



Legal Research, Writing, and Civil Litigation

Class 7

Elements that Allow a Court to Decide a Case

- **Subject Matter Jurisdiction:** The court must be enabled by law to hear that type of case
- **Personal Jurisdiction:** The people or items that are involved in the case must be within the power of the court to control
- **Proper Venue:** Under the law, the location of the court must be a proper one, considering the location of the people or things involved in the case
- **Proper Process:** The proper forms, such as the summons and complaint must have been filed with the court
- **Proper Service of Process:** The complaint and related documents must be given to the defendant to give the defendant a chance to respond prior to the case
- Plaintiff must make an **allegation that allows the court to grant relief**
- Proper parties must be involved in the case; i.e., all “**necessary**” parties must be involved in the action
- Failure on any of these counts can lead to dismissal of the case!

Jurisdiction over the Parties or Things

- This is an issue of power! For a defendant to be sued in a court, that court must have the power and the right to adjudicate the rights and duties relevant to the case:
- Ways in which the court can get this authority
 - 1. Personal jurisdiction** (Jurisdiction over the defendant him or herself)
 - This, if applicable, allows the court to render any judgment against the defendant, because the defendant's responsibilities is within the court's power
 - 2. In-rem Jurisdiction**
 - If the case is about a piece of property or an object, the property must be within the jurisdiction of the court.
 - e.g.: If the case is about who owns the house at 123 Main St., if that house is within the geographic area that the court has power over, the court can hear the case
 - 3. Quasi-in-rem Jurisdiction**
 - If the suit is against a person over whom the court does not have personal jurisdiction, but the court can attach property (such as a bank account) owned by the defendant in the jurisdiction; the court can "force" the defendant to show up by holding the property as satisfaction for the plaintiff's lawsuit unless the defendant shows up to defend the case.

Personal Jurisdiction

- States generally make their own rules regarding the extent that their courts have jurisdiction over people; but the “due process” clause of the 14th Amendment mandates that courts cannot have jurisdiction over parties for whom it would be “fundamentally unfair” to be haled into that court.
- Acceptable bases for personal jurisdiction by a court:
 - 1. Consent by the defendant:**
 - Can be express or implied by actions
 - Corporations, by filing to do business in a state, usually consent to be sued there
 - Some state motor vehicle statutes say that by driving in their state, you agree to be sued for an accident that occurs in that state (“non-resident motorist” statutes)
 - 2. Presence** in the jurisdiction when served with process (unless lured there by trickery)
 - 3. “Minimum Contacts”** with the forum state (sometimes known as “minimum contacts”)
 - This is applicable where the defendant is not actually in the forum state, but the defendant and/or the action that gave rise to the suit has enough to do with the forum state that it’s fair to make the defendant come to the state to defend the case

What Constitutes Minimum Contacts?

- If you commit a tort while in a state, that state can assert jurisdiction over you.
- The state in which a contract is signed has jurisdiction over the parties to it.
- What if activities in one state cause harm in another state (such as a car manufacturer in Michigan whose car malfunctions in Georgia)? What level of contact is needed?
 - The *International Shoe* standard: The contacts must be such that hailing the defendant into the forum state does not “offend traditional notions of fair play and substantial justice.”
 - The *Asahi* standard: Minimum contacts is established if the defendant “purposefully directed” substantial activity toward the forum state.

Subject Matter Jurisdiction

- This means the court's competency to hear the case under the law, regardless of who the parties are.
- Unlike most of the other defects discussed earlier, lack of subject matter jurisdiction cannot be waived! If a court has no subject matter jurisdiction, the court cannot hear the case, even if the parties to the case agree to let the court hear and settle it.
- **State courts:**
 - State courts' jurisdiction is limited only by:
 - What state law says they can and cannot hear
 - Some cases can only be heard by federal courts
 - Certain lower courts are limited in what they can hear; e.g., family court, traffic court, etc.
 - Other trial courts are courts of "general jurisdiction" which means they can hear any case brought in the state court system. These are often called "superior courts" because they are above those other specialized courts.

Subject Matter Jurisdiction – Federal Courts

- Federal district courts are not courts of general jurisdiction; federal courts can only hear cases that are:
 1. allowable to federal courts under the Constitution
 2. laid out by Congress as cases that federal court can hear
- Federal District courts have jurisdiction in cases defined by statute in Title 28 of the United States Code, including:
- §1331- Federal Question cases: Cases in which the cause of action itself depends on a “substantial” question of federal law
- §1332(a) Diversity of Citizenship: Cases in which....
 - the parties are citizens of different states (or one is foreign); AND
 - the amount in controversy is more than \$75,000
- Several other cases, such as cases involving maritime law, patent law, bankruptcy, etc.
- In some cases, such a patent infringement cases, federal courts have exclusive jurisdiction! So, state courts cannot decide these cases at all!



QUIZ TIME!