in New York. The Court explained that, "[l]ike any standard that requires a determination of 'reasonableness,' the 'minimum contacts' test . . . is not susceptible of mechanical application; rather, the facts of each case must be weighed to determine whether the requisite 'affiliating circumstances' are present."[871] Although the Court noted that the "effects" test had been accepted as a test of contacts when wrongful activity outside a state causes injury within the state or when commercial activity affects state residents, the Court found that these factors were not present in this case, and any economic benefit to Kulko was derived in New York and not in California.[872] As with many such cases, the decision was narrowly limited to its facts and does little to clarify the standards applicable to state jurisdiction over nonresidents.

An additional case on the limits of "minimum contacts" jurisdiction over an individual, *Walden v. Fiore*, further articulates the principles involved.[873] Plaintiffs in the case transited through Atlanta while returning to Las Vegas from a gambling trip to Puerto Rico. According to the plaintiffs, an officer at the Atlanta airport wrongfully seized and temporarily retained $97,000 of their gambling winnings, with plaintiffs continuing to Las Vegas before the money's return. They subsequently filed a tort action against the officer in Nevada. The Supreme Court, however, held that the court in Nevada lacked jurisdiction, because of insufficient contacts between the officer and the state relative to the alleged harm. The contacts that count, the Court said, are those initiated by the defendant himself. And, it is the nature of the defendant's activities that matter, and not the mere fact that the defendant has a connection with someone in a state.[874]

Suing Out-of-State (Foreign) Corporations.—A curious aspect of American law is that a corporation has no legal existence outside the boundaries of the state chartering it.[875] Thus, the basis for state court jurisdiction over an out-of-state ("foreign") corporation has been even more uncertain than that with respect to individuals. Before *International Shoe Co. v. Washington*,[876] it was asserted that, because a corporation could not carry on business in a state without the state's permission, the state could condition its permission upon the corporation's consent to submit to the jurisdiction of the state's courts with regard to in-state transactions, either by appointment of someone to receive process or in the ab-

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[871] 436 U.S. at 92.
[872] 436 U.S. at 96–98.
[873] 571 U.S. ___, No. 12–574, slip op. (2014).
[874] 571 U.S. ___, No. 12–574, slip op. at 6–8.
[875] *Cf.* Bank of Augusta v. Earle, 38 U.S. (13 Pet.) 519, 588 (1839).
[876] 326 U.S. 310 (1945).