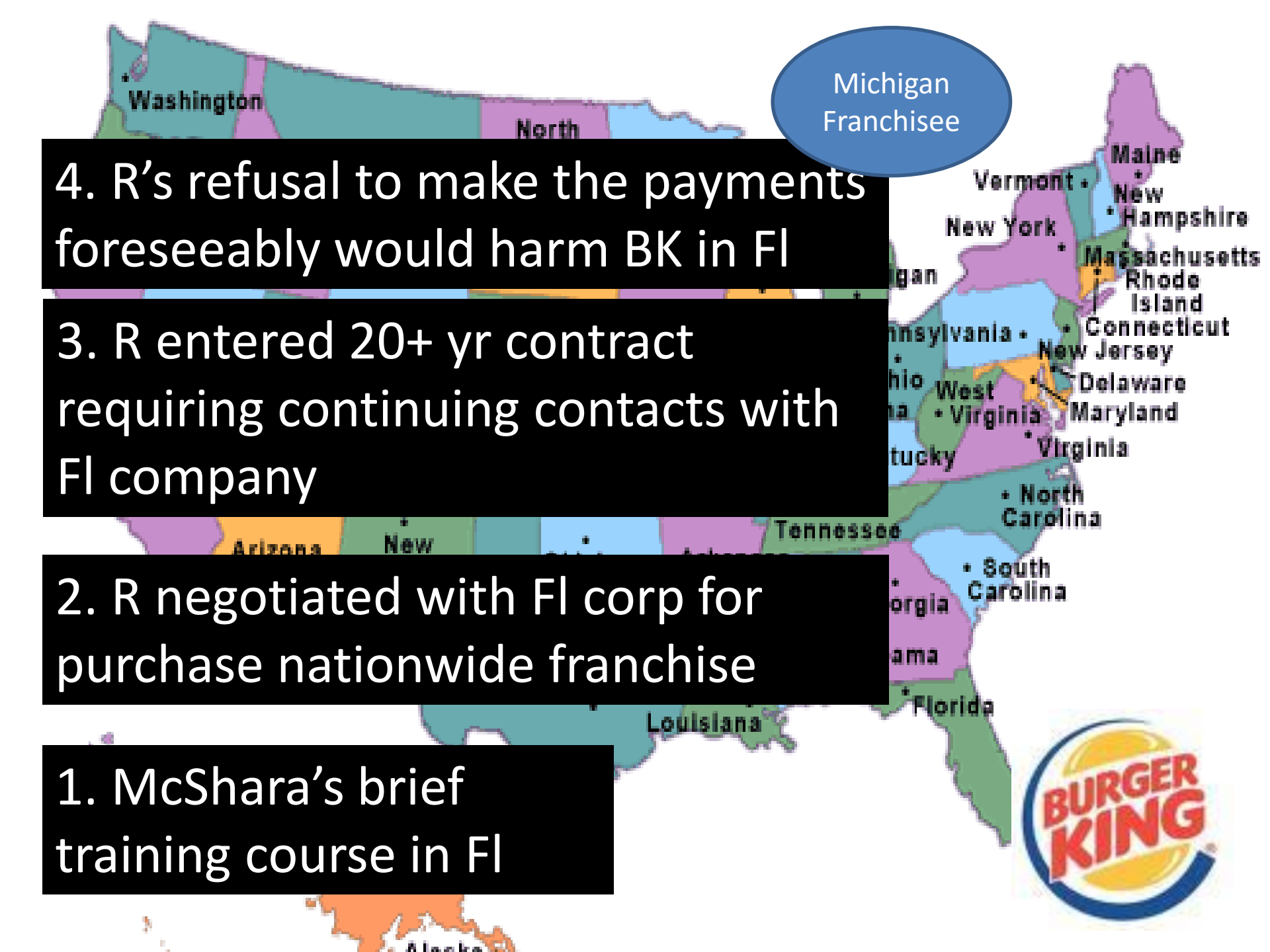
Professor Lonny Hoffman

Burger King v. Rudzewicz

Calder v. Jones

Walden v. Fiore

Burger King v. Rudzewicz


Michigan Franchisee
4. R's refusal to make the payments foreseeably would harm BK in Fl
3. R entered 20+ yr contract requiring continuing contacts with Fl company
2. R negotiated with Fl corp for purchase nationwide franchise
1. McShara's brief training course in Fl
Washington
North
Maine
Vermont
New Hampshire
New York
Massachusetts
Rhode Island
Connecticut
New Jersey
Delaware
Maryland
West Virginia
Virginia
North Carolina
South Carolina
Tennessee
Louisiana
Florida
BURGER KING

Shoe's Minimum Contacts test, following *Burger King*

Step 1: Does D have minimum contacts with the forum State (burden on the P to prove)

Step 2: Assuming minimum contacts, do reasonableness factors show it would be unconstitutional to exercise jurisdiction (burden on the D to prove

Step 1: Does D have minimum contacts with the forum State (burden on the P to prove)

Has D "purposefully directed" his activities at the forum State

(to be precise, BK actually says "his activities at residents of the forum")

Prior Negotiations

Contemplated
future
consequences

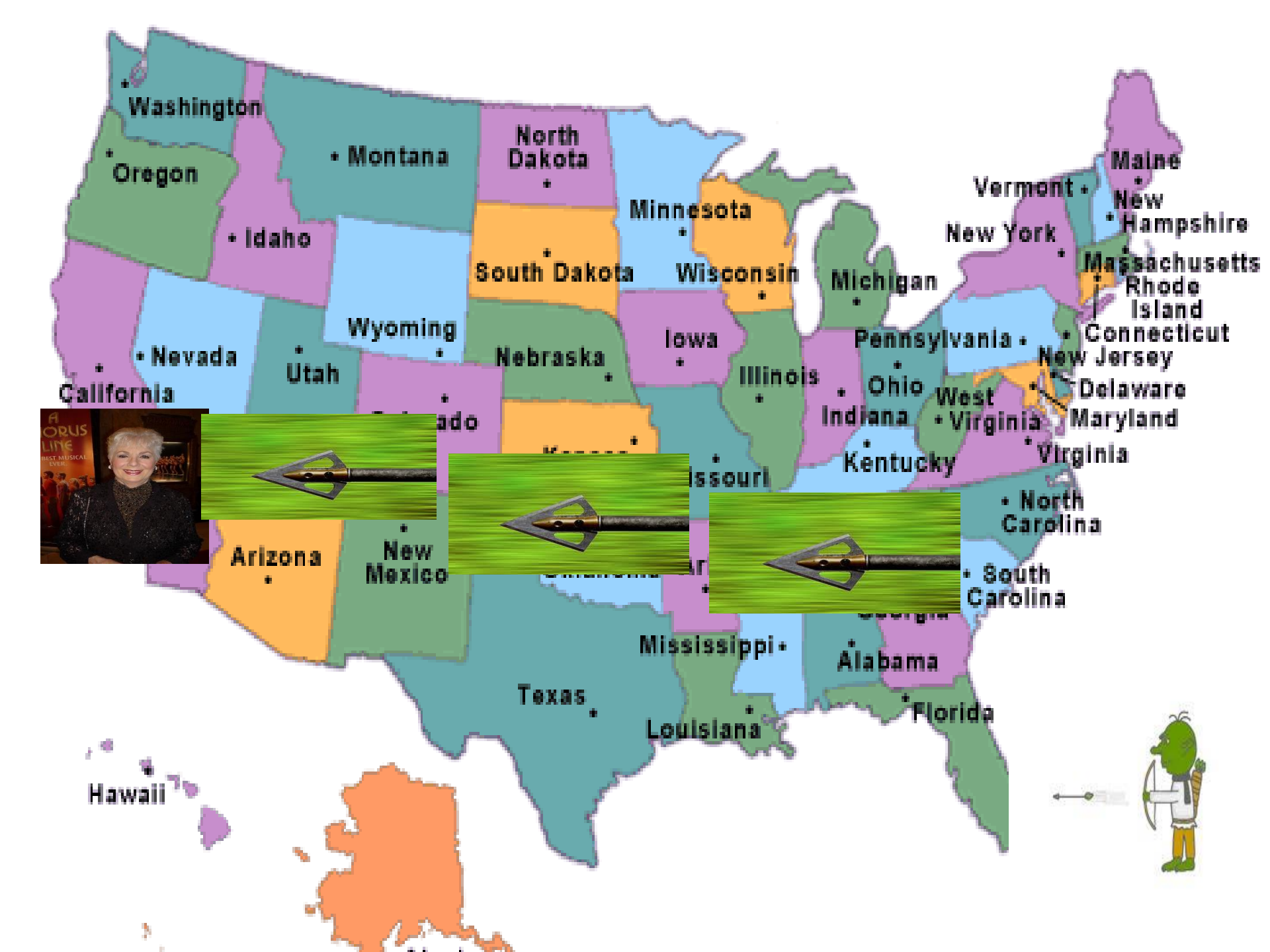
Contract terms

Parties' actual course of dealing

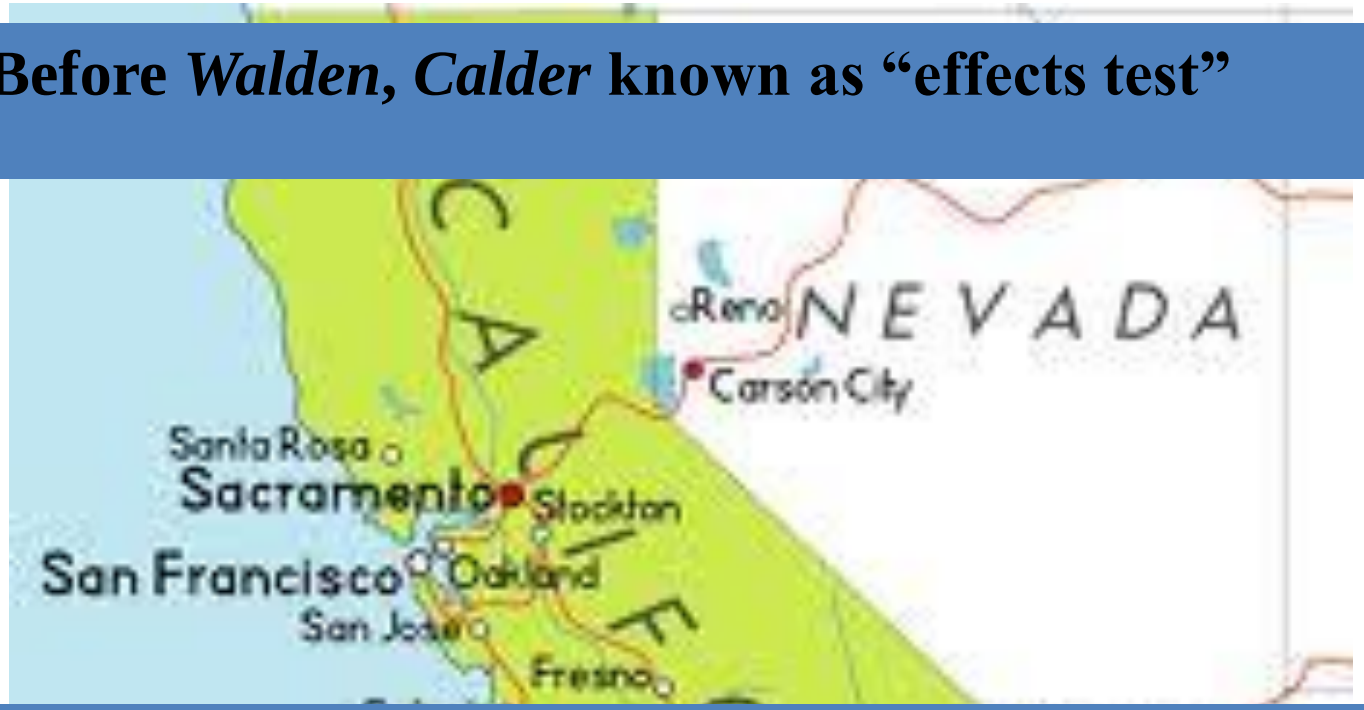
Step 2: Assuming minimum contacts, do reasonableness factors show it would be unconstitutional to exercise jurisdiction (burden on the D to prove)

1. Burden on the D
2. Forum State's interest
3. P's interest in convenient and effective relief
4. Shared interest of the several States

Calder v Jones


Washington
Oregon
Montana
North Dakota
Minnesota
Maine
Vermont
New Hampshire
Idaho
South Dakota
Wisconsin
Michigan
New York
Massachusetts
Rhode Island
Connecticut
Wyoming
Iowa
Pennsylvania
New Jersey
Nevada
Utah
Nebraska
Illinois
Ohio
Delaware
California
Indiana
West Virginia
Maryland
Kentucky
Virginia
Arizona
New Mexico
North Carolina
South Carolina
Mississippi
Alabama
Texas
Louisiana
Florida
Hawaii

Before *Walden*, *Calder* known as "effects test"



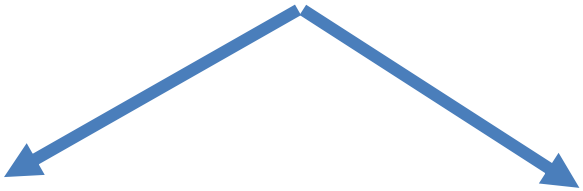
As in, jurisdiction proper because Ds could reasonably anticipate being sued where the effects of their intentionally tortious act would be felt by P

But what was *Walden*'s take on *Calder*?



Walden v. Fiore

"the defendant's suit-related conduct must create a substantial connection with the forum State."



Must be

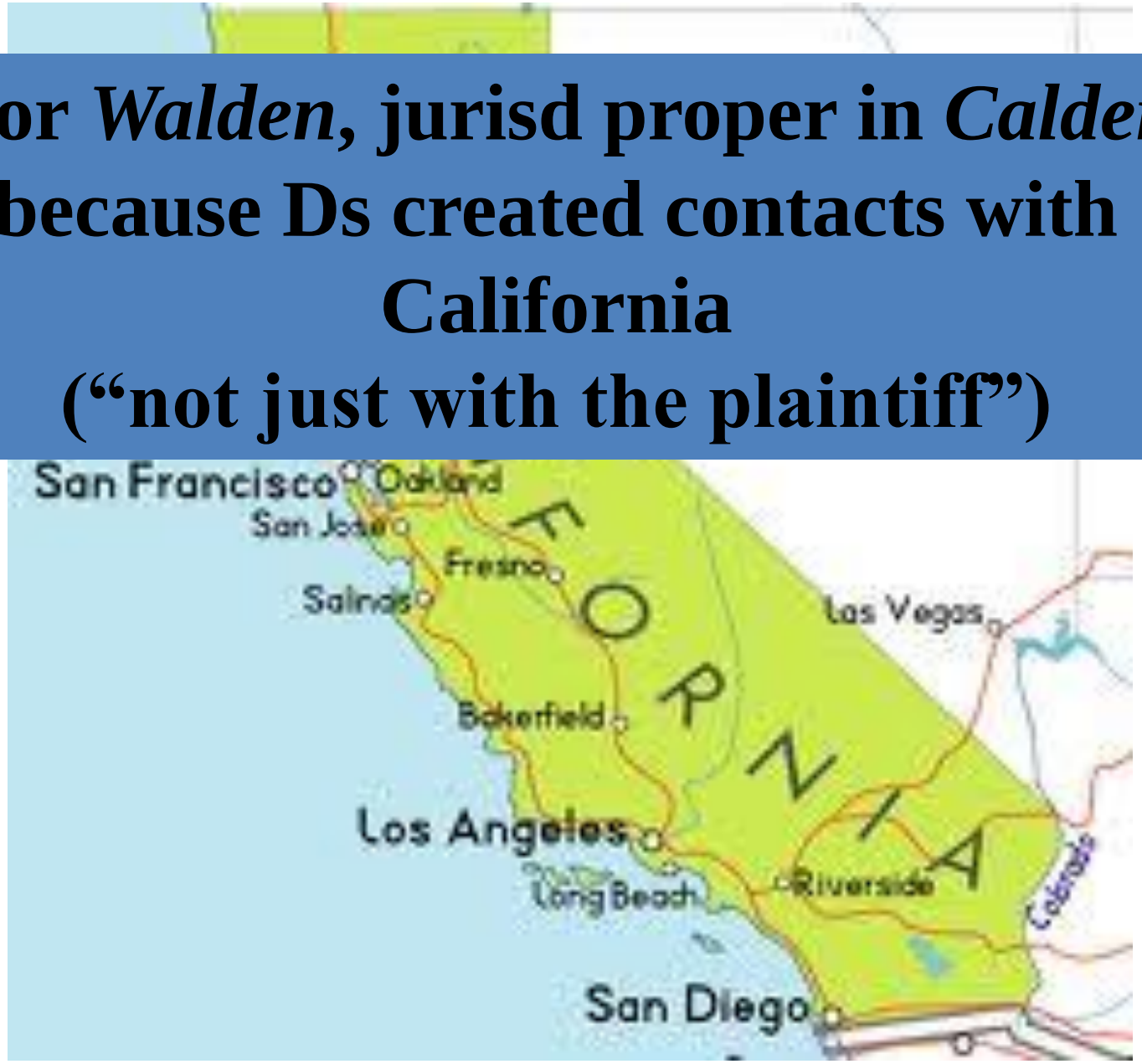
D's own contacts in forum--

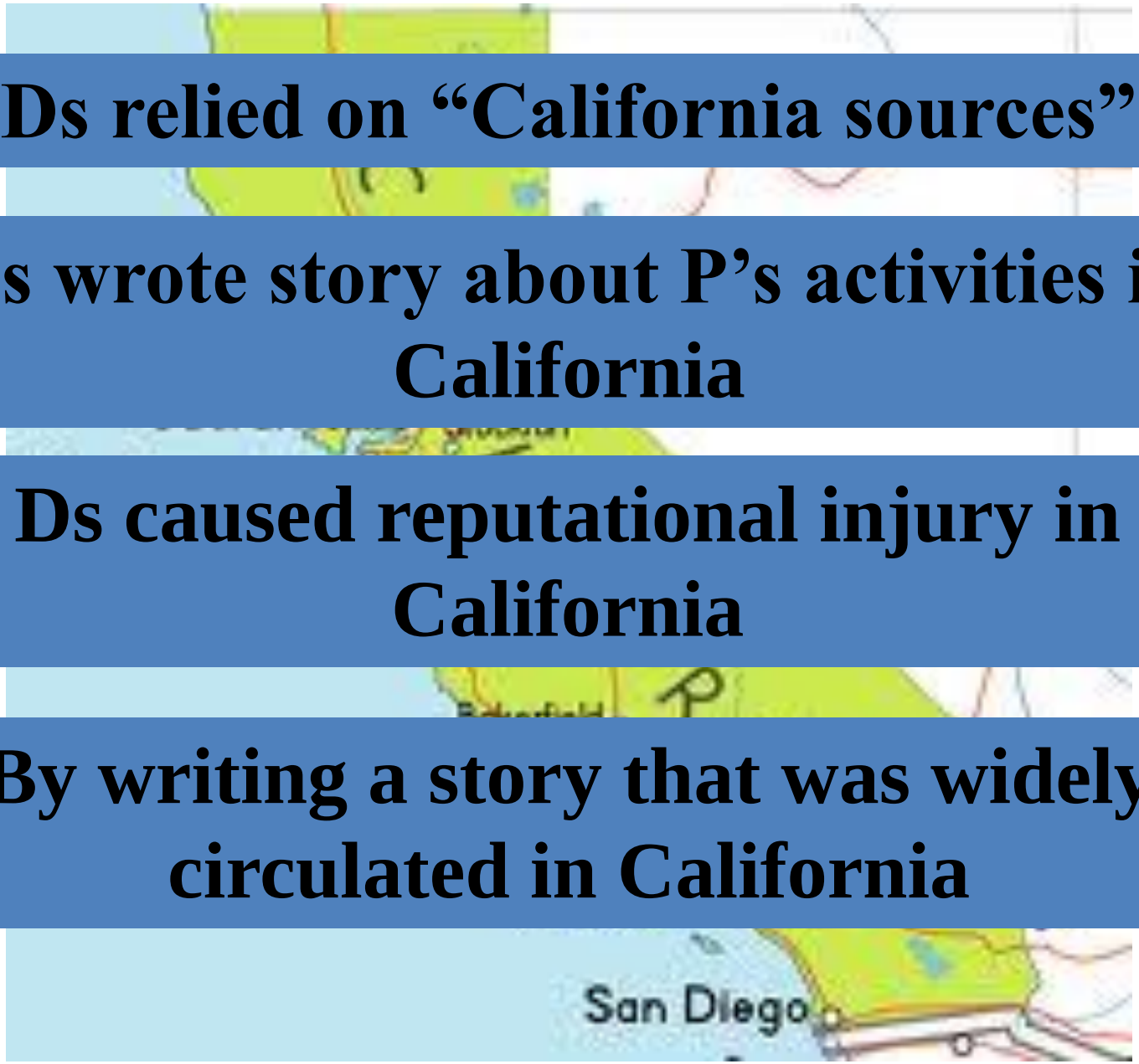
not P's or third party's

D's contacts with forum--

not with persons who reside there

For *Walden*, jurisd proper in *Calder* because Ds created contacts with California ("not just with the plaintiff")



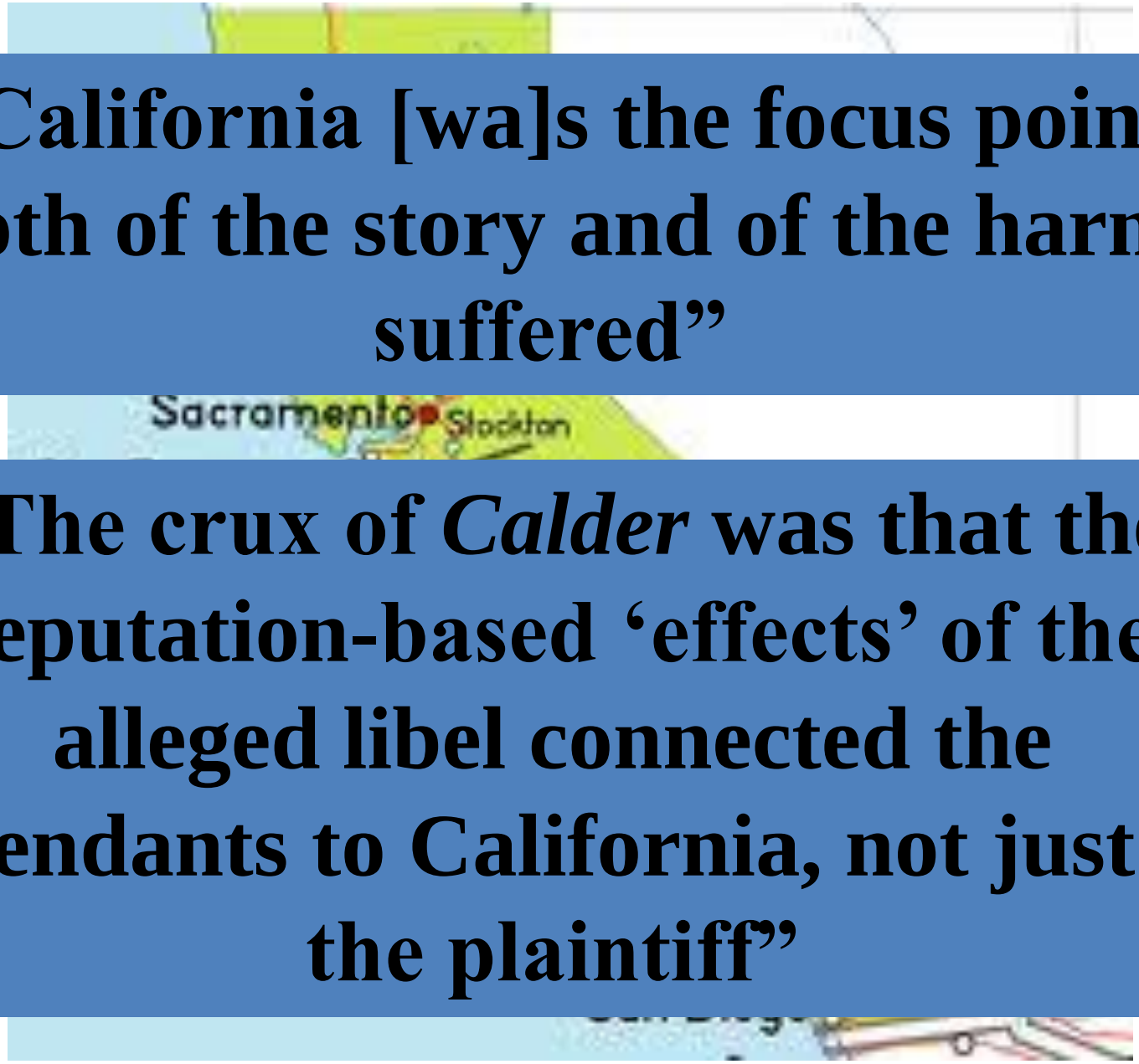


Ds relied on "California sources"

Ds wrote story about P's activities in California

Ds caused reputational injury in California

By writing a story that was widely circulated in California



"California [wa]s the focus point both of the story and of the harm suffered"

"The crux of *Calder* was that the reputation-based 'effects' of the alleged libel connected the defendants to California, not just to the plaintiff"

In Walden, D had no contacts in Nevada



D seized P's cash in Atlanta's airport

And we don't count fact that P said they suffered in Nevada bc lived there and were denied use of money there

“Nevada is where respondents chose to be at a time when they desired to use the funds seized...”

“Respondents would have experienced same lack of access in California, Mississippi, or wherever else they might have traveled…”