

Thursday, October 28, 2021 (classes 17 of 30!!) **BOO!!**

Today: *Session I*—1103:

- Review parties & claims/joinder & consolidation!
- Follow-up on jurisdictional bases: Long Arm Jurisdiction!

Session II: Guest speaker Tevin Williams!

For next class (Tu. Nov. 2!!):

- 1101: Read M&M ch. 3 excerpts! (Workings of a Law Office)
- 1103: Read C&W chs. 12 & 14 excerpts *and* docs on OL!

Now: Complete the review exercise!

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1103: Follow-up on jurisdictional bases: Long Arm Jurx! ?? What is "personal jurisdiction"?!

Personal Jurisdiction = court's authority to require a person to comply with its decision

- "in personam jurisdiction"
- "*person*" = human, business, other entity
- key = **FAIRNESS!**

A court only has ("may exercise") personal jurisdiction over a person if she/he/it has been given **due process**.

14th Amendment to US Constitution: "...No state shall...deprive any person of life, liberty, or property, without **due process of law**; nor deny to any person within its jurisdiction the equal protection of the laws." (1868)

Due process requires:

- (1) notice → that you might be deprived of life, liberty, or property AND
- (2) opportunity to be heard → *why you should not be deprived, etc.*

... **ONLY THEN** may a court exercise personal jurisdiction! (require her/him/it to comply with its order)

New York's Long Arm Statute! CPLR § 302. Personal jurisdiction by acts of non-domiciliaries.

(a) Acts which are the basis of jurisdiction. As to a cause of action arising from any of the acts enumerated in this section, a court may exercise personal jurisdiction over any non-domiciliary, or his executor or administrator, who in person or through an agent:

1. transacts any business within the state or contracts anywhere to supply goods or services in the state; **or**
2. commits a tortious act within the state, except as to a cause of action for defamation of character arising from the act; **or**
3. commits a tortious act without the state causing injury to person or property within the state, except as to a cause of action for defamation of character arising from the act, **if he**
 - (i) regularly does or solicits business, or engages in any other persistent course of conduct, or derives substantial revenue from goods used or consumed or services rendered, in the state, **or**
 - (ii) expects or should reasonably expect the act to have consequences in the state **and** derives substantial revenue from interstate or international commerce; **or**
4. owns, uses or possesses any real property situated within the state.

International Shoe v. State of Washington (U.S. Sup. Ct. 1945): "[D]ue process requires only that, in order to subject a [non-resident] defendant to a judgment *in personam*...he have certain **minimum contacts** with [the state] such that the maintenance of the suit does not offend traditional notions of **fair play** and **substantial justice**."

Under CPLR § 302(a), may a NY court exercise personal jurisdiction over . . .

- **Joshua**, an artist from (New) Jersey, who sells artwork to galleries in NY? **Yes! CPLR § 302(a)(1).**
- **Mirian** from Minnesota, who contracts in Maine to sell muffins in NY? **Yes! CPLR § 302(a)(1).**
- **Aaoni** from Arkansas, who owns an apartment in Astoria (Queens) which she rents out; then, while in Alaska, she commits a tortious assault on Adriana, who lives in Auburndale (Queens)? **Yes! CPLR § 302(a)(3)(i).**
- **Paradise** of Pennsylvania, who spends every summer at her parents' home in Peekskill, NY? **Yes! CPLR § 302(a)(4).**
- **Stephon** of South Dakota, who defamed the character of Laila from Long Island (NY)? **NO! CPLR § 302(a)(3)(i) and (ii)!**