**NO LICENSE – NO NEXUS**

“It is impossible to prove jurisdiction exists absent a substantial nexus with the state, such as voluntary subscription to license. All jurisdictional facts supporting claim that supposed jurisdiction exists must appear on the record of the court.”

--*Northern Pipeline v. Marathon Pipeline*. 102 S. Ct. 3858 quoting *Crowell v Benson* 883 US 22.

“Where a person is not at the time a licensee, neither the agency, nor any official has any jurisdiction of said person to consider or make any order. One ground as to want of jurisdiction was, accused was not a licensee and it was not claimed that he was.”

--*O'Nei1 v Dept. Prof. & Vocations*, 7 CA 2d 398; *Eiseman v Daugherty*, 6 CA 783.

“Failure to reveal the material facts of a license or any agreement is immediate grounds for estoppel.”

--*Lo Bue v. Porazzo*, 48 Cal.App.2d 82, 119, p.2d 346, 348.

International Shoe:

“The party seeking to assert personal jurisdiction bears the burden of demonstrating that such jurisdiction exists.”   
-- *Bird v. Parsons* 289 F.3d 865, 871, 872, 874  (6th Cir. 2002)

“Whether due process is satisfied must depend, rather, upon the quality and nature of the activity in relation to the fair and orderly administration of the laws which it was the purpose of the due process clause to insure. That clause does not contemplate that a state may make binding a judgment *in personam* against an individual or corporate defendant with which the state has no contacts, ties, or relations.” --*International Shoe v. State of Washington*, 326 U.S. 310, 319 (1945)

Requirements for IN PERSONAM Jurisdiction

* as established by *International Shoe*, D must have certain **minimum contacts** with the forum state that are not against **traditional notions of fair play and substantial justice**.
* **minimum contacts**: D must have sufficient minimum contacts with the forum so that the exercise of jurisdiction is fair and reasonable. **2 key factors**:
  + - * 1. **purposeful availment**: some voluntary action by the D establishing a relationship with the forum, purposely availing herself “of the privilege of conducting activities within the forum state, thus invoking the protections of its laws” (*Hanson*)
* Rationale: gives D fair warning that a particular activity may subject them to that state’s jurisdiction (***Burger King***); Also, gives a “degree of predictability to the legal system that allows potential D’s to structure their conduct with some minimum assurance as to where that conduct will and will not render them liable” (***WWV***)
* purposeful availment may be found more easily with regard to a D’s commercial activity than with regard to noncommercial activity (ex. ***Burger King***)
* **stream of commerce**: split court. ***Asahi***
  + - * 1. **Foreseeability** – ***Int’l Shoe*** contacts require that it be foreseeable that the D’s activities make her amenable to suit in the forum. The D MUST **know or reasonably anticipate that her activities in the forum render it foreseeable that she may be hailed into court there**. See *Hanson* (relocating), *WWV* (product - car), *Burger King* (long-term business agreement)
* **Fairness** – In addition to having minimum contacts with the forum, *Int’l Shoe* requires that the exercise of PJ not offend **traditional notions of fair play and substantial justice. Greater fairness analysis can lead to a need for fewer contacts with the forum state in order to establish PJ.**
  + - Fairness factors from ***Worldwide Volkswagon***
    - greater concerns with foreign Ds. Court recognized the “unique burdens placed upon one who must defend oneself in a foreign legal system” ***Asahi***

***International Shoe Co. v. Washington*,** p77

* time had come to restate the principles – now we can get IPJ even if D is not in the forum.
* we have jurisdiction if the “**D has such minimum contacts with the forum that exercise of jurisdiction does not offend traditional notions of fair play and substantial justice”**
* **Issue**: whether a non-resident corporation with no offices within a state, and making no contracts there, is subject to jurisdiction in the state by virtue of soliciting sales orders within the state and shipping merchandise to the state.
* **Rule:**jurisdiction is proper over a D who has “certain **minimum contacts** with [the state] such that the maintenance of the suit does not offend ‘traditional notions of **fair play and substantial justice**’”
* **fair play and substantial justice**: the inconvenience of litigating in a distant forum is relevant
* most quoted text on jurisdiction: “but now that the *capias ad respondendum* has given way to personal service of summons or other form of notice, due process requires only that in order to subject a defendant to a judgment in personam, if he be not present within the territory of the forum, he have certain minimum contacts with it such that the maintenance of the suit does not offend “traditional notions of fair play and substantial justice,” p. 78.
* the D who deliberately chooses to take advantage of the “**benefits and protections of the laws**” of a state will not be heard to cry “foul” when that state holds her to account in its courts of her in-state acts.
* continuous and systematic/large volume of business/not necessarily related - **general jurisdiction**
* continuous/systematic/related - **specific jurisdiction**
* single/isolated/closely related to cause of action - **specific jurisdiction**
* single/isolated - **no jurisdiction**