ARKANSAS JURISDICTION

In light of the Arkansas jurisdictional statutes and the United States Constitution, does an Arkansas state court have jurisdiction over the defendants in the following cases? (Are additional facts needed?) Where do the cases fit on the International Shoe grid?

See page 4-A of the Arkansas Supplement.

1) The Ohio defendant owns land in Little Rock. The plaintiff, a real estate broker, sues the defendant for failure to pay a commission when the plaintiff located a buyer for the Little Rock land.

2) The Arkansas plaintiff and the Tennessee defendant enter into negotiations in Tennessee for the defendant to purchase Arkansas land. The contract is signed in Tennessee. The Tennessee defendant defaults. The Arkansas plaintiff sues.

3) The Illinois defendant comes to Huntsville, buys a horse, pays for it with a check on an Illinois bank, and leaves the state with the horse. The check bounces. The Arkansas seller sues.

4) A resident of Missouri comes to Mountain Home, Arkansas to guarantee the payment of a bank note owed by a personal friend. Subsequently, the personal friend declares bankruptcy. The Arkansas bank sues the Missouri resident in Arkansas state court.

5) Same as (4), except the bank mailed the note to the defendant in Missouri. He signed it and returned it to the Mountain Home bank.

6) A Little Rock woman hires a Houston lawyer by telephone to defend her in a Texas divorce action. She is dissatisfied with his representation and sues him in Arkansas for malpractice.

7) Same as (6), but she does not pay and the lawyer sues her in Arkansas.

8) Same as (6), but the lawyer is hired to defend her in a divorce proceeding in south Arkansas.

9) A law student receives an unsolicited catalog from L.L. Bean. She purchases a sleeping bag from a L.L. Bean catalog. The sleeping bag is defective. The law student sues L.L. Bean (which is located in Maine) for breach of warranty.

10) Following the visit of a door to door salesman in Florida, an Arkansas corporation leased an office copier to a Florida minister. The lease was accepted in Arkansas, and the monthly checks were mailed to Arkansas. After several months, the Florida minister had financial problems and breached the lease. The lease had the following two provisions: (1)

the lease "shall be governed by and construed under the laws of the state of Arkansas" and (2) "in the event of default he will consent to and be subject to the jurisdiction of the courts of Arkansas." The Arkansas lessor sued in Arkansas.

11) A North Dakota citizen read an advertisement in a journal, and by mail and telephone communications, arranged to buy an airplane from a Van Buren seller. The Arkansas seller sues for breach.

12) Plaintiff is an Arkansas corporation that is the general contractor for an office project in Jackson, Mississippi. It enters into a subcontract with an Alabama corporation to install reinforcing steel in the office project in Mississippi. The contract was entered into by telephone and mail, and payment by the sub-contractor would be mailed to Arkansas. The Alabama sub-contractor breaches.

13) Defendant is a citizen of Tennessee, who signed student loans for his children who attended college in Tennessee. The student loan was made by an Arkansas bank, and the plaintiff (an Arkansas corporation) is the guarantor of the loan.

14) A citizen of Mississippi calls a small motel in Fayetteville and makes a reservation for a room for the football weekend. He shows up and he has no room. He sues for breach of contract in the Arkansas court.

15) Same as (14). The citizen does not come. The motel sues for breach of contract.

16) A Fayetteville plaintiff calls a small motel in Knoxville, Tennessee and makes a reservation for a room for the football weekend. When the plaintiff arrives, the room reservation has been canceled. The plaintiff sues for breach of contract.

17) A Little Rock plaintiff goes to a Little Rock Holiday Inn, and makes a reservation with a (separately owned) Holiday Inn in Shreveport, Louisiana through the reservation network. When he goes to Shreveport, his room reservation has been canceled. In Arkansas, he sues the Holiday Inn for breach of contract.

18) Same facts as (17), except he checks into the Shreveport Holiday Inn, but falls on the stairs and is injured. He sues in Arkansas for personal injuries.

19) Defendant is a resident of North Carolina. While driving to Arizona, defendant causes an accident on I-40 in Arkansas. Plaintiff sues in Arkansas.

READ: pages 10-14 of Arkansas Supplement.

20) A resident of West Memphis, Arkansas purchases in Tennessee a can of air conditioning refrigerant for his car. While installing the refrigerant at his home the can explodes, causing personal injuries. He brings an action in Arkansas against the Pennsylvania manufacturer of the can and the New York manufacturer of the value. Each manufacturer annually sells $2000 of refrigerants in Fort Smith.

21) Same as (20), but the manufacturers sell $2000 of tools in Pine Bluff (instead of $2000 of refrigerant).

22) Same as (20), but the manufacturers sell only on the Eastern side of the Mississippi River. Arkansans annually buy $2000 of refrigerant to use in Arkansas.

23) Same facts as (20) except the can explodes in Tennessee; and the only sales are tools in Pine Bluff.

READ: page 5 of Arkansas Supplement

24) The Arkansas defendant assaulted the Oklahoma plaintiff in St. Paul, Minnesota when both were attending a convention. The Arkansas defendant is now working for 7 months in Saudi Arabia. The Oklahoma plaintiff sues in Arkansas state court.

25) The Arkansas plaintiff is vacationing in Florida. She is hit by a truck owned and operated by Sears, Roebuck. She sues in Arkansas.

26) The Arkansas plaintiff is injured in an automobile accident in Iowa. She sues in Arkansas. The defendant comes to Hot Springs on a vacation for the races, and is served with a summons.

READ: Burnham, page 175

27) Same as (26), but the accident was in Ontario and the defendant is a Canadian corporation and the President comes to Hot Springs and is served.

28) Husband leaves wife and children in Arkansas and moves permanently to Illinois. She sues for divorce.

29) Same as (28), except the wife also sues for child support.

30) Husband and wife live in Fort Smith for three years, then move to Michigan for six years. She returns to Arkansas with the children and sues for divorce and child support. [The children were born in Arkansas. Under Arkansas law any acts that form the basis for

a divorce must be committed within the preceding five years].

31) A Mississippi man impregnates an Arkansas woman in Jonesboro. The baby is born in Jonesboro, where she brings a paternity action.

32) Same as (31), except the baby is conceived in Oxford, Mississippi.

33) A law student in Illinois has a credit card issued by a Pine Bluff bank. The documents say that "the user of the card consents to jurisdiction in an Arkansas court". She uses the credit card in Illinois. When she fails to pay, the bank sues her in Arkansas.

34) The contract between a supplier of Arkansas rice and a Brazilian buyer says "It is agreed by and between the supplier and buyer that all disputes and matters whatsoever arising under, in connection with or incident to this contract shall be litigated, if at all, in and before a court located in the State of Arkansas, to the exclusion of the courts of any other state or country."

(a) The Brazilian buyer breaches.
(b) The Arkansas seller breaches.

READ: pages 188-191 and Carnival Cruise Lines.

35) The defendant lives in Chicago and maintains a website from his home. He states on the website, "Ralph Razorback is a known thief." Ralph sues for defamation.

READ: pages 150-157

BONUS:

Which of the above would be decided differently if the actions were filed in Arkansas federal court? See p. 191-194.

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