



# Civil Procedure

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# Personal Jurisdiction – Pennoyer

## W Presence

- | Of people
- | Of things

## W Consent

- | Express
- | Implied

## W [Notice]

# Traditional Bases for Jurisdiction

- W Domicile [permanent residence]
- W Consent
- W Presence at time of service
- W Appearance
  - n General
  - n Special – to contest territorial jurisdiction
  - n Limited – to defend up to the value of the property

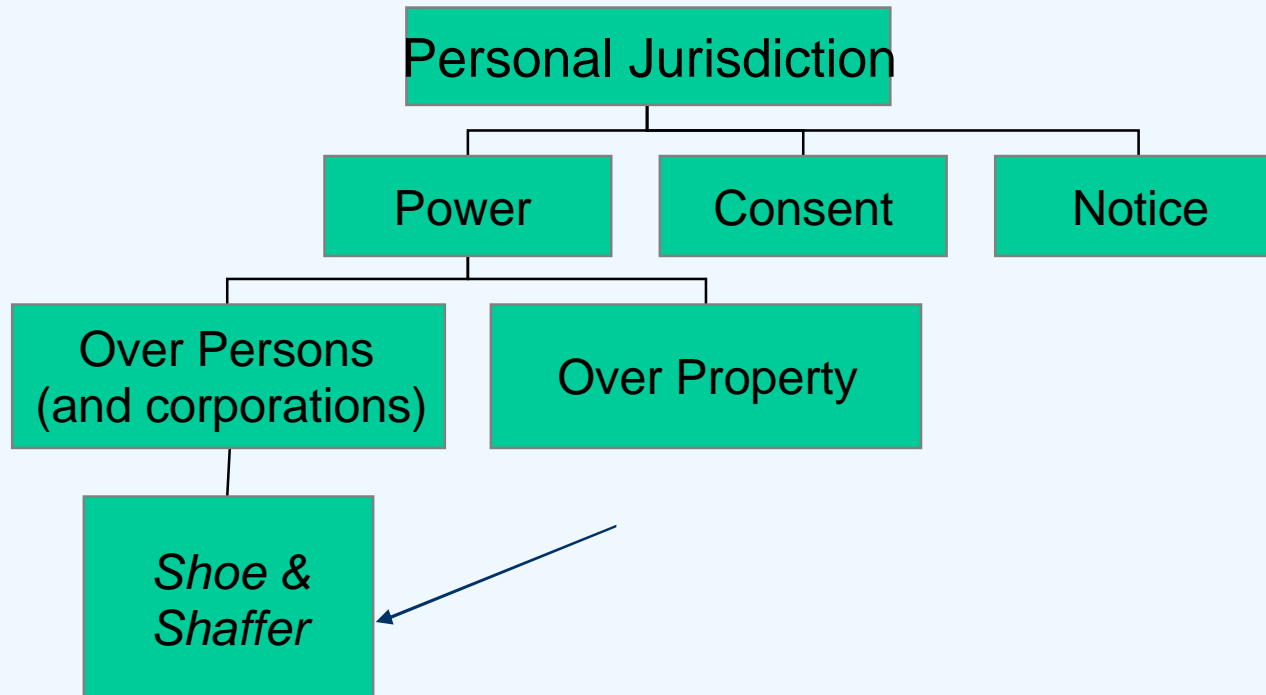
# Personal Jurisdiction – *Shoe*

W To exercise jurisdiction over a defendant, if he be not present, he must have certain “minimum contacts” with the forum so the exercise of jurisdiction does not offend “traditional notions of fair play and substantial justice.”

# Personal Jurisdiction – *Shaffer*

- W “**all assertions** of state court jurisdiction must be evaluated according to the standards set forth in *International Shoe* and its progeny.”
  - n *Shaffer* says *Shoe* applies when jurisdiction is asserted over things within the forum territory.
  
- W How does *Shaffer* affect the traditional bases?

# Capturing Personal Jurisdiction: The Story So Far . . .



# The Structure of Personal Jurisdiction

## “The *Shoe* Spectrum”

W *Shoe* creates sliding scale

- n Light contacts support jurisdiction only over claims related to those contacts (“**specific jurisdiction**”)
- n **Heavy contacts support jurisdiction over unrelated claims (“general jurisdiction”)**

W So—**how heavy is heavy enough?**

- n For individuals: permanent residence
- n For corporations: principal place of business, state of incorporation
- n How about transient presence? *Burnham*.

# Is a Contract a Contact?

- W Choice of law clauses
- W Consent-to-jurisdiction clauses
- W Forum selection clauses
- W Arbitration clauses
- W Cognovit clauses

*/Burger King*

*/Carnival Cruise Lines*

## Rule 4(k):

k) Territorial Limits of Effective Service.

(1) Service of a summons or filing a waiver of service is effective to establish jurisdiction over the person of a defendant

(A) who could be subjected to the jurisdiction of a court of general jurisdiction in the state in which the district court is located . . . .

What kind of notice is sufficient? *Mullane*.

# Service of Process

## W Method and Manner of Service

- n Personal Service
- n Substituted Service
  - | FRCP
  - | California

## W Content of Service

See: FRCP 12(b)4 and 12(b)5

# Capturing Personal Jurisdiction

