

Essay Templates

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Studicata UBE/MEE Essay Templates

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CIVIL PROCEDURE

NOTE: Unless otherwise noted, templates are written under the assumption that all comprised rules are at issue. Paragraph indentions are included to help differentiate issues and sub-issues, and are unnecessary for actual essays.

SUBJECT MATTER JURISDICTION

The main issue is whether the federal court has subject matter jurisdiction.

A court must have subject matter jurisdiction to hear and decide a case before it. While state courts have unlimited jurisdiction, a federal court can generally only obtain subject matter jurisdiction under federal question jurisdiction, diversity jurisdiction, supplemental jurisdiction, or removal.

FEDERAL QUESTION JURISDICTION

The issue is whether the federal court has subject matter jurisdiction under federal question jurisdiction.

A federal court has subject matter jurisdiction under federal question jurisdiction if the complaint alleges a claim that arises under federal law. The well-pleaded complaint rule stipulates that the federal question must be presented on the face of the plaintiff's complaint.

Here, the plaintiff's complaint alleges _____. [Discuss whether the claim arises under federal law.]. _____'s [the defendant's] assertion that _____ is irrelevant. Under the well-pleaded complaint rule, the **plaintiff** must allege a claim that arises under federal law to trigger federal question jurisdiction – not the defendant.

In conclusion, the federal court [has/does not have] subject matter jurisdiction under federal question jurisdiction, because the plaintiff's complaint alleges a claim that [arises/does not arise] under federal law.

DIVERSITY JURISDICTION

The issue is whether the federal court has subject matter jurisdiction under diversity jurisdiction.

A federal court has subject matter jurisdiction under diversity jurisdiction if: (1) complete diversity is present such that every citizenship represented on the plaintiff's side of the case is different from every citizenship represented on the defendant's side of the case; **AND** (2) the amount in controversy **exceeds** \$75,000.

Complete Diversity

To determine whether complete diversity is present, we must first determine the citizenship of each party to the action.

Citizenship for Diversity Purposes

For individuals, citizenship is determined by the individual's state or country of domicile. Domicile is the place of residence where an individual intends to remain indefinitely. An individual can only have one domicile at a time.

Corporations hold dual citizenship for diversity purposes. A corporation is considered a citizen of **BOTH**: (1) the state or country of its incorporation; **AND** (2) The state or country of its principal

place of business. Generally, the corporation's principal place of business is found where the corporation's headquarters are located (i.e., "the nerve center").

Here, _____ [Identify the citizenship of **EACH** plaintiff and defendant to the action.].

Ultimately, complete diversity is _____ [present/not present], because _____ [Identify whether every citizenship represented on the plaintiff's side of the case is different from every citizenship represented on the defendant's side of the case. If any plaintiff shares citizenship with any defendant, complete diversity is not present.].

Amount in Controversy Requirement

Next, to determine whether diversity jurisdiction is present, we must determine whether the amount in controversy requirement is met.

The amount in controversy is the monetary value at stake in a lawsuit. Generally, this is the value of damages claimed or relief sought in the action. To meet this requirement, the amount in controversy must exceed \$75,000.

[*If there are not multiple claims involved]

Here, the amount in controversy [exceeds/does not exceed] \$75,000, because _____ [Discuss whether the damages claimed or relief sought exceeds \$75,000].

[*If there are multiple claims involved]

Aggregation of Claims

[*If there is 1 plaintiff and 1 defendant]

One plaintiff can aggregate all her claims against one defendant to exceed the \$75,000 amount controversy requirement.

Here, the plaintiff can aggregate [his/her] _____ [List all claims and monetary amounts] against the defendant, because all [his/her] claims are against one defendant.

Upon aggregation, the amount in controversy equals _____ [Calculate the total value of the aggregated claims], which _____ [exceeds/does not exceed] \$75,000.

[*If there is 1 plaintiff and multiple defendants]

One plaintiff can aggregate all her claims against multiple defendants if the defendants are jointly liable.

Here, the plaintiff [can/cannot] aggregate [his/her] claims against the defendants, because the defendants [are/are not] jointly liable.

[*If the defendants are jointly liable]

Upon aggregation, the amount in controversy equals _____ [Calculate the total value of the aggregated claims], which _____ [exceeds/does not exceed] \$75,000.