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Civil Procedure (Quickstudy: Law)

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Quick Study
LAW

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VIL PROCEDURE

JURISDICTION

SUBJECT MATTER COURT'S POWER TO JUSTIFY THE TYPE OF CASE BEFORE IT

FEDERAL QUESTION [28 USC §1331]

- 1. Federal law creates the cause of action or Plaintiff's right to relief depends on the violation of a substantial portion of Federal law

EXAMPLES

- 1. Federal statute
- 2. Cause of action may come within sphere of statute but not necessarily jurisdiction to suit [Thomson's v. American]
- 3. Admiralty cases
- 4. Antitrust cases not showing clear violation of Federal antitrust statute [Shelton v. Carter & Sons, Inc.]
- 5. Interstate Commerce, Copyrights, and Patents
- 6. Constitution of patent, including issue of an article, suit, in which constitutionality question [Shelton v. Carter]
- 7. Contracts with U.S. in party
- 8. Federal statutes
- 9. Commerce between U.S. citizens and foreigners
- 10. The question in controversy does not matter if there is a Federal question involved

DIVERSITY [28 USC §1332]

- 1. Controversy between citizens of different States, or between citizens of a State and citizens of a foreign State, and the action is for more than \$75,000
- 2. State has controls to maximize wrongful death claims [Shelton v. Carter & Sons, Inc.]
- 3. Aggregation of claims same claims may be added together or not
- 4. Federal courts may file suits to sue jurisdiction
- 5. When distribution during suit Federal courts have less jurisdiction in difficulty of questions of State law presented or the Federal jurisdiction in State court is more convenient
- 6. Federal courts are not subject to the same rules of the State
- 7. When parties, foreign, sue the State part of the suit
- 8. When parties, foreign, sue the State part of the suit

COMPLETE DIVERSITY

- 1. No one Plaintiff or defendant is a citizen of the same State as any one Defendant
- 2. Remove the citizenship of Plaintiff (2-part test)
- 3. Plaintiff's citizenship is not a factor in determining whether the action is removable
- 4. If the action is removable then it is removable
- 5. Diversity must exist at the time of the Complaint in the State of the Court
- 6. Diversity must exist at the time of trial as well as the time of the Complaint
- 7. Complete diversity from the time of the trial [judgment is entered if majority is 5-4]
- 8. Citizenship of Corporations
- 9. A State of incorporation
- 10. A State of principal place of business is located
- 11. Class Actions
- 12. The natural representative is the person whose interests are best protected
- 13. U.S. citizens filing abroad
- 14. Two citizens of one State, therefore, cannot sue diversity

SUPPLEMENTAL JURISDICTION (28 USC §1367)

INCIDENTAL JURISDICTION

- 1. Defendant with counter-claim, cross-claim, or third-party claim may bring them in a Federal court as long as Federal court has jurisdiction over defendant claim
- 2. Other claims by defendant parties who would otherwise lose their right to claim as they are integrated with the main claim
- 3. Subject matter (S.M.J.) does not apply to claims (S.M.J.) does not apply to claims
- 4. Plaintiff's claims are not subject to S.M.J.
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PLAINTIFF'S CLAIM IS REMOVED

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- 25. Plaintiff with valid Federal claim against one Defendant may sue jurisdiction



Synopsis

Civil law is extending into areas undreamt of just a few years ago, and our study guide helps you stay informed. Â

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Customer Reviews

well, the idea is great. Having something so clearly written out and easy to read is awesome. My only problem is that it is outdated, therefore some of the information is outdated and incorrect, which is a big issue.

What BarCharts are NOT: a comprehensive study guide. You cannot do well on a law school exam or bar exam relying solely upon BarCharts. That is not their purpose. What BarCharts ARE: a condensed overview of the black letter law. Use them as a quick reference to understand the material during the semester. Use them as a REVIEW of the material you (should) have already studied for the exam. In law school, BarCharts were the last thing I skimmed over before taking an exam. It's a good refresher. Same with the bar exam. I skimmed over my BarCharts both nights before the exam.

I love these... I am a list person. Love top 10's and all that kind of stuff, so these fit the bill. Breaks down several areas with basic/top info to know. Nice quick review in sturdy lamination.

I bought two huge supplemental textbooks, won a supplement via a Lexis raffle, and hauled around

two of the commercial outlines that Bar prep programs give away. Ultimately, it came down to this bad boy. Because of this product, my highest exam grade was in Civ Pro. Trust me, I thought I was on my way to getting a D in that course. Definitely buy!

We own a series of Quick Study guides. These guides are clearly not a substitute for 500-page study books, but are generally very useful quick references. We routinely consult the Quick Study guides when we need to write something with a legal slant, on a scientific topic, or merely a flawlessly punctuated document. This is a generic review, as one could always argue what each Quick Study guide should contain or shouldn't contain. As a general, basic reference, the sturdy guides are excellent, well-organized, and concise.

What these laminates do better than nearly any other resource is to give you a general overview and guide so you can understand where the material is going. Similar to the artist's technique where you have to create a vague rough sketch to understand proportion and relevance, these allow you to understand the significance of minutia and detail in the bigger schematic. Also great refresher if you are return after a long time away and your own notes don't make sense anymore. The Bad: These cannot replace the actual text or class material, though of the entire series Constitutional Law, Civil Procedure and Criminal Procedure come closest. Also, some of the case references are outdated. In particular, they do not have the 2007 amendments to FRCP which have been in effect for some time now. The Ugly: For those gunners out there, the laminate surface also makes these perfect to buy a second set to keep in the can for those "first thing in the morning" study sessions.

go and simple easy to follow and understand. a great companion to have in your brief case at all times. Excellent for a Pro Se

SUPER easy and convenient chart. When I was studying for the Civ Pro final, this chart really brought things together and put it in a format that was easy to study. I would recommend it for anyone taking Civil Procedure, or studying for the bar.

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