



CALIFORNIA BAR EXAMINATION CONTENT MAP CIVIL PROCEDURE

Applicants should be prepared to answer questions that have issues concerning the Federal Rules of Civil Procedure and the California Code of Civil Procedure. Applicants should be prepared to discuss the differences between the Federal Rules and the California Code of Civil Procedure, especially those California procedures of pleading and practice that have no specific counterparts in the Federal Rules.

The topics listed below are illustrative of those covered in Civil Procedure, but are not exhaustive.

- I. **Federal court subject-matter jurisdiction**
 - A. Article III, constitutional limitations
 1. Cases or controversies
 2. Requirement of pleading jurisdiction
 - B. Diversity jurisdiction
 1. Rule of complete diversity
 2. Determining citizenship/domicile
 - a. Citizenship of individuals
 - b. Citizenship of corporations
 3. Amount in controversy
 - a. Rule
 - b. Standard of proof
 - c. Aggregation of claims
 4. Limitation on removal
 - C. Federal-question jurisdiction
 1. Basis
 2. Well-pleaded complaint requirement
 - D. Removal jurisdiction
 1. Bases for removal
 2. Requirements for removal
 3. Removal procedure
 4. Remand where removal improper
 - E. Supplemental jurisdiction
 1. Basis for jurisdiction
 - a. Same case or controversy
 2. Applicability to diversity-jurisdiction cases

3. Discretion to decline supplemental jurisdiction
4. Precluded claims
- F. Lack of subject-matter jurisdiction
 1. Procedure for raising defects
 2. Consequences of lack of jurisdiction

II. Personal Jurisdiction

- A. Bases for in personam jurisdiction
 1. Consent
 2. Presence
 3. Domicile
 4. Long-arm statutes
 5. Minimum contacts test
 6. Specific and general jurisdiction
- B. In rem jurisdiction
- C. Quasi in rem jurisdiction

III. Notice and service of process

- A. Due process notice requirements
- B. Deceitful actions regarding service
- C. Opportunity to be heard

IV. Situs of the litigation

- A. Venue in federal court
 1. Venue in diversity cases
 2. Venue in federal question cases
 3. Change of venue
- B. Venue in state court
- C. Transfer
- D. Choice of law - *Erie* doctrine
- E. Forum non conveniens
 1. Federal court
 2. California state court

V. Pleadings

- A. Complaint
 1. Sufficiency
 - a. Notice pleading
 - b. Prayer for relief
- B. Special demurrer/motion for more definite statement
- C. Motion to strike
- D. Anti-Slapp motion
- E. Motion for judgment on the pleadings
- F. Motions to dismiss

1. Lack of subject-matter jurisdiction
 2. Lack of personal jurisdiction
 3. Failure to state a claim
 4. Improper venue
 5. Insufficient service of process
- G. Amendment of pleadings
1. Scope of amendments
 2. When amendments are permitted
 3. Effect of amendments
- H. Answer
1. Admissions
 2. Denials
 - a. Sufficiency of denials
 3. Affirmative defenses
 4. Counterclaims
 5. Time for filing

VI. Multiple parties and claims

- A. Joinder of claims
1. Permissive joinder
 2. Counterclaims
 - a. Compulsory
 - b. Permissive
 3. Crossclaims
 - a. Same transaction or occurrence
- B. Joinder of parties
1. Indispensable parties
 2. Conditionally necessary parties
 3. Permissive joinder
 4. Compulsory joinder
 5. Intervention
 6. Interpleader
 7. Impleader
- C. Class actions

VII. Discovery

- A. Initial disclosures
- B. Devices
1. Depositions
 2. Interrogatories
 3. Requests to produce documents or things
 4. Physical and mental exams
 5. Requests for admissions
 6. Motions to compel
- C. Scope of discovery

- D. Privileges
 - 1. Attorney-client
 - 2. Work product
 - a. Experts
- E. Accidental disclosure

VIII. Disposition without trial

- A. Voluntary dismissal
- B. Involuntary dismissal
- C. Summary judgment
- D. Default judgment
- E. Statutory offer to compromise

IX. Preclusion

- A. Claim preclusion (res judicata)
- B. Issue preclusion (collateral estoppel)

X. Trial

- A. Right to jury trial
- B. Jury selection
- C. Court trial
- D. Directed verdict/judgment as a matter of law

XI. Post-trial

- A. Motion for new trial
- B. Appeal
 - 1. Finality of judgment
 - 2. Sufficiency of evidence