

Finally, a study guide written for *students*.

Why don't they just SAY that?

Legalese to ENGLISH

A workbook for
Civil Procedure

By: Elura Nanos, Esq. & Michele Sileo, Esq.

LEGALESE TO ENGLISH: CIVIL PROCEDURE is the first volume in a groundbreaking series of law-school study guides. The step-by-step approach set forth in **Legalese to English** is one that has already propelled thousands of students to the top of their law-school classes. The authors use their signature straight-talking style to break down tough cases and concepts into simple, manageable components. What's more, this is the first study guide truly written for *students*. From its conversational style to its workbook pages, to its "Study Recipes", this book makes the complex subject of Civil Procedure manageable for new law students.

For the first time, readers can use a study guide to provide both reference information and study planning. **Legalese to English: Civil Procedure** helps students tackle Civil Procedure with the use of:

- **Case and concept summaries**, in lighthearted, easy-to-understand language.
- **Workbook-style layout**, in which students are prompted to complete writing and outlining exercises.
- **"Study Recipes"** for each Civil Procedure subtopic, which give students daily, weekly and monthly study guidance for preparing for class and exams.

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- **Step-by-Step essay exam flowcharts**, giving students a blueprint for exam-writing.
- **The Uniqueness of Civil Procedure**- a discussion of the overall concept of this subject, what makes it complex, and how to tackle it.
- **“Things to Ignore”** and **“Student Traps”**—key points to help students streamline studying and maximize exam-readiness.
- **Writing exercises, time-management strategies, and note-taking advice.**
- **“How to Get a D in Civil Procedure”**—a chapter devoted to explaining typical 1L perils unique to Civil Procedure.

Readers will not only conquer complex concepts with ease, but will also get much-needed guidance about the study process itself. **Legalese to English** is the centralized source of information that brings together substantive legal concepts with a workable study methodology.

About the Authors:

New York City Prosecutors-turned-entrepreneurs, Elura Nanos, Esq. and Michele Sileo, Esq., are the owners of **Lawyer Up**, a unique educational company that specializes in helping law students ace their final exams. The two straight-talking lawyer-instructors specialize in breaking down tough legal concepts into tasty, bite-sized pieces, *without* all the jargon. For the last decade, Nanos and Sileo have led the charge to de-mystify the law-school process; the thousands of students who have worked with the authors have collectively cried in relief, “Well, if *that’s* what the professor meant, why didn’t he just say that?”.

The authors work with students at law schools nationwide, as well as with the American Bar Association, several local bar associations, Pieper Bar Review, and the Council on Legal Education Opportunity.


Started on a \$30 investment, and thriving even in today’s economy, **Lawyer Up** is breaking the rules and beating the odds. In February, 2010, **Lawyer Up** was named a national finalist in the **Make Mine A Million \$ Business Competition**, and as a monthly finalist in **The Best of Discovering Startups**. Since then, the authors have taken the entrepreneurial community by storm. Co-Founders of the blog **My Underwire**, Nanos and Sileo are active participants in supporting the growing community of women entrepreneurs.

Why Don’t they Just Say That? From Legalese to English: Civil Procedure, is the first volume in a series of related study guides to be published by William S. Hein & Co., Inc. Elura Nanos and Michele Sileo are also the co-authors of **How to Talk To Your Lawyer**—a savvy professional’s guide to harnessing the power of lawyers and the legal system, without all the jargon, published by **Right Brain Ventures**, and being released in June 2011.

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Sample Workbook Pages:



Study Recipe

Personal Jurisdiction

Ingredients:

- *Legalese to English* personal jurisdiction notes and case briefs
- 1 skeleton outline
- 1 set of complete class notes
- 1 set of completed workbook entries
- Your professor's syllabus
- 3-4 old exams from your professor (if none are available, use exams from a different professor)
- 1 textbook, complete with table of contents
- 1 case chart (recipe follows)
- 1 flowchart (recipe follows)

STEP 1: PREPARE YOUR WEEKLY STEW
(Complete Step 1 at the end of each week.)

Sit in front of your computer and for **each case**, do the following:

- Look over your class notes
- Look over your homework notes
- Look over your textbook's headings
- Look over your class syllabus
- Look over the *Legalese to English* explanation of the case

Combine all pieces into one document.


How will you know when it's done? It's done when each case has a tasty, bite-sized explanation that is in your own words. Once you've decided on your preferred wording, capture that wording in the way you like it best. That means that you should be thinking about what kinds of fonts, graphics, or formatting will help you best understand and remember the key points of every case and concept.

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Legalese to English

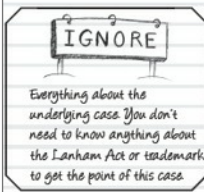
Zippo Manufacturing v. Zippo Dot Com

952 F. Supp. 1119 (W.D. Pa. 1997)



To create a workable system for figuring out when courts have personal jurisdiction over non-resident defendants in cases involving the Internet.

For years, everyone had been very happy using the International Shoe test to settle any questions about personal jurisdiction. But after the Internet became widely used in the late 1990s, things got messy again. Cliché as it sounds, the world had become a smaller place. So what would become of the rules for personal jurisdiction? Don't worry. Those justices on the Supreme Court are pretty crafty, and they made up a nice little framework for us all to use when dealing with Internet cases.



Everything about the underlying case. You don't need to know anything about the Lanham Act or trademark to get the point of this case.

Zippo (the cigarette lighter company) got annoyed when it couldn't register the name Zippo.com. Apparently, another company (also named Zippo) had already set up a website under www.Zippo.com, and that website had nothing to do with lighters. So the lighter Zippo sued the website Zippo in Pennsylvania for using its name without permission. The website Zippo argued that Pennsylvania didn't have jurisdiction over it, because it was entirely located in California.

But of course, like any good website, www.Zippo.com had users all over the place, including in Pennsylvania. Imagine the terror in the hearts of personal jurisdiction scholars! Because the Internet touches so many people in so many different places, does it mean that personal jurisdiction as we know it had to change?

Nah. Not really. The Zippo court created the "sliding scale test," which was aimed at applying the good ol' minimum

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Civil Procedure

Personal Jurisdiction Exam Answer Flowchart

REMEMBER, IN ALL PERSONAL JURISDICTION QUESTIONS, YOU SHOULD ONLY BE DISCUSSING THE CONDUCT OR CONTACTS OF THE **DEFENDANT**. THE PLAINTIFF IS ALLOWED TO SUE WHEREVER HE WANTS. THE PLAINTIFF **STARTED** THE LAWSUIT!

First, discuss what the issue is in your fact pattern. You'll need to say (in whatever wording your professor has used) that plaintiffs cannot sue defendants in any old state they choose.

Next, say something about *Pennoyer* and *due process*—using your professor's language. What you say should mean that *Pennoyer* told us that when you sue someone, you have to pick a state that would be *fair* to choose. *Pennoyer* set out four criteria that would show that it is fair to be sued somewhere: *Presence* (plaintiff can pick a state that defendant is actually in), *Consent* (plaintiff can pick any state, and the suit will go on if defendant shows up and agrees to fight), *Domicile* (plaintiff can pick the state that defendant lives in and intends to permanently remain in), and *in rem* (plaintiff can pick the state that defendant owns property in, as long as the suit is related to that property).

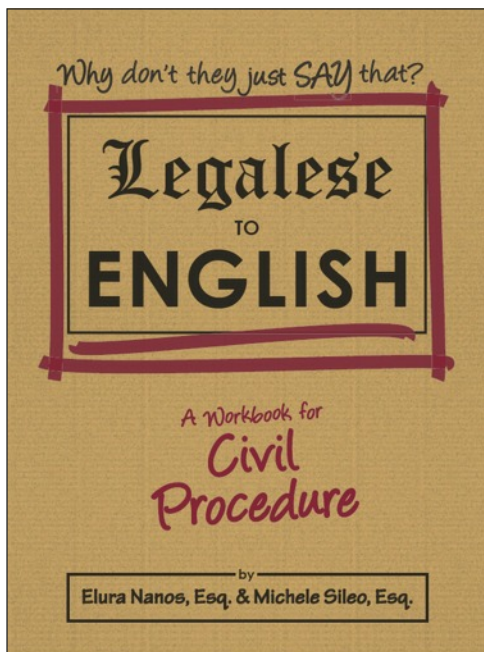
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Pages: 254 pp.
Published: Buffalo; William S. Hein & Co., Inc.; 2011

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