



# CIVIL PROCEDURE OUTLINE

*Multistate Bar Examination Civil Procedure Subject Matter Outline (effective February 2015)*

*NOTE: Examinees are to assume the application of 1) the amendments to the Federal Rules of Civil Procedure through 2012; and 2) the sections of Title 28 to the U.S. Code pertaining to jurisdiction, venue, and transfer. Approximately two-thirds of the Civil Procedure questions on the MBE will be based on categories I, III, and V, and approximately one-third will be based on the remaining categories II, IV, VI, and VII.*

- I. Jurisdiction and venue**
  - A. Federal subject matter jurisdiction (federal question, diversity, supplemental, and removal)
  - B. Personal jurisdiction
  - C. Service of process and notice
  - D. Venue, forum non conveniens, and transfer
  
- II. Law applied by federal courts**
  - A. State law in federal court
  - B. Federal common law
  
- III. Pretrial procedures**
  - A. Preliminary injunctions and temporary restraining orders
  - B. Pleadings and amended and supplemental pleadings
  - C. Rule 11
  - D. Joinder of parties and claims (including class actions)
  - E. Discovery (including e-discovery), disclosure, and sanctions
  - F. Adjudication without a trial
  - G. Pretrial conference and order
  
- IV. Jury Trials**
  - A. Right to jury trial
  - B. Selection and composition of juries
  - C. Requests for and objections to jury instructions
  
- V. Motions**
  - A. Pretrial motions, including motions addressed to face of pleadings, motions to dismiss, and summary judgment motions
  - B. Motions for judgments as a matter of law (directed verdicts and judgments notwithstanding the verdict)
  - C. Posttrial motions, including motions for relief from judgment and for new trial
  
- VI. Verdicts and Judgments**
  - A. Defaults and involuntary dismissals
  - B. Jury verdicts – types and challenges
  - C. Judicial findings and conclusions
  - D. Effect; claim and issue preclusion
  
- VII. Appealability and review**
  - A. Availability and interlocutory review
  - B. Final judgment rule
  - C. Scope of review for judge and jury