

Table of Contents

CHAPTER 1. INTRODUCTION

- § 1:1 Alternative fora
- § 1:2 Importance of making the best choice
- § 1:3 Plaintiff's choices
- § 1:4 —Practical and tactical considerations
- § 1:5 Legal limitations
- § 1:6 Defendant's choices
- § 1:7 —Forum non conveniens and venue transfer
- § 1:8 —Removal to federal court
- § 1:9 Forum selection by contract
- § 1:10 International forum shopping

CHAPTER 2. PRACTICAL AND TACTICAL CONSIDERATIONS

- § 2:1 Cost considerations
- § 2:2 —Transportation and lodging
- § 2:3 —Importance of open court testimony
- § 2:4 — —Use of depositions at trial
- § 2:5 —Local counsel
- § 2:6 Availability of compulsory process
- § 2:7 Availability of favorable procedure
- § 2:8 —Characteristics of pleading system
- § 2:9 —Discovery rules
- § 2:10 —Rules of Evidence
- § 2:11 —Rule 11 sanctions
- § 2:12 —Right to jury trial
- § 2:13 —Quality of judges
- § 2:14 —Congestion in court dockets
- § 2:15 Availability of favorable substantive and remedial law
- § 2:16 —Choice of law theory
- § 2:17 —Center of gravity theory
- § 2:18 —Second Restatement
- § 2:19 —Interest analysis theory
- § 2:20 —Constitutional limitations
- § 2:21 —Law applicable in federal courts
- § 2:22 — —Federal common law
- § 2:23 — —Federal choice of law
- § 2:24 —Limits on damage recoveries

- § 2:25 —Statutes of limitations and tolling rules
- § 2:26 Effect of the judgment—Enforceability
- § 2:27 —Claim and issue preclusion
- § 2:28 Appellate procedure

CHAPTER 3. SUBJECT MATTER LIMITATIONS ON JURISDICTION

I. OVERVIEW

- § 3:1 Subject matter jurisdiction
- § 3:2 —State courts
- § 3:3 —Federal courts

II. SCOPE OF FEDERAL JUDICIAL POWER

- § 3:4 Article III—In general
- § 3:5 Cases and controversies
- § 3:6 —Advisory opinions
- § 3:7 —Political questions
- § 3:8 —Standing
- § 3:9 Eleventh Amendment
- § 3:10 Enjoining state action
- § 3:11 Lower federal courts
- § 3:12 —Jurisdiction statutes
- § 3:13 Federal question jurisdiction—Cases arising under federal law
- § 3:14 —Statutes
- § 3:15 — —Federally created causes of action
- § 3:16 —Declaratory judgments
- § 3:17 Diversity of citizenship
- § 3:18 —Complete diversity
- § 3:19 —State citizenship
- § 3:20 —Realignment
- § 3:21 —Amount in controversy
- § 3:22 Admiralty
- § 3:23 Suits to which the United States is a party
- § 3:24 Exclusive and concurrent jurisdiction
- § 3:25 Removal jurisdiction
- § 3:26 Supplemental jurisdiction
- § 3:27 Interpleader jurisdiction
- § 3:28 Abstention
- § 3:29 Alternative Dispute Resolution

TABLE OF CONTENTS

CHAPTER 4. JURISDICTION OVER PERSONS AND PROPERTY

- § 4:1 Jurisdiction over the person
- § 4:2 Constitutional limitations on jurisdiction over the person—Traditional bases
- § 4:3 — —Territorial power theory
- § 4:4 — —Modern theory—Minimum contacts and fundamental fairness
- § 4:5 — —Purposeful availment—Hanson v. Denckla
- § 4:6 — —Foreseeability
- § 4:7 — —Kulko v. Superior Court
- § 4:8 — —Connection between defendant’s conduct and the cause of action
- § 4:9 — —Stream of commerce
- § 4:10 — —General jurisdiction
- § 4:11 Transient jurisdiction
- § 4:12 Specific jurisdiction—Synthesis
- § 4:13 Summary of constitutional bases for personal jurisdiction
- § 4:14 Jurisdiction of the person—Constitutional limitations on process
- § 4:15 — —Service provisions in statutes or rules as limitations on basis
- § 4:16 — —Statutory and rule limitations on process
- § 4:17 — —Form and content of process
- § 4:18 — —Service of process
- § 4:19 — —Obtaining consent to jurisdiction
- § 4:20 Jurisdiction over property—Traditional approach
- § 4:21 — —Requirement of prior attachment
- § 4:22 — —Modern approach
- § 4:23 — —Process
- § 4:24 Continuing jurisdiction
- § 4:25 Forum non conveniens
- § 4:26 Venue—State courts
- § 4:27 — —Federal courts
- § 4:28 Venue transfer for convenience
- § 4:29 Transfer to cure lack of personal jurisdiction

CHAPTER 5. LONG-ARM JURISDICTION

- § 5:1 Long-arm statutes
- § 5:2 — —Enumerated act statutes
- § 5:3 — —“Any constitutional basis” statutes
- § 5:4 — —Extension of statutes to the limits of due process
- § 5:5 — —Retroactive application

JURISDICTION AND FORUM SELECTION

- § 5:6 Typical provisions—“Transacting business”
- § 5:7 — —Noncommercial transactions
- § 5:8 —Tortious act or injury
- § 5:9 —Meaning of “act within this state”
- § 5:10 — —Jurisdiction and substantive merits
- § 5:11 —Injury in state from out-of-state act
- § 5:12 Specific jurisdiction—Personal injuries in intentional tort actions
 - § 5:13 —Personal injuries in negligence actions
 - § 5:14 — —Product liability injury in forum state
 - § 5:15 — —Product liability injury outside forum state
 - § 5:16 — —Other injuries outside forum state
 - § 5:17 —Fraud and deceit
 - § 5:18 —Defamation and invasion of privacy
 - § 5:19 —Business torts
 - § 5:20 —Contract actions involving property sales
 - § 5:21 —Contract actions involving service and employment contracts
 - § 5:22 —Domestic relations
 - § 5:23 — —Child custody
 - § 5:24 Fiduciary shield
 - § 5:25 Supplemental long-arm jurisdiction
 - § 5:26 Long-arm contacts through the Internet

CHAPTER 6. CHOOSING BETWEEN STATE AND FEDERAL COURTS

- § 6:1 Differences between state and federal courts
- § 6:2 —Range of process for personal jurisdiction
- § 6:3 — —The one-hundred-mile bulge
- § 6:4 — —Supplemental personal jurisdiction
- § 6:5 Advantages of federal courts for defendants
- § 6:6 Manipulation of federal jurisdiction
- § 6:7 —Federal question jurisdiction
- § 6:8 —Diversity of citizenship jurisdiction
- § 6:9 — —28 U.S.C.A. § 1359 anticollusion statute
- § 6:10 — —Class actions
- § 6:11 — —Shareholders’ derivative suits
- § 6:12 Devices to prevent removal

CHAPTER 7. CHALLENGING JURISDICTION

- § 7:1 Subject matter jurisdiction
- § 7:2 Personal jurisdiction

TABLE OF CONTENTS

- § 7:3 Objections to personal jurisdiction before judgment—
Special appearance
- § 7:4 — —Federal procedure
- § 7:5 — —Pleading and proving jurisdictional facts
- § 7:6 — —Discovery
- § 7:7 Objections to personal jurisdiction after judgment
- § 7:8 —Vacating or setting aside judgment
- § 7:9 Collateral attack
- § 7:10 Issue preclusion of jurisdictional rulings
- § 7:11 Limited appearance
- § 7:12 Fraud in procuring jurisdiction
- § 7:13 Immunity from service of process

APPENDICES

APPENDIX A. State Variation Tables

APPENDIX B. Long-Arm Statutes

Table of Laws and Rules

Table of Cases

Index