

Assignment, Class Outline for Thursday June 8, 2006

- Read p. 200 – 237 in Field's text
 - Section 6: Selection of a Proper Forum: General Division between State and Federal Court Systems
 - The judicial power of the States
 - Review: Article III in the Constitution
 - Review: The 10th Amendment to the Constitution
 - The judicial power of the United States
 - Ref. Charles Alan Wright, Law of Federal Courts S. 12
 - Original jurisdiction given to district courts
 - 28 U.S.C. §§ 1331 (federal question)
 - 28 U.S.C. §§ 1332 (diversity of citizenship)
 - 28 U.S.C. §§ 1337 (commerce)
 - 28 U.S.C. §§ 1338 (patents)
 - 28 U.S.C. §§ 1343 (civil rights)
 - 15 U.S.C. §§ 15(a) (antitrust)
 - The Federal Question provision
 - Brief: *Louisville & Nashville Railroad Co. v. Mottley* (U.S. Supreme Court, 1908)
 - Ref. *Tennessee v. Union & Planter's Bank*
 - Ref. *Boston & Montana Consolidated Copper & Silver Mining Company v. Montana Ore Purchasing Company*
 - 28 U.S.C. §§ 2201 (creation of remedy)
 - Diversity of Citizenship Question
 - Brief: *Baker v. Keck* (U.S. District Court, Eastern District of Illinois, 1936)
 - Domicile of Students
 - Domicile of Wives
 - Citizenship of Corporations
 - Ref. *Marshall v. Baltimore & ORR*
 - 28 U.S.C. §§ 1332(c)(1) (diversity of citizenship, corporations)
 - Brief: *Kelly v. United States Steel Corp.* (3rd Circuit, 1960)
 - Ref. *Egan v. American Airlines* (EDNY 1962)
 - Ref. *Anniston Soil Pipe Co. v. Central Foundry Co.* (N.D. Alabama, 1963)
 - Ref. *J.A. Olson Co. v. City of Winona, Miss.* (5th Circuit, 1987)
 - Citizenship of Unincorporated Associations
 - Ref. *United Steelworkers v. R.H. Bouligny, Inc.* (US Supreme Court, 1965)
 - Desirability of Diversity Jurisdiction
 - 28 U.S.C. §§ 1332 (diversity of citizenship)
 - 28 U.S.C. §§ 1335 (interpleader)
 - 28 U.S.C. §§ 1369 (multiparty, multiforum jurisdiction)

- Removal Jurisdiction of the District Courts
 - 28 U.S.C. §§ 1441 (actions removable generally)
 - 28 U.S.C. §§ 1445(a) (nonremovable actions)
 - 28 U.S.C. §§ 1446-1450 (mechanics of removal)
 - Rule 11 FRCP
 - Rule 81(c) FRCP
- Choice of Forum
 - Ref. Finding the Forum for Victory, National Law Journal, Feb. 11, 1991 S3
- Review of State-Court Actions by the Supreme Court
 - 28 U.S.C. §§ 1257 (state courts, certiorari)
 - 28 U.S.C. §§ 1254 (courts of appeals; certiorari; certified questions)
- Section 7 – Selection of a Proper Forum: Limitations Resulting from Provisions as to Venue and Service of Process
 - Venue Requirement as Limitation
 - 28 U.S.C. §§ 1391 (venue generally)
 - 28 U.S.C. §§ 1332(c)(1) (diversity of citizenship)
 - Denver & R.G.W.R.R. v. Brotherhood of R.R. Trainmen
 - 28 U.S.C. §§ 1401 (stockholder's derivative action)
 - 28 U.S.C. §§ 1397 (interpleader)
 - Service of Process Requirement as Limitation
 - 5th Amendment (due process clause)
 - 14th Amendment (due process clause)
 - Rule 4 FRCP
 - 28 U.S.C. §§ 2361 (process and procedure)
 - Transfer of Cases from One Proper District Court to Another
 - 28 U.S.C. §§ 1404(a) (change of venue)
 - Addendum on Allocation of Court Business Among the States
 - 14th Amendment (due process clause)
- Section 8 More Complex Litigation: Multiple Parties and Multiple Claims
 - Jurisdiction and Venue
 - 28 U.S.C. §§ 1332 (diversity of citizenship)
 - Ref. Indianapolis v. Chase National Bank
 - Permissive Rejoinder of Parties
 - Rule 20, FRCP
 - Form 10, FRCP
 - Compulsory Joinder of Persons Needed for Just Adjudication
 - Rule 19
 - Ref. Shields v. Barrow
 - Interpleader
 - Rule 22
 - 28 U.S.C. §§ 1335 (interpleader)
 - 28 U.S.C. §§ 1397 (interpleader)
 - 28 U.S.C. §§ 2361 (process and procedure)
 - Third-Party Practice
 - Rule 14

- Cross-claims
- Class Actions
 - 28 U.S.C. §§ 1401 (stockholder's derivative action)
 - 28 U.S.C. §§ 1695 (stockholder's derivative action)
- Intervention
 - Rule 24
- General Observations
- Federal Rules of Civil Procedure
 - Notes: Rule 3
 - Notes: Rule 4
 - Notes: Form 1
 - Notes: Rule 20
 - Notes: Rule 19
 - Notes: Rule 22
 - Notes: Rule 14
 - Notes: Rule 13(g)
 - Notes: Rule 23
 - Notes: Rule 23.1
 - Notes: Rule 23.2