

FEDERAL JURISDICTION AND PROCEDURE

BARBRI BOOK EXAMPLE

FEDERAL JURISDICTION AND PROCEDURE

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INTRODUCTION

This outline is designed to acquaint you with commonly tested areas within the fields of federal jurisdiction and procedure. These are: personal jurisdiction, subject matter jurisdiction, venue, discovery, pleading and motion practice, and joinder of multiple parties.

A. PERSONAL JURISDICTION

Personal jurisdiction refers to the ability of a court to exercise power over a particular defendant or item of property. It may be categorized as in personam, in rem, or quasi in rem. The primary limitations on a court's power to exercise personal jurisdiction are found in the United States Constitution and state statutes.

B. SUBJECT MATTER JURISDICTION

The subject matter jurisdiction of the federal courts is limited to that authorized by the Constitution as implemented by federal statute and decisional law. In general, it may be categorized as follows:

1. Diversity of Citizenship Jurisdiction

Diversity of citizenship jurisdiction under 28 U.S.C. section 1332 is grounded historically in the desire to protect out-of-state parties from local prejudice. Its main requirement is that there be complete diversity between opposing parties. Each plaintiff must be of diverse citizenship from each defendant. Also, the amount in controversy must exceed \$75,000.

2. Federal Question Jurisdiction

Federal question jurisdiction under section 1331 presents fewer specific difficulties. The principal problem in this area is to determine when an action "arises under" federal law. A secondary problem is to know what types of actions are within the exclusive jurisdiction of the federal courts under other specific statutes.

3. Removal Jurisdiction

Removal jurisdiction allows defendants to remove an action brought in a state court to a federal court if the federal court would have had original jurisdiction over the action.

4. Supplemental Jurisdiction

The doctrine of supplemental jurisdiction is codified under section 1367 and includes, under a single name, the concepts of "ancillary" and "pendent" jurisdiction. In any form, supplemental jurisdiction allows a federal court to entertain certain claims over which it would have no independent basis of subject matter jurisdiction, *i.e.*, claims that do not satisfy diversity or federal question jurisdiction requirements. It is important to note that supplemental jurisdiction operates only after a claim has invoked federal subject matter jurisdiction, after the case is properly in federal court. Supplemental jurisdiction operates to bring additional claims into that case that arise from the same transaction or occurrence as the original claim, but it cannot be used to get the case into federal court in the first instance.

C. VENUE

Venue is the designation of the proper district in which to bring an action. Venue will depend on the nature of the jurisdiction (*i.e.*, whether federal question or diversity of citizenship), and on the nature of the parties (*i.e.*, whether corporate or natural persons).

2. FEDERAL JURISDICTION AND PROCEDURE



D. DISCOVERY

Discovery issues principally revolve around the scope of the examination allowed in discovery, the uses of depositions at trial, and the available methods of enforcing discovery rights.

E. MULTIPLE PARTIES

Multiple party questions concern whether various types of joinder are permitted under federal law and, if so, whether there is a jurisdictional basis for a particular attempted joinder. The majority of the issues that arise in this area are grounded in the interpretation or application of statutes and the Federal Rules of Civil Procedure (“Federal Rules”), and also require knowledge of subject matter jurisdictional bases, especially supplemental jurisdiction.

I. PERSONAL JURISDICTION

A. OVERVIEW

There are two branches of jurisdiction: subject matter jurisdiction and personal jurisdiction. *Subject matter jurisdiction* involves the court's power over a particular *type of case*. *Personal jurisdiction* involves the ability of a court having subject matter jurisdiction to exercise power over a *particular defendant or item of property*. This section discusses personal jurisdiction.

1. Limitations on Personal Jurisdiction

Limitations on a court's personal jurisdiction arise from two sources: state statutes and the United States Constitution. An exercise of personal jurisdiction must not exceed the limitations of either source.

a. Statutory Limitations

States have the power to decide over whom their courts may exercise jurisdiction. Therefore, the first place to look to determine whether the court has properly exercised personal jurisdiction is state law. If no state statute grants the court the power over the parties before the court, then the court lacks personal jurisdiction. On the other hand, an exercise of jurisdiction will not be proper merely because it comports with a state statute; it must also be within the limitations set by the Constitution (below).

b. Constitutional Limitations

The Due Process Clause of the Constitution places two restrictions on the exercise of personal jurisdiction. First, the defendant must have such contacts with the forum state that the exercise of jurisdiction would be fair and reasonable. Second, the defendant must be given appropriate notice of the action and an opportunity to be heard. Note that these requirements are the outer limits to which a state may reach in exercising jurisdiction over a person. A state statute cannot exceed these constitutional boundaries, but is not required to exercise the full limit of constitutional power. Thus, in evaluating jurisdiction over a person, both constitutional and statutory limitations must be considered.

c. Personal Jurisdiction in Federal Courts

The main jurisdictional problem in state courts arises when the defendant over whom power is sought lives in another state. Since the federal borders encompass all states, one might expect that federal courts would encounter problems of personal jurisdiction only when the defendants were foreign nationals. However, Rule 4 of the Federal Rules provides that, absent some special federal provision, each federal court must analyze personal jurisdiction *as if it were a court of the state in which it is located*. Thus, in nearly every case, the assessment of whether the court has personal jurisdiction over the defendant will be exactly the same in federal court as it is in state court.

2. Three Types of Personal Jurisdiction

a. In Personam Jurisdiction

In personam jurisdiction exists when the forum has power over the person of a particular defendant. (Jurisdiction over a plaintiff is generally not an issue because the plaintiff accedes to the court's jurisdiction by bringing suit in that court.) In these cases, the court may render a money judgment against the defendant or may order the defendant

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