



CALIFORNIA BAR EXAM
MULTIPLE-CHOICE QUESTION EXAM CONTENT MAP
CIVIL PROCEDURE

The topics listed below are illustrative of those covered in Federal Civil Procedure, but are not exhaustive. Applicants should assume that the Federal Rules of Civil Procedure and the provisions of Title 28 of the U.S. Code relating to jurisdiction and venue have been adopted and apply, unless the question specifies otherwise. Applicants should assume that all references to the Constitution, including the term “constitutional,” are to the federal Constitution unless otherwise specified. The percentages listed next to each section represent the approximate percentage of questions on the exam that will be drawn from this subject.

I. Federal Subject-Matter Jurisdiction – 4%

- A. Diversity Jurisdiction
- B. Federal-Question Jurisdiction
- C. Supplemental Jurisdiction

II. Personal Jurisdiction – 4%

- A. Specific and General Jurisdiction
- B. Traditional Bases for Personal Jurisdiction
 - 1. Consent
 - 2. Service
 - 3. Domicile
- C. Modern Due Process or Constitutional Tests
 - 1. Long-arm statutes
 - 2. Minimum contacts test
 - 3. Substantial business

III. Removal and Remand – 4%

- A. Removal to Federal Court
- B. Remand to State Court

IV. Notice and Service of Process – 4%

- A. Due Process Notice Requirements
- B. Service of Process
- C. Waiver of Service

V. Venue – 4%

- A. Venue
- B. Transfer
- C. *Forum non conveniens*

VI. State Law Applied in Federal Courts – 9%

- A. *Erie* Doctrine
- B. Federal Common Law

VII. Pretrial Procedures – 22%

- A. Pleadings

1. Complaint
 2. Answer
 3. Counterclaims
 4. Crossclaims
 5. Other pleadings
- B. Amendment of Pleadings
- C. Multiple Parties and Claims
1. Joinder of claims
 2. Joinder of parties
 3. Class actions
- D. Discovery
1. Initial disclosures
 2. Devices
 3. Scope of discovery
 4. E-Discovery
 5. Privileges
 6. Inadvertent disclosure
 7. Sanctions
- E. Rule 11
- F. Pretrial Conferences and Orders
- G. Disposition without Trial
1. Voluntary dismissal
 2. Involuntary dismissal
 3. Summary judgment
 4. Default judgment
 5. Preliminary injunctions, permanent injunctions, and temporary restraining orders

VIII. Motions – 22%

- A. Pretrial Motions
1. Motion for judgment on the pleadings
 2. Motion for more definite statement
 3. Motion to strike
 4. Motions to dismiss
 5. Summary judgment motion
- B. Trial and Post-Trial Motions
1. Motion for Judgment as a Matter of Law
 2. Renewed Motion for Judgment as a Matter of Law
 3. Motion for relief from judgment or order
 4. Motion for new trial
 5. Remittitur/additur

IX. Trial – 9%

- A. Right to Jury Trial
- B. Demand for Jury Trial
- C. Jury Selection
- D. Jury Instructions

X. Judgments and Verdicts – 9%

- A. Types of Jury Verdicts
- B. Judicial Findings and Conclusions
- C. Issue and Claim Preclusion
- D. Defaults
- E. Dismissals

XI. Appeal and Review – 9%

- A. Interlocutory Review
 1. Final judgment rule
- B. Finality of Judgment
- C. Scope of Review