

Supreme Court Rejects Ford's Narrow Reading of Personal Jurisdiction

March 26, 2021

In a much-anticipated [U.S. Supreme Court ruling](#) issued on March 25, the Court unanimously rejected Ford Motor Company's argument that it could not be subject to personal jurisdiction in products liability actions filed in the states where the plaintiffs resided and where the underlying accidents occurred.

Ford urged that it could not be sued in these states, because its vehicles had not been manufactured, designed, or originally sold there. Ford contended that, for jurisdiction to be proper, the plaintiffs would need to establish that their alleged claims were caused by Ford's conduct in the forum states.

The majority opinion, authored by Justice Kagan, rejected Ford's argument, finding that without Ford's overwhelming presence, including marketing, selling, repairing, and distributing millions of vehicles across the country, the vehicles might not have made their way into the hands of the plaintiffs in these suits. According to the majority, Ford "systematically served" the market in the two states, which may have directly influenced the plaintiffs to purchase vehicles in those states and to drive them there. Without finding any direct link, the Court found the connection between plaintiffs' claims and Ford's activities was "close enough" to support specific jurisdiction.

This decision does not give courts and litigants the guidance that some had anticipated – indeed, hoped for – related to the concept of specific jurisdiction and, more precisely, exactly what it means for a given cause of action to "arise out of or relate to" the defendant's forum-specific contacts.

While the decision did not overrule the Court's extensive jurisprudence on this issue from the last decade, the majority opinion seems to muddy the waters for litigants going forward. Rather than providing a bright-line test – or even a framework for establishing personal jurisdiction in other cases – the majority opinion emphasizes that its analysis here was compelled by Ford's overwhelming presence in the states.

As noted by Justice Alito's concurrence, the cases could well have been decided without any attempt to alter or refine existing case law. Justice Alito's concurrence, and perhaps even more so the concurrence by Justice Gorsuch, makes plain that the discussion surrounding personal jurisdiction is far from over, with issues such as the effect of internet sales and marketing still hanging in the balance.

As always, for assistance in determining whether you may be subject to jurisdiction in a foreign state, or if you have other questions, please contact us. And for more information on the evolving subject of personal jurisdiction, tune into our [More with McGlinchey](#) podcast series on the topic.

*Law Clerk **Andrew Albritton** assisted in the crafting of this alert.*

Related people

Brian M. LeCompte

Andrew M. Albritton