FIRST ASSIGNMENT
CIVIL PROCEDURE I

Professor Karsai

1. Read pp. 1-46. We will spend a great deal of time on the *Pennoyer v. Neff* case. Please plan to spend a substantial amount of time reading this case for comprehension. Do not expect to understand the case the first time you read it. If you find it a difficult case, you are not alone. However, the difficulty of the case is not an excuse for coming to class without a thorough understanding of the case and its holding. Please do not allocate your study time based on the number of pages in the first assignment.

2. Prepare written case briefs for *Pennoyer v. Neff*, *Hess v. Pawloski*, and *International Shoe Co. v. Washington.* Please turn in a copy of your written case briefs through TWEN no later than 10 a.m. on Friday, August 17. Instructions for preparing a written case brief for Civil Procedure will be posted on TWEN one week before the first class.

3. In addition to carefully considering the questions contained in the notes following each case, please come to class having worked through the questions below. You should bring written answers to class with you.

1. Answer the following hypothetical questions before reading *Pennoyer v. Neff:*
* Darla is a citizen of Georgia. She was born and raised here, although she has visited other states. While visiting Hollywood, California, for the first time, she gets in a bar fight with Peter, who is in Hollywood to visit a friend. Peter is a citizen of Virginia
* Should Peter be able to sue Darla in New York? Why/why not?
* If Darla goes to New York for business, and, while she is there, Peter files a lawsuit in New York and serves process (the papers required for the lawsuit) on Darla while she is in New York, does the New York court have power over Darla? Does it matter that Darla’s presence in New York has nothing to do with the bar fight in Hollywood?
* Should Peter be able to sue Darla in California? Why/why not?
* Should Peter be able to sue Darla in Virginia? Why/why not?
* Should Peter be able to sue Darla in Tennessee? Why/why not?
* If Darla owns a rental property in Kansas, can Peter sue her there? Why/why not?
1. Answer the following hypotheticals after you have thoroughly studied and briefed *Pennoyer v. Neff.*
* P sues D in Oregon. D is served with process in Oregon, but doesn’t appear or defend the lawsuit. If the Oregon court enters a judgment against D in favor of P for $10,000, is the judgment valid? Why/why not?
* P sues D in Oregon. D is served with process in California, 100 yards from the state line with Oregon. D doesn’t appear or defend the lawsuit in Oregon. The Oregon court enters a judgment against D in favor of P for $10,000. Is the judgment valid? Why/why not?
* P sues D in Oregon. P has an officer try to serve D in Oregon, but D leaves Oregon and crosses the state line into California. The officer follows D into California and forcibly brings D back into Oregon and serves process there. Does Oregon have *in personam jurisdiction* over D? Why/why not?
1. Answer following questions after you have finished briefing *Hess.*
* Is *Hess* consistent or inconsistent with *Pennoyer v. Neff*? Why?
* What policies underlie the Court’s holding in *Hess*?
* Should *Hess* should still be good law today? Why/why not?
* Did Hess consent to jurisdiction in Massachusetts? If yes, how?
* What did the Court find regarding whether a state has the power to coerce consent from a visitor who does not actually consent to the state’s exercise of personal jurisdiction?
1. Answer the following questions and hypotheticals after you have completed briefing *International Shoe*:
* Is *International Shoe*’s formulation of the rule for when a court may exercise personal jurisdiction over an individual in addition to the rules from *Pennoyer* and *Hess*, or does it replace either or both of them? Explain your answer.
* What are the two big parts of the analysis? Draft a rule that incorporates the two-steps required by *International Shoe*.
* What are *minimum contacts*?
* What are *traditional notions*?
* What is *fair play and substantial justice*?
* Answer the hypothetical questions posed in Note 4, page 42 (casebook).