

The term I was looking for was forum non conveniens.

The court's prerogative to take or pass on a case if it believes it's not the best forum.

One of the determining factors for a court deciding forum non conveniens is the activity of the entity in question. If the DAO acts as if it is prioritizing US law or custom over Cayman law or custom, that is potentially the behavior a US court could use to see the case under its jurisdiction. Because the prosecuting party is likely a US government entity standing on the precedent of recent victories (i.e. LBRY and Ooki DAO), a US court claiming forum non conveniens would put the DAO at a significant legal disadvantage.

However.

The court has no way to directly enforce forum non conveniens on the DAO. It can employ Mafia tactics and attack the DAO's "family" — the SC, other doxxed official entities — especially considering US court gave the Alphabet Boys precedent to pierce the veil in the Ooki DAO case.

Having the SC as majority US persons is a huge disadvantage for the A in DAO, as the US is the jurisdiction the DAO seems to most fear. And you can bet the US-facing SC members will choose to protect themselves from possible censure — even if the DAO cannot be attacked directly — concerning actions the DAO takes potentially concerning the US.

The problem is, this caution for self-protection potentially works against the DAO's argument for autonomy and might cause a US court to impose a greater hold over the DAO [read: SC] than it would if the DAO were to ACT LIKE A CAYMAN ENTITY without fear of looking like it isn't.

For instance, the DAO directly staking into [Apestake.io](https://apestake.io), a frontend that is geofenced away from the US, on chain, without a VPN, openly, seems to work in favor of the DAO being a Cayman entity and would reduce the argument a US court has for forum non conveniens. There are other concerns, I know. But I haven't heard anything about this except "law is complicated, durr" and this topic is not beyond me.

For this and other issues, having an opinion from lawyers around the world seems to work in favor of the DAO being an international entity without a nexus in the US. Separating the powers of Director and Supervisor and giving the Supervisors — also from many, many countries — a prominent role in the decision making process towards US-adjacent decisions, seems to work in favor of the DAO's autonomy as well.

Guess what doesn't work in favor? An SC heavy on US persons and US person WGv0 appointees unilaterally making a decision to cautiously NOT do something that would cause censure to a company under US jurisdiction. What does that sound like? That's right — an entity under US jurisdiction and following US law, even when law in its physical jurisdiction could be in conflict. The DAO is sitting in the Caymans, but it's got US people making a decision that looks just like the decision that a company sitting in Topeka, Kansas would make. Which would cause a US court to take the case rather than pass on it.