

# CASEBRIEFS

The Understanding Video  
Lecture Series™  
Introduction to Civil  
Procedure

# What IS Civil Procedure

- Essentially, it's how you move through a case. From bring a claim, or suing someone, to appeals, and everything in between.



# Personal Jurisdiction

- We will discuss when a court has the power to exercise jurisdiction over the particular parties to a lawsuit. Personal Jurisdiction focuses on the PERSON.



# Subject Matter Jurisdiction

- We will discuss when a federal court has constitutional and statutory authority to deal with the subject matter or substance of a lawsuit. This includes Diversity Jurisdiction, Federal Question Jurisdiction, Removal Jurisdiction, and Supplemental Jurisdiction.
- This is the Jurisdiction over the CASE, not the PERSON.



# Complaint and Answer

- We will discuss the way in which a lawsuit begins, the filing of the plaintiff's complaint. In addition, we will address any of the defendant's pre-answer motions, the waiver of certain defenses if not raised before filing an answer, and the defendant's answer.



# Service of Process

- We will discuss the requirements of due process when a lawsuit begins, including the rules for proper service of a summons and complaint, as well as voluntary waiver of service by the parties.



# Pleadings

- We will go over pleadings, and you will gain understanding of the procedures that commonly take place before discovery, or evidence gathering.
- Pleadings are appeals to the court, like a complaint (which starts the lawsuit) and answer, and other motions that might need to be filed.

# Reasons why a lawsuit fails

- We will address defenses that the defendant may raise when the plaintiff has failed to state a claim upon which relief can be granted, including when and how the defense may be raised.
- In addition, we will talk about the steps involved in a default judgment when a defendant fails to appear in a lawsuit, including the entry of default, the default judgment itself, the determination of damages, and setting aside a default.



# Amending Pleadings

- We will address ways to amend pleadings once they are filed. Who can amend them and why? Including things that might restrict amending pleadings.



# Sanctions

- We will discuss various ways that attorneys might be disciplined, for doing things like bringing frivolous lawsuits or pleadings.

# Issue and Claim Preclusion

- We will discuss when claims or entire lawsuits are barred due to the fact that they've been litigated before.

# Joinder

- We will discuss when multiple parties, including third parties, and claims may be joined in an effort to encourage judicial efficiency. We will also discuss when parties are necessary to a lawsuit, and thus **MUST** be joined.



# Discovery

- We will discuss the various ways that each party can obtain evidence, through “discovery” proceedings, and conversely, what things parties may NOT discover.

# Venue

- We will also discuss the appropriate venue to bring a claim. This is different from Subject Matter and Personal Jurisdiction, it focuses on the physical location in which a claim may be brought.



# Erie

- We will also discuss the Erie doctrine, a sometimes confusing doctrine that applies when we are in Federal Court with a state law claim.
- Erie focuses on whether we apply state or federal law.

# Summary Judgement

- Finally, we will talk about the concept of summary judgments, a way in which a court issues judgment on the merits of a case without trial, but only if there is no genuine dispute as to any material fact and the party is entitled to judgment as a matter of law.