

CIVIL PROCEDURE

I. United States Constitution (USC)

USC creates federal courts of limited jurisdiction (USC Art. III, §2)

The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish.

The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority; to all Cases affecting Ambassadors, other public Ministers and Consuls; to all Cases of admiralty and maritime Jurisdiction; to Controversies in which the United States shall be a Party; to Controversies between two or more States between a State and Citizens of another State; between Citizens of different States between Citizens of the same State claiming Lands under Grants of different States and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

II. Federal rules of civil procedure (FRCP)

III. United States Code (title 28 USC)

FOCAL SUBJECT MATTER JURISDICTION

SCOPE

1. USC limitations make federal courts "courts of limited jurisdiction" (Dress, *Empire Nat'l Bank v. United States*, 392 U.S. 190).
2. State courts are generally presumed to have subject matter jurisdiction over a case, except if it is an exclusive federal.
3. Federal courts have the authority to determine whether it has jurisdiction (United States v. Balle and United States v. Balle, 408 U.S. 1092).
4. Federal court is presumed to lack subject matter jurisdiction.
5. Every pleading federal jurisdiction from the burden of persuasion. (Hoffman v. Grunstein, 402 U.S. 1304).
6. Subject matter jurisdiction is an Article III as well as a statutory requirement (Shawmut Corp. of Indiana v. Campagna, 392 U.S. 190).
7. Plaintiff must establish subject matter jurisdiction.
 - a. Party cannot establish subject matter jurisdiction.
 - b. Plaintiff must establish subject matter jurisdiction.
 - c. Cannot be waived by failing to timely challenge.
8. Subject matter jurisdiction. Power of a court to adjudicate a particular type of matter and provide the remedy demanded. Litigants may successfully challenge the validity of a judgment where subject matter jurisdiction is lacking.
9. A motion to dismiss for lack of subject matter jurisdiction is considered a federal civil procedure and may be raised at any point in the litigation process for court and state (FRCP 12.03).
10. Congress may limit the subject matter jurisdiction of certain courts.
 - a. US Tax Court subject matter jurisdiction is limited to cases related to taxation.
 - b. Bankruptcy Courts: Federal court of constitutional standing. The standing requirement, as governed by USC Art. III, limits federal courts to adjudicate only cases or controversies. A case or controversy must comprise an actual injury, which is ascertainable as a defendant and susceptible to judicial redress (Lujan v. Defenders of Wildlife).
 - c. Federalism is an essential component in the jurisdictional division between state and federal tribunals.

PERSONAL JURISDICTION

CONSTITUTIONAL ELABORATIONS

1. Activities must be systematic and continuous (Hoffman v. Grunstein, 402 U.S. 1304).
2. Activities must be purposeful directed towards the forum state (Lombard v. Lombard, 402 U.S. 1304).
3. Defendant must purposefully avail himself of the privilege of the forum state (Hoffman v. Grunstein).
4. Possibility of litigation must be foreseeable (Hoffman v. Grunstein, 402 U.S. 1304).
5. There must be a connection between litigation, defendant, and forum state.
 - a. The mere presence of property is not enough unless Defendant had necessary "minimum contact" (Hoffman v. Grunstein).

MINIMUM CONTACT PRINCIPLE

1. Constitutional requirement that a Defendant have certain minimum contacts with the forum in which the court sits so that suit may proceed prior over the Defendant (Hoffman v. Grunstein, 402 U.S. 1304).
2. Forum state must have granted power to the courts to exercise jurisdiction over the Defendant.

SUPPLEMENTAL JURISDICTION

SCOPE

1. Allow a federal court to adjudicate a claim, even which it would not have subject matter jurisdiction independently, on the basis of that claim's connection to a related claim over which the federal court does have jurisdiction (28 USC § 1367).
2. E.g. Plaintiff not satisfying the minimum amount-in-controversy requirement when at least one Plaintiff owns such registered claims (Hoffman v. Grunstein, 402 U.S. 1304).
3. Aggregation of Claims: Claims may be added together to satisfy jurisdictional amount.
4. Federal courts may still decline to exercise jurisdiction.
 - a. Under abstention doctrine: Federal courts decline to state courts based on the difficulty of the questions of state law presented on the related litigation in state court.
 - b. When diversity is obtained from improper or collusive joinder of the parties.
 - c. When state law issues are the main part of the suit.
 - d. When state law issues are the main part of the suit.
5. ADDITIONAL CLAIMS/CLAIMS
 1. Defendant with counterclaims, cross-claims, or third-party claims may bring them to federal court as long as the federal court has jurisdiction over the original claim.
 - a. Allow claims by defendant parties who would otherwise have lost their right to claims or be required to remove the claims to state court.
 - b. Tolling provisions (28 USC § 1367(d)) does not apply to claims filed in federal court against noncontroversial claims (Hoffman v. Grunstein, 402 U.S. 1304).
 2. Applies to the diversity and federal question claim.
 3. Applies to:
 - a. Compulsory counterclaims (FRCP 13(a)).
 - b. Joinder of additional parties to counterclaims (FRCP 13(b)).
 - c. Cross claims (FRCP 13(c)).
 - d. Interpleader (FRCP 22, 28 USC § 1335).
 4. Does not apply to:
 - a. Permissive counterclaims (FRCP 13(b)).
 - b. Impleader of third party defendants (FRCP 14).
 - c. Joinder of claims (FRCP 18).
 - d. Joinder of parties needed for just adjudication (FRCP 19).
 - e. Joinder of parties (FRCP 20).
 - f. Interventions of right (FRCP 24(a)).
 - g. New actions in which a federal judgment creditor seeks to impose liability for a money judgment on a person not otherwise liable for the judgment (Hoffman v. Grunstein).
6. Does not abridge jurisdiction over the parties' requirement.

PLAINTIFF'S CLAIMS/CLAIMS

1. Plaintiff with valid federal question claims may bring along a state-based claim in federal court.
 - a. Must derive from the common nucleus of operative fact.
 - b. It is the court's discretion whether to hear the plaintiff claim based on the considerations of the federal court's convenience, and federal interests.

PLAINTIFF'S PARTY JURISDICTION

1. Plaintiff with a valid federal claim against one defendant may bring a state-based claim against the second defendant even where no independent basis of federal jurisdiction exists.
 - a. Must derive from the common nucleus of operative fact.
 - b. Does not apply to diversity jurisdiction.

2. The defendant is present in the forum where served.
3. The defendant is domiciled in the forum.
4. The defendant consented to jurisdiction in advance, by filing an action, by appearing, or consents voluntarily to court.
5. The state's long arm statute provides for jurisdiction.
6. Generally, wherever a party appears in a court without objecting to the court's lack of jurisdiction over it, the objection is waived (FRCP 12.03).
7. MINIMUM CONTACTS TEST (Hoffman v. Grunstein, 402 U.S. 1304).
8. Does Defendant have such minimum contacts with the forum state so that the exercise of jurisdiction does not offend traditional notions of fair play and substantial justice?
 - a. Determined by:
 - i. Purposeful availment, such that the Defendant's voluntary act to reach-out into the forum state was the cause of jurisdiction.
 - ii. Putting goods into the stream of commerce, using the forum state's highways, or taking advantage of the state's corporate law.
 - iii. Foreseeability: Defendant knew or should have known that it could get sued in the forum state.
 - iv. Balance of the following factors:
 1. The defendant is present in the forum where served.
 2. The defendant is domiciled in the forum.
 3. The defendant consented to jurisdiction in advance, by filing an action, by appearing, or consents voluntarily to court.
 4. The state's long arm statute provides for jurisdiction.

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