

ISSUE CHECKLIST – CIVIL PROCEDURE (ONE PAGE)

PERSONAL JURISDICTION

- Authorized by statute
 - Traditional bases
 - Long-arm statute
- Constitutional limitations
 - Minimum contacts – purposeful availment and foreseeability
 - Fairness – relatedness, convenience, state's interest
 - Notice to D

SUBJECT MATTER JURISDICTION

- Diversity of citizenship
 - Diversity among parties
 - >75k
- Federal question
- Supplemental jurisdiction
 - Common nucleus test
- Removal and remand

VENUE

- Is current venue appropriate
- Should case be transferred – original venue not appropriate/original venue appropriate

ERIE DOCTRINE

- Federal question jurisdiction
- Diversity jurisdiction – substantive or procedural issue – outcome determinative test, balance of interest test, forum shopping deterrence

SERVICE OF PROCESS

- Who, how, time limit

INJUNCTIONS

- Preliminary injunction
- TRO

PLEADINGS

- Complaints
- Pre-answer motions: motion to dismiss for (1) lack of SMJ, (2) lack of PJ, (3) improper venue, (4) insufficiency of process, (4) insufficiency of service of process, (5) failure to state a claim, (6) failure to join needed party
- Motion for more definite statement
- Motion to strike

- Answer
- Default/default judgement
- Compulsory counterclaim
- Permissive counterclaim
- Amendments – relation back
- Rule 11

JOINDER OF PARTIES

- Compulsory joinder
- Permissive joinder

JOINDER OF CLAIMS

- Class actions
- Class action fairness act
- Interpleader
- Intervention of right
- Permissive intervention
- Interpleader/TPP
- Cross-claims

DISCOVERY

- Initial disclosures
- Privileges – attorney-client, work product privilege, physician-patient privilege
- Expert testimony
- Pretrial disclosures
- Electronically stored information
- Depositions
- Failure to disclose/supplement
- Physical/mental exams
- Pretrial conferences – conference of parties, scheduling conference

PRETRIAL AND TRIAL PROCEDURE

- Right to jury trial
- Summary judgement
- Judgement as a matter of law
- Renewed motion for judgement as a matter of law
- Motion for new trial

POST-TRIAL PROCEDURE

- Motion for relief from judgement
- Appeals: final judgement rule, interlocutory appeals
- Claim preclusion (res judicata)
- Issue preclusion (collateral estoppel)

