

SUPREME COURT ROUND-UP:

The Due Process Limits to the Exercise of Personal Jurisdiction

THURSDAY, MARCH 24, 2011
6:30 PM – 8:30 PM

2 MCLE Credits: 2 PP
Transitional and Non-transitional

PROGRAM CO-SPONSOR:
Federal Bar Association (FBA), SDNY Chapter

FACULTY:

Professor Robert Pfeffer
University of Alabama School of Law

Luke McGrath
Partner, Dunnington, Bartholow & Miller

This course will be held at the
U.S. Courthouse, 500 Pearl St., Rm. 850

Attendees will be required to pass through security,
please factor in extra time.

The Supreme Court heard oral argument on Jan. 11, 2011 in two cases involving the due process limits to the exercise of personal jurisdiction. In the first case, **J. McIntyre Machinery Ltd. v. Nicastro, U.S.**, No. 09-1343 (certiorari petition granted 9/28/10), the Court will determine whether putting a product in the stream of commerce through a distributor subjects a defendants to suit in a state in which the product is ultimately distributed. In the second case, **Goodyear Luxembourg Tires SA v. Brown, U.S.**, No. 10-76 (certiorari petition granted 9/28/10) the Court will decide whether a certain volume of sales in a state subjects a defendant to the general jurisdiction of the state for any matter (including matters not connected with a defendant's sales).

These cases necessarily have important implications for companies in terms of ordering their affairs in terms of where they might be sued, and for taking steps to protect their interests in avoiding hostile forums if they are in fact sued.

Professor Pfeffer and **Mr. McGrath** will provide background and context for each case and offer projections of how the Court may treat the due process issues raised by these cases. With a blow by blow analysis of the oral argument proceedings, complete with re-play from the audio soundtrack of those proceedings, Pfeffer and McGrath will take participants through a guided tour of the Highest Court's most pressing concerns on the outer limits of jurisdictional due process. Further, the strategic steps that companies can take in light of the potential outcomes (including, but not limited to the use of consent to jurisdiction and jurisdiction limitation clauses in contracts), so as to best protect themselves against being haled into a distant, inconvenient, and/or hostile forum will be discussed, as will how the outcomes of these cases may affect jurisdiction in NY.

MCLE CREDITS: This course has been approved in accordance with the requirements of the New York State CLE Board for a maximum of 2 Transitional and Non-Transitional credit hours: 2 Professional Practice.

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Early registration (on or before Mar. 22):

NYCLA/FBA Member: \$40 Non-member: \$60

Registration (Mar. 23 - 24):

NYCLA/FBA Member: \$65 Non-member: \$85

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