

# Fall 1998 Midterm (Civil Procedure A)

Civil Procedure  
Fall 1998  
Mid-term Examination

Tom Tennessee has two children, Tina and Tony, both of whom attend the University of Tennessee. To finance their education, he borrowed money from the Big Red Bank of Arkansas. He signed the contract at his home in Tennessee and mailed the contract to Arkansas. For the first year he regularly mailed the monthly payments to the Bank in Arkansas. However, he has failed to make the payments since then and has fallen into default on the contract.

The Bank sued Tom in state court in Arkansas in 1998 for the amount due on the contract. Tom received notice of the lawsuit when a Tennessee deputy sheriff left the papers with Tom's 15 year old son Terry at the family residence in Tennessee. Tom ignored the papers.

The Arkansas state court entered a judgment for the Bank. The Bank has now brought the judgment to a Tennessee state court and is attempting to register it under the Full Faith and Credit Clause and enforce it in Tennessee. The attorney for the Bank has relied heavily on cases such as Hess, McGee, Burger King, and even Baldwin. Likewise, the Bank has relied on the Arkansas long arm statute.

You are the attorney for Tom. You are standing in front of the Tennessee judge. Make the best argument you can. Be creative, be thorough, and be an advocate!

Note: This question is suggested by Glenn v. Student Loan Guar. Foundation, 53 Ark. App. 132, 920 S.W. 2d 500 (1996).

