This course will be graded on the basis of a single, three-hour, closed-book examination, class participation and attendance. Students are expected to have read and briefed the materials assigned for each class, and they should be prepared to discuss the assigned materials. Any student who is called on and is unprepared will be called on during the next class session. If the student is unprepared again, his or her grade will be lowered ½ a grade (e.g., a student who earns a B on his or her exam would receive a B- in the course) and an additional ½ a grade for each subsequent violation of this policy.

The law school’s attendance policy permits four absences per semester. Consistent with law school policy, any student who exceeds the number of allowed absences will have his grade lowered ½ a grade for the first absence and another ½ a grade for each subsequent absence. Please review the law school attendance policy (attached) in its entirety.

This is the reading list for the personal jurisdiction portion of the class. The reading list for the remainder of the semester will hinge on our progress through personal jurisdiction. We will cover the materials in the order indicated. I will make clear in each class what the reading assignment is for the next class.

**Personal Jurisdiction Reading Assignments**

**I. The Traditional Concept of Personal Jurisdiction**

A. **Pennoyer v. Neff**  
666-678

B. **Pennoyer’s Progeny (background only)**  
679-686
## II. The Modern Concept of Personal Jurisdiction

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>A.</td>
<td>The Shift to Minimum Contacts</td>
<td>686-697</td>
</tr>
<tr>
<td>B.</td>
<td>States’ Response – Long-Arm Statutes</td>
<td>697-704 &amp; Missouri’s Long-Arm Statute (attached)</td>
</tr>
<tr>
<td>C.</td>
<td>Personal Jurisdiction in Federal Court</td>
<td>704-706 &amp; FRCP 4(e)-(f), (k)</td>
</tr>
<tr>
<td>D.</td>
<td>Refining the Minimum Contacts Analysis</td>
<td>707-721</td>
</tr>
<tr>
<td></td>
<td>Part I – World-Wide Volkswagen</td>
<td>707-721</td>
</tr>
<tr>
<td></td>
<td>Part II – Calder &amp; Keeton</td>
<td>722-728</td>
</tr>
<tr>
<td></td>
<td>Part III – Burger King</td>
<td>728-741</td>
</tr>
<tr>
<td></td>
<td>Part IV – Asahi</td>
<td>741-750</td>
</tr>
<tr>
<td>E.</td>
<td>Demise of Quasi-in-Rem Jurisdiction</td>
<td>760-775</td>
</tr>
<tr>
<td>F.</td>
<td>Personal Service within the Jurisdiction</td>
<td>778-796</td>
</tr>
<tr>
<td>G.</td>
<td>Consent to Personal Jurisdiction</td>
<td>804-815 &amp; FRCP 12(h)</td>
</tr>
<tr>
<td>H.</td>
<td>General vs. Specific Jurisdiction</td>
<td>796-804</td>
</tr>
<tr>
<td>I.</td>
<td>The Requirement of Notice</td>
<td>815-824, FRCP 4(c)-(d), 4(g)-(h) &amp; Mullane Hypo (attached)</td>
</tr>
<tr>
<td>J.</td>
<td>Choice of Law</td>
<td>775-778 &amp; Toaster Hypo (attached)</td>
</tr>
<tr>
<td>K.</td>
<td>Venue</td>
<td>825 (Intro Note only) &amp; 28 U.S.C. §§ 1391-1392</td>
</tr>
<tr>
<td>M.</td>
<td>Review</td>
<td>No Casebook Assignment</td>
</tr>
</tbody>
</table>
UMKC School of Law Attendance Policy

Preamble:

All ABA-accredited law schools are required to abide by the Standards for Approval of Law Schools of the American Bar Association, including the rule that, "A law school shall require regular and punctual class attendance. This provision carries with it a clear, affirmative duty on the part of each institution:

A law school shall demonstrate that it has adopted and enforces policies insuring that individual students satisfy the requirements of this Standard, including the implementation of policies relating to class scheduling, attendance, and limitation on employment.

Consistent with these directives, the UMKC School of Law faculty believes that dependability is an essential characteristic of a good lawyer. The Law School's objective is not only to ensure academic success, of which attendance is a major component, but also the development of good professional habits.

Over the years the Law School faculty has experimented with different attendance policies and has found that, without such a policy, attendance becomes noticeably lax, which in turn can contribute to poor performance on the bar examination.

Moreover, the faculty recognizes that sound academic reasons exist for adopting a uniform attendance policy that allows some classes to require even more stringent attendance requirements.

Finally, the faculty recognizes that, if it imposes a mandatory attendance policy on students, the faculty also needs to impose compulsory attendance-taking on itself, using a standardized system, to ensure uniformity, fairness and predictability in the implementation of its attendance policy.

Procedures:

Every faculty member shall take attendance each day of class by distributing a sign-in sheet consisting of a current class roster, or a suitable alternative. If a sign-in sheet is used, each student in attendance must sign the roster next to his or her name. The faculty member or her administrative assistant shall deliver completed attendance sheets or the results of the suitable alternative method of taking attendance to the Director of Student Services promptly.

Each student shall be allowed absences up to, but not exceeding, two times the number of class sessions per week. (For example, a student in a three-hour class that meets in two 75-minute sessions each week may miss a total of four such sessions. A student in a three-hour class that meets in three 50-minute sessions may miss a total of six such sessions.) In their discretion, faculty members may require fewer, but may not allow more, absences. If a faculty member intends to impose a more stringent attendance policy, she must notify students of the policy by announcement in class or in writing or by electronic posting during the first week of the semester.

3. Each absence exceeding the limitation imposed by paragraph 2, above, shall result in a one-step letter grade reduction for the course to be assessed by the Dean's Office, e.g., from "B" to "B-" or from "A-" to "B+". (For example, a student who misses five
classes in a three hour class that meets in two 75-minute sessions will be assessed a one-step grade penalty. If that student misses a sixth class, he or she will be assessed an additional one-step grade penalty.) A faculty member may in his or her discretion in consultation with the Associate Dean impose other academic requirements in lieu of the grade reduction.

4. Accumulated absences exceeding three times the number of credit hours in a course shall result in the student's administrative withdrawal from the course provided the student is in good standing at that time, i.e., provided the student has not earned the grade of "F" for work completed at the time of withdrawal. Students who are not in good standing will receive a grade of "WF" for the course.

5. Students may appeal a grade-assessment or involuntary course withdrawal to the Associate Dean in writing within one week of notification of the assessment/withdrawal.

6. This policy does not affect a faculty member's guidelines for the turning in of out-of-class assignments and papers. The individual faculty member, not the Dean's office, has the sole discretion to award late penalties for failing to turn in an assignment or paper on time or to excuse the late handing in of assignments and papers. For this reason, the Dean's office only oversees student absences from class.

7. Students and faculty will be responsible for monitoring their own compliance with this policy.

8. Falsification of attendance records constitutes a violation of the UMKC School of Law Honor Code.
Missouri’s Long-Arm Statute

RULE 54.06: SERVICE OUTSIDE THE STATE ON PERSONS, FIRMS OR CORPORATIONS WHO DO CERTAIN ACTS IN THIS STATE

(a) Service outside the state sufficient to authorize a general judgment in personam may be obtained upon any person, executor, administrator or other legal representative, firm or corporation, whether or not a citizen or resident of this state, who in person or through an agent does any of the acts enumerated in this Rule 54.06:

(1) Transacts any business within this state;
(2) Makes any contract within this state;
(3) Commits a tortious act within this state;
(4) Owns, uses or possesses any real estate situated in this state;
(5) Contracts to insure any person, property or risk located within this state at the time of contracting;

(6) Engages in an act of sexual intercourse within this state with the mother of a child within or near the probable period of conception of that child.

(b) Service sufficient to authorize a general judgment in personam may be obtained on any person, any person's personal representative, or other legal representative, whether or not a citizen or resident of the state who has lived in lawful marriage within this state, as to all civil actions for dissolution of marriage or for legal separation and all obligations arising for maintenance of a spouse, support of any child of the marriage, attorney fees, suit money or disposition of marital property, if the other party to the lawful marriage lives in this state or if a third party has provided support to the spouse or to the children of the marriage and is a resident of this state.

(c) Only causes of action arising from acts or conduct enumerated in Rule 54.06(a) or Rule 54.06(b) may be asserted against a defendant in an action in which jurisdiction is based on this Rule 54.06.

(d) Service of process may be made as provided in Rule 54.14 or Rule 54.16.
Hypothetical on Mullane and Notice

After carefully studying Mullane, be prepared to argue either side of the following problem. Use Mullane as your sole case authority.

D is a prisoner incarcerated in a federal prison for a drug offense. While he was in prison, the federal government began civil forfeiture proceedings against him claiming (in relevant part) that roughly $20,000 in cash found in his home was drug proceeds and thus could be forfeited. It provided the following notice of the proceeding to him:

1. It mailed a notice to two home addresses. (neither got to the defendant)
2. It published a notice in his home town newspaper
3. It mailed a copy of the notice (certified mail, return receipt requested -- but not "deliver to addressee only") addressed to him at the federal prison where he was incarcerated.

The bureau of prison's procedures for certified mail (at the time in question) were basically the following:

a. A prison employee goes to the post office to pick up the mail. The employee signs for any certified letters.

b. The mail is then brought to the prison and the employee then logs any certified mail into a prison logbook.

c. A second prison employee then picks up the mail and signs the log book indicating he or she has received the certified mail item. The log books for the relevant have been destroyed over time. (Nothing sinister, just bureaucratic rules.)

d. That second employee then distributes the mail to the inmates. (The inmate does not sign indicating receipt from the second employee.)

In this particular case, the court below found that the defendant did not receive the certified mail notice. A default judgment of forfeiture was entered against him. Several years later, when he learned of the forfeiture, he moved to have it set aside.

The sole issue is whether the government's efforts to give notice satisfied the due process clause. The government says they did, while the defendant says the government had to give actual notice.
The Case of the Well-Traveled Toaster

The Hypothetical

A toaster is manufactured in Kansas
1. The manufacturer ships it to a retailer in New York
2. A consumer purchases it in New York
3. The consumer takes it back to his home in Arkansas
4. The toaster explodes in Arkansas injuring the consumer
5. The consumer then sues the manufacturer in a New Mexico court.

Assume that there is no problem about personal jurisdiction or venue. (Defendant waived the defenses or had a registered agent in New Mexico or whatever.) We're going to deal with a different issue.

Your Assignment

What substantive law should the New Mexico court apply? What arguments are there in favor of or against applying the substantive law of Kansas, New York, Arkansas, or New Mexico? Do not try to figure out what "the law" is. Consider yourself the choice of law czar and decide which law, as a policy matter, ought to apply. Be prepared to present your arguments for or against using the substantive law of each state.