

A journalist domiciled in State A entered into a contract to write an article about a professor who works in State B and is domiciled in State C. The journalist and the professor negotiated and signed the contract in State A. When the journalist failed to produce the article by the deadline stated in the contract, the professor sued the journalist for breach of contract in a federal district court in State B.

The following week, the journalist traveled to State B for a court proceeding unrelated to the professor's suit. The professor had the journalist served with process while the journalist walked into the courthouse. The journalist had never traveled to State B prior to this court appearance and has no other contacts with State B. The journalist has moved to dismiss the professor's suit, asserting that the federal court lacks personal jurisdiction over him.

Is the journalist's assertion correct?

- A. No, because the journalist established minimum contacts with State B by traveling to the state.
- B. No, because the professor had the journalist served with process in State B.
- C. Yes, because the journalist was in State B to attend an unrelated court proceeding.
- D. Yes, because the professor is domiciled in State C.

### Explanation:

**Personal jurisdiction** is a court's authority over the parties or property before it. One way a federal court can establish personal jurisdiction over a defendant is through **tag jurisdiction** (ie, transient jurisdiction). Tag jurisdiction exists when the **defendant is served with process** while **voluntarily present** in the **forum state**. As a result, tag jurisdiction **does not exist when** the defendant was:

- **fraudulently or forcefully brought** into the forum state to be served with process *or*
- present in the forum state to **attend an unrelated judicial proceeding**.

Here, the professor had the journalist served with process in State B, the forum state where the federal court is located. But since the journalist was in State B for an unrelated judicial proceeding, tag jurisdiction does not exist **(Choice B)**. Therefore, the journalist is correct that the federal court lacks personal jurisdiction over him.

**(Choice A)** Personal jurisdiction is established through specific jurisdiction when the plaintiff's claim arises from or is closely related to the defendant's minimum contacts with the forum state. In the unlikely event that the journalist's single trip to State B established minimum contacts, specific jurisdiction does not exist because the claim does not arise from nor is it closely related to that trip.

**(Choice D)** The fact that the professor (plaintiff) is domiciled in State C is irrelevant in determining whether the State B federal court has personal jurisdiction over the journalist (defendant). Because a *plaintiff* consents to personal jurisdiction by filing the suit, only a *defendant's* domicile is relevant in determining whether personal jurisdiction can be established through general jurisdiction.

### Educational objective:


A federal court obtains personal jurisdiction over a defendant served with process while voluntarily present in the forum state unless the defendant was (1) fraudulently or forcefully brought into the state to be served with process or (2) present in the state to attend an unrelated judicial proceeding.

### References

- Burnham v. Super. Ct. of Cal., 495 U.S. 604, 613 (1990) (explaining that tag jurisdiction exists unless the defendant was fraudulently or forcefully brought into the forum state or is present for another judicial proceeding).


Grounds for personal jurisdiction

**Specific jurisdiction**  
(minimum contacts)




**General jurisdiction**  
(continuous & systematic contacts)


**Person**  
(state of residence)



**Corporation**  
(state of incorporation)




(headquarters)



**Other grounds**

**Service of process**



**Consent**

Contract

14. Forum selection clause:  
All parties consent to  
exclusive jurisdiction and  
venue in the state and  
federal courts of Texas.