

The Relatively New Civil Procedure Part of the MBE Section of the Bar Examination

Dear NWCU Student/Graduate,

I suggest that you use an online program to spin you up for the relatively new Civil Procedure part of the MBE. I do know that AdaptiBar has added a section to its MBE program that covers Civil Procedure. There are probably other online MBE simulators that also now include a good number of Civil Procedure multiple-choice questions and answers.

AdaptiBar has Web pages with information about recent changes to the MBE. Below are links to those pages.

[Everything You Need to Know About the Recent Changes to the MBE Pt. I](#)

[Everything You Need to Know About the Recent Changes to the MBE Pt. II](#)

[Everything You Need to Know About the Recent Changes to the MBE Pt. III](#)

Best wishes,

Michael Clancey, Dean

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P.S. -- Regarding the Civil Procedure part of the MBE:

Examinees are to assume the application of 1) the amendments to the Federal Rules of Civil Procedure; 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 of interlocutory review
- B. Final judgment rule
- C. Scope of review for judge and jury