

JURISDICTION  
IN  
CIVIL ACTIONS

ROBERT C. CASAD



WARREN, GORHAM & LAMONT

# JURISDICTION IN CIVIL ACTIONS

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**Territorial Basis and Process Limitations on  
Jurisdiction of State and Federal Courts**

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*by*

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*To Sally Ann McKeighan Casad*

## Preface

THIS BOOK ATTEMPTS a comprehensive treatment of all aspects of the problem of invoking jurisdiction in civil actions. It deals with the constitutional limitations on the basis for jurisdiction over persons and things and on the process by which judicial jurisdiction is exercised. It also deals with common types of statutory restrictions on both the basis and process aspects of jurisdiction. It aims to provide a thorough and reliable guide to the exercise of jurisdiction over non-consenting nonresident persons and corporations—to what has come to be called “long-arm jurisdiction.”

Every state has a statute or court rule permitting its courts to exercise jurisdiction over nonresidents in a fairly broad range of situations. Since 1960, several thousand cases have been reported in which state or federal courts have considered the propriety of the exercise of jurisdiction under such statutes. The idea that led me to undertake the study that produced this book was the belief that some useful generalizations might be drawn from that large body of decided cases.

Most of the long-arm statutes contain provisions that are similar. Moreover, courts in every state are bound to observe the constitutional limitations on the basis of jurisdiction and on the process of invoking it. There are, then, enough common features among the cases decided under different states' laws to warrant a study of jurisdiction on a nationwide basis. That is what this book is: an identification, analysis, and classification of every reported jurisdiction decision since 1960. We may have missed a few, but there are over 3,900 cases included here.

Every year many, many new jurisdiction cases are decided. Every year, it seems, some states amend their long-arm and other jurisdiction statutes. Supplementation to this work will keep it up-to-date by reflecting the new decisions, statutory changes, and the learned commentary on jurisdiction issues appearing in the current legal journals.

Note that on January 12, 1983, Congress enacted amendments to Rule 4. See the addendum to Chapter 5 for notable changes in Rule 4 and the text of the law.

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I am deeply indebted to the University of Kansas Law Library and to the library of the University of California Hastings College of the Law for the use of their facilities and collections.

I am particularly grateful to Debra Arnett, who, as my research assistant for a year and a half, made a number of very important contributions to the organization and administration of the research plan, and who shared with me the task of finding, reading, and briefing the thousands of cases the study rests on. She also checked the accuracy of the citations in several chapters. I also received valuable assistance from James Wagstaffe, John Cowles, Elizabeth Hougland, Michael Jones, and Kent Frobish. The typing of the manuscript of the text and footnotes was, for the most part, done by Mary Williams and Janice Riley. I am very grateful to them for their careful and painstaking work.

Finally, I want to acknowledge the contribution of my wife Sally to the success of this project. It was a demanding exercise, and I am grateful for her patience and support during all those evenings and weekends when I was in the library instead of the living room. I dedicate the book to her.

ROBERT C. CASAD

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