

Quiz #1

Martha (from Missouri) wishes to sue George (from the State of Georgia) for breach of contract for the sale of a famous painting. However George does not live in Missouri and does not travel in that state. (The painting is still in Georgia..)

Martha discovers that George owns a valuable piece of land in Missouri. Accordingly she commences the law suit by seizing the Missouri land.

This fact pattern is typically described as an example of a particular type of jurisdiction. Which one?

- a) general
- b) specific
- c) in personam
- d) in rem
- e) quasi in rem
- f) subject matter
- g) necessity
- h) status
- i) consent

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Fall 2000

Quiz #1

Name

Answer

If you believe this question is too vague, ambiguous, misleading or unfair, please explain why in the blank section above.

Quiz #2

Does an Arkansas court have in personam jurisdiction over the defendant in each of the following lawsuits?

(1) Barbara Bulldog calls a hotel in Fayetteville and reserves a room for the Georgia game. She does not show up. The Fayetteville hotel sues Barbara for breach of contract.

(2) Ralph Razorback calls a hotel in Columbia, South Carolina and reserves a room for the game. When he appears, his room has been rented to a South Carolina fan. Ralph sues the South Carolina hotel for breach of contract.

(3) Ruth Rebel calls a hotel in Fayetteville and reserves a room for the Ole Miss game. When she appears, her room has been rented to another fan. Ruth sues the Fayetteville hotel for breach of contract.

(4) Harriet Hog calls the best hotel in Knoxville, Tennessee, and reserves the luxury suite for the entire week of the big game. She does not show up. The Tennessee hotel sues Harriet for breach of contract.

Does the Arkansas court have jurisdiction over the defendant?

- A) Yes, in all four instances.
- B) Only in (1) and (2).
- C) Only in (1) and (3).
- D) Only in (1) and (4).
- E) Only in (2) and (3).
- F) Only in (2) and (4).
- G) Only in (3) and (4).
- H) Only in (2), (3), and (4).
- I) Only in (1), (2), and (4).
- J) No, not in any instance.

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Quiz #2

Quiz #3

Plaintiff sues Defendant Dave in Arkansas state court. The sheriff goes to the house where Defendant Dave lives. As the sheriff drives down the street, Roommate Ronnie is mowing the front lawn. When Roommate Ronnie sees the sheriff's car, he runs in the house, closes the door, and hides under the bed. The sheriff, who is familiar with both Defendant Dave and Roommate Ronnie, knocks on the door and shouts in a loud voice: "Roommate Ronnie, I know you're in there. I saw you run inside. I have some papers for Defendant Dave. I'm leaving them on the front porch under a rock. Good-bye." After the sheriff leaves, Roommate Ronnie comes out and picks up the papers.

Is service valid?

- a) Yes, under both the Arkansas Rules of Civil Procedure and the Due Process clause.
- b) Yes, under the Arkansas Rules of Civil Procedure; but not under the Due Process clause.
- c) No, under the Arkansas Rules of Civil Procedure; but it would probably satisfy the Due Process clause.
- d) No. It falls short under both the procedural and constitutional standards.

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Quiz #3

Name Answer

If you believe this question is vague, ambiguous, misleading or unfair, please explain why.

Quiz #4

Defendant Rita Razorback signs a contract agreeing to purchase computer software from Plaintiff Connie Carolina in Columbia, South Carolina. The contract provides that the contract is to be interpreted by the laws of South Carolina and that Rita Razorback submits to jurisdiction in South Carolina for all claims arising out of the contract.

Rita Razorback is dissatisfied with the software and refuses to pay the entire purchase price, claiming breach of warranty. Plaintiff Connie Carolina sues in state court in South Carolina, seeking \$3000 in damages. Pursuant to a South Carolina statute, Connie Carolina notifies Rita Razorback by first class mail (33¢ stamp). Rita Razorback receives the letter in Fayetteville.

Which of the following statements correctly states the method of making challenges? (It is irrelevant whether the challenge will ultimately prevail).

- A) If Rita Razorback makes a general appearance in South Carolina, she has preserved her rights to make a collateral attack in Arkansas.
- B) If Rita Razorback ignores the South Carolina law suit, she may still object to the use of first class mail when the South Carolina default judgment is registered in Arkansas.
- C) If Rita Razorback ignores the lawsuit in South Carolina, she has waived any objection to the contractual language consenting to jurisdiction in South Carolina, and cannot object to jurisdiction in Arkansas when the South Carolina default judgment is registered.
- D) If Rita Razorback ignores the South Carolina lawsuit, she can object to the amount of the default judgment when the judgment is registered in Arkansas under the Full Faith and Credit Clause.
- E) If Rita Razorback makes a special appearance in South Carolina and objects to jurisdiction, but loses on the jurisdictional issue, she may raise her arguments on the merits of the warranty claim in Arkansas when the judgment is eventually registered.

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Quiz #4

Name

Answer

If you believe that this question is vague, ambiguous, misleading or otherwise unfair, explain.

Quiz #5

Which of the following lawsuits satisfy the requirements for diversity jurisdiction?

- 1) A citizen of India attending the University of Arkansas on a student visa sues a citizen of Arkansas for \$85,000 for injuries in an Arkansas automobile accident.
- 2) A citizen of Texas sues a citizen of Arkansas for a divorce and division of \$100,000 in marital property.
- 3) A citizen of Turkey admitted to the United States for permanent residence and living in Oklahoma sues a citizen of Oklahoma for \$80,000 for breach of contract.
- 4) A citizen of Arkansas sues citizens of Florida, Georgia and Arkansas for \$120,000 for damage to her property.
- 5) The Arkansas plaintiff sues the Missouri driver for \$6000 in compensatory damages and \$90,000 in punitive damages arising out of an Arkansas accident when the defendant negligently ran a red light.
- 6) A Montana plaintiff sues a corporation that is incorporated in New York and has its principal place of business in Ohio for \$50,000 for breach of a licensing agreement.
- 7) A Pennsylvania bank, which serves as the personal representative of a New York decedent, brings a wrongful death lawsuit for \$1 million against the Pennsylvania defendant.

Which satisfy the requirements for diversity jurisdiction?

- a) Only 1 and 5;
- b) Only 2 and 3;
- c) Only 3 and 6;
- d) Only 4 and 7;
- e) Only 4 and 6;
- f) Only 1 and 7;
- g) Only 2 and 5.

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Quiz #5

Name

Answer

If you believe this question is vague, ambiguous, misleading or unfair, please explain why.

Quiz #6

Ted (a citizen of Texas) and Alice (a citizen of Arkansas) are not relatives, but they met while attending a seminar at the Fayetteville office of a national brokerage house. The brokerage house is incorporated in Texas and has its principal place of business in Texas. Following the presentation, Ted purchased \$4,000 of ABC stock, and Alice purchased \$90,000 of XYZ stock.

The stocks have now declined in value. Both Ted and Alice are discouraged and they are convinced the brokerage house was engaged in fraudulent activities. On their behalf, an attorney files a lawsuit in Arkansas Circuit Court, seeking \$4,000 for Ted in Count I and \$90,000 for Alice in Count II. The claims of Ted and Alice are separate and independent of each other; the claims are unrelated. The complaint alleges common law fraud as defined under the common law of Arkansas.

The Texas defendant has filed a petition in federal court to remove.

- A) The federal court must take both Count I and Count II.
- B) The federal court must take Count I, and has discretion to take Count II under §1441(c).
- C) The court must take Count I and has discretion to take Count II under §1367.
- D) The federal court must take Count I, but has no authority to take Count II.
- E) The federal court must take Count II, and has discretion to take Count I under §1367.
- F) The court must take Count II and has discretion to take Count I under §1441(c).
- G) The federal court must take Count II, but has no authority to take Count I.
- H) The federal court cannot take either Count I or Count II.

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Quiz #7

Plaintiff Phillippe, a citizen of France, lives in Fayetteville and attends the University of Arkansas on a student visa. As a result of an exploding tire, he wishes to sue Ford Motor Company for \$100,000 on a personal injury claim. Ford Motor Company is licensed and does business in all 50 states and in all districts. Ford Motor Company is incorporated in Delaware and has its principal place of business in Michigan. The accident occurred in a county in south Arkansas.

Only one of the following statements concerning venue is correct. Which one?

- A) If the lawsuit is brought in a federal court, it may be brought in any federal judicial district in the nation.
- B) If Phillippe (the alien) sues in a federal court, he must sue in the district where he resides.
- C) If the lawsuit is brought in an Arkansas state court, it may be brought in any county where Ford has an office or a dealership.
- D) If the lawsuit is brought in an Arkansas state court, it can only be brought in the county where the accident occurred.
- E) If the lawsuit is brought in an Arkansas state court, Arkansas law requires that the alien Phillippe sue in Pulaski County (Little Rock).

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Quiz #7

Name

If you believe this question is vague, ambiguous, misleading or unfair, please explain why.

Answer

Quiz #8

Which of the following statements are correct?

- A) A state supreme court is obligated to follow an earlier federal court interpretation of state common law.
- B) Under the concept known as federal common law, state courts apply federal interpretations of federal law.
- C) The doctrine of forum non conveniens permits a state court to transfer a case to another state court.
- D) Generally speaking, the period of common law pleading began with the American Revolution in 1775.
- E) All of the four preceding statements are incorrect.

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Quiz #8

Name

Answer

If you believe this question is vague, ambiguous, misleading or unfair, please explain why.