant. It also calls for a discussion of substitute service under Rule 4 FRCP.
2. This question calls for a discussion of personal jurisdiction over an out of state defendant and the analysis of the “Minimum Contacts” test for personal jurisdiction.
3. The third part of this case calls for a discussion of venue under both state and federal venue rules. A discussion of the common law doctrine of “Forum Non Conveniens” was also called for.
4. The last part of this question calls for a discussion of Removal under federal law and the proper venue for such removal.

Question Two

1. The first part of this question called for a discussion of Rule 12 FRCP and federal subject matter jurisdiction.
2. The second part of this question called for a discussion about the waiver provisions of Rule 12 FRCP.
3. This part calls for a discussion of venue, transfer and the common law doctrine of Forum Non Conveniens.
4. The last part of this question called for a discussion of the Erie Doctrine and the law to be used in Federal Court