EXAM INFORMATION

Course: CIVIL PROCEDURE

Professor Brian Frye

Number of pages in exam: 3 (three) page

TOTAL pages: 5 (five) pages

Date of Exam: Friday, October 14, 2011
Time of Exam: 12:15 pm to 1:15 pm
Duration of Exam: 1 hour

CLOSED BOOK

INSTRUCTIONS

1. This is CLOSED BOOK, ungraded Mid-term examination.

2. This exam consists of 3 (three) pages (including this cover/instruction sheet, and an excerpt from the Code of Academic Conduct). Please make sure that you have all of the pages before you begin.

3. Fill in the attached blue card (name, course, professor, contact information, and exam number.) This must be turned in to the proctors along with all distributed materials, including the printed exam, when time has been called.

4. The exam consist of 5 multiple choice questions and 2 short answer questions.

5. Record multiple choice answers on the computer or in your bluebook.

6. Carefully read the questions before answering them. Number your answer and answer the questions in order. Your answer to each multiple-choice question should consist of the number of the question and the letter of the answer.
   
   Your answer to each short answer question should be numbered. Please explain the reason for your answer to each short answer questions. Each short answer question can be answered in 1 or 2 paragraphs.
A. A student violates the Code of Academic Conduct if the student purposely or knowingly engages in or attempts to engage in or aids another to engage in the conduct defined in the following paragraphs:

1. Violations Concerning Examinations

   a. To give to a student any unauthorized information concerning the characteristics or content of an examination prior to the time the student who receives the information has taken the examination;

   b. to obtain or receive any unauthorized information concerning the characteristics or content of an examination prior to taking the examination;

   c. to communicate 1) with anyone in any manner during an examination which the student is taking, except the Dean in charge of examinations, the persons involved in administering the examination or a faculty member, or 2) at any time with another student who is taking an examination;

   d. to copy or read another student’s examination paper or book or to consult any unauthorized material during the course of an examination or to possess any unauthorized material in the examination room;

   e. to fail to submit all bluebooks and examination questions by the end of the examination, or to remove bluebooks or examination questions from the examination room, unless authorized to do so by the faculty member giving the examination.

By submitting this examination, you pledge that you are in compliance with Hofstra Law School’s Code of Academic Conduct.
Part I
Multiple Choice Questions

1. Able is a resident of the State of Jefferson and Bean is a resident of the State of Madison. Able owns a vacation house in Madison. Able also has an account at the Bank of Madison. Able owes Bean $100. Bean files a complaint against Able in the Madison State Court. When Able visits Madison to close his account at the Bank of Madison, he is personally served by Bean. What kind of jurisdiction does the Madison State Court have over Able?
   a. In personam
   b. In rem
   c. Quasi-in-rem
   d. a and c
   e. a, b & c

2. Able is a resident of the State of Jefferson and Bean is a resident of the State of Madison. Able sells widgets wholesale via mail-order. Bean sells widgets retail from his store in Madison. Able sells a total of about 1000 widgets per year and sells Bean about 500 widgets per year. Bean files a complaint against Able in the Madison State Court, alleging that he paid Able $1000 for 100 widgets and that Able refused to send the widgets. The Madison long-arm law provides that a nonresident who commits a tortious act within the state submits to jurisdiction. Which of the following statements are true?
   a. The court can exercise specific jurisdiction over Able
   b. The court can exercise general jurisdiction over Able
   c. The court can exercise in personam jurisdiction over Able
   d. a and c
   e. None of the above

3. Acme Inc. is a Jefferson corporation, with its headquarters in the State of Jefferson. Acme manufactures widgets at its factory in Jefferson. Beta Inc. is a Madison corporation with its headquarters in the State of Madison. Beta uses Acme widgets to manufacture contraptions at its factory in Madison. Beta sells contraptions internationally via mail-order. Collins is a resident of the State of Hamilton. Collins purchases a Beta contraption, which does not work. Collins files a complaint against Acme and Beta in the Hamilton State Court, alleging that the Acme widget and Beta contraption are defective. The Hamilton long-arm law provides that a nonresident who commits a tortious act within the state submits to jurisdiction. Which of the following statements are true?
   a. The court has personal jurisdiction over Acme
   b. The court has personal jurisdiction over Beta
c. The court has quasi-in-rem jurisdiction over Acme and Beta

d. a and b

e. None of the above

4. Acme Inc. is a Jefferson corporation, with its headquarters in the State of Madison. Acme manufactures widgets at its factory in Madison. Beta Inc. is a Jefferson corporation with its headquarters in the State of Madison. Beta uses Acme widgets to manufacture contraptions at its factory in Madison. Beta sells contraptions internationally via mail-order. Collins is a resident of the State of Hamilton. Collins purchases a Beta contraption, which does not work. Collins files a complaint against Acme and Beta in the Jefferson State Court, alleging that the Acme widget and Beta contraption are defective. Jefferson law provides that the court can exercise jurisdiction to the extent permitted by due process. Which of the following statements are true?

a. The court has personal jurisdiction over Acme, but not Beta

b. The court has personal jurisdiction over Beta, but not Acme

c. The court has personal jurisdiction over Acme and Beta

d. The court has quasi-in-rem jurisdiction over Acme and Beta

e. None of the above

5. Acme Inc. is a Jefferson corporation, with its headquarters in the State of Jefferson. Acme manufactures widgets at its factory in Jefferson. Beta Inc. is a Madison corporation with its headquarters in the State of Madison. Beta uses Acme widgets to manufacture contraptions at its factory in Madison. Beta sells contraptions in Madison. Collins is a resident of the State of Hamilton. Collins receives a mailed advertisement from Acme and Beta for “Beta contraptions with Acme widgets!” Collins travels to Madison, purchases a Beta contraption, and returns to Hamilton. One week later, the contraption stops working. Collins files a complaint against Acme and Beta in the Hamilton State Court, alleging that the Acme widget and Beta contraption are defective. Hamilton law provides that the court can exercise jurisdiction to the extent permitted by due process. Which of the following statements are true?

a. The court has personal jurisdiction over Acme, but not Beta

b. The court has personal jurisdiction over Beta, but not Acme

c. The court has personal jurisdiction over Acme and Beta

d. The court has quasi-in-rem jurisdiction over Acme and Beta

e. None of the above
Part II
Short Answer Questions

Acme Inc. is a Delaware corporation with headquarters in Virginia. Acme operates an international Internet retail business selling tools. Acme only accepts orders through its website, acme-tools.com. Acme ships all of its orders from a warehouse in Virginia. In 2008, Acme sold about 1 million tools, including about 50,000 tools in Vermont and 150,000 in New York. Bean is a website designer. In 2008, when Bean was a resident of New York, Acme hired him to design its website and agreed to pay him $100,000 per year for five years. In 2009, Bean moved to Vermont. In 2010, Acme created a new website and refused to continue paying Bean. Bean wants to file a complaint in either Vermont or New York. Vermont law provides that the court can exercise jurisdiction to the extent permitted by due process. New York law provides that a nonresident who commits a tortious act within the state submits to jurisdiction.

1. Does the Vermont court have personal jurisdiction over Acme?
2. Does the New York court have personal jurisdiction over Acme?

END OF THE EXAM