Peterson on the Timing of Minimum Contacts after Goodyear and McIntyre

Todd David Peterson, who is a professor of law at the George Washington University Law School, has published The Timing of Minimum Contacts After *Goodyear* and *McIntyre* in the last issue of the *George Washington Law Review*.

> *The Supreme Court has never articulated a reason why the "minimum contacts" test, which determines whether a defendant's contacts with a forum are sufficient to subject it to in personam jurisdiction there, is required by the Due Process Clause, or why the Due Process Clause should impose any limitation on the exercise of personal jurisdiction at all. Because the Court has not provided a reason, several issues remain unclear, including what the relevant time period is during which a defendant's contacts with the forum state may subject it to personal jurisdiction within that state. As I discussed in a previous article, the Supreme Court has never directly addressed the issue of the timing of minimum contacts in any of its personal jurisdiction decisions, which has resulted in confusion among the lower courts about how to apply the minimum contacts test.*
>
> *The Supreme Court recently had the opportunity to clarify its personal jurisdiction jurisprudence, especially with regard to the stream of commerce theory of jurisdiction and the timing issue, in Goodyear Dunlop Tires Operations, S.A. v. Brown and J. McIntyre Machinery, Ltd. v. Nicastro. These new cases raise many important questions with respect to the issues addressed in my previous article. This article analyzes Goodyear and McIntyre in an attempt to resolve some of those issues. First, it analyzes whether Goodyear and McIntyre modify existing Supreme Court personal jurisdiction precedent in a significant way, and whether the Court's holdings make sense in the context of existing precedent. It also addresses the more fundamental issue of whether the Supreme Court clarified the rationale for imposing a contacts requirement under the Due Process Clause. Finally, this Article examines the more specific issue of whether the Court's opinions shed any further light on the issues relating to the timing of minimum contacts in either general or specific*

jurisdiction cases.

The article can be freely downloaded here.