
Joel Kurtzberg, Adam S. Mintz and Samuel J. Weiner Publish “Does Jurisdiction-by-Consent Survive ‘Daimler AG v. Bauman?’” in the New York Law Journal

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For more than a century, the decision of the Supreme Court of the United States in *Pennsylvania Fire Ins. Co. v. Gold Issue Mining Co.*, 243 U.S. 93 (1917), had been read to permit a state, consistent with due process, to require an out-of-state defendant to consent to general jurisdiction as a condition for registering to do business in the state. Out-of-state companies could, therefore, be sued in that state, even if the events giving rise to the suit occurred outside the forum state and were not otherwise sufficiently connected to the state.

In a new article for the *New York Law Journal*, partner Joel Kurtzberg, counsel Adam Mintz, and associate Samuel Weiner explore how this so-called “jurisdiction-by-consent” theory was thrown into doubt in 2014, when the Supreme Court in *Daimler AG v. Bauman*, 571 U.S. 117 (2014), limited the locations where a corporate defendant could be subject to general jurisdiction to only those jurisdictions where it is “at home,” which, absent exceptional circumstances, means its principal place of business or its place of incorporation. Since *Daimler*, the federal courts have been divided about whether a state statute requiring consent to general jurisdiction as a condition of doing business is consistent with due process. The Supreme Court will soon resolve the conflict, as it has recently granted certiorari in a case squarely presenting the issue.

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