Replace pp. 811-19 with the following:

GOODYEAR DUNLOP TIRES OPERATIONS, S.A. v. BROWN
Supreme Court of the United States, 2011
564 U.S. ___, 131 S.Ct. 2846

Justice GINSBURG delivered the opinion of the Court.

This case concerns the jurisdiction of state courts over corporations organized and operating abroad. We address, in particular, this question: Are foreign subsidiaries of a United States parent corporation amenable to suit in state court on claims unrelated to any activity of the subsidiaries in the forum State?

A bus accident outside Paris that took the lives of two 13-year-old boys from North Carolina gave rise to the litigation we here consider. Attributing the accident to a defective tire manufactured in Turkey at the plant of a foreign subsidiary of The Goodyear Tire and Rubber Company (Goodyear USA), the boys' parents commenced an action for damages in a North Carolina state court; they named as defendants Goodyear USA, an Ohio corporation, and three of its subsidiaries, organized and operating, respectively, in Turkey, France, and Luxembourg. Goodyear USA, which had plants in North Carolina and regularly engaged in commercial activity there, did not contest the North Carolina court's jurisdiction over it; Goodyear USA's foreign subsidiaries, however, maintained that North Carolina lacked adjudicatory authority over them.

A state court's assertion of jurisdiction exposes defendants to the State's coercive power, and is therefore subject to review for compatibility with the Fourteenth Amendment's Due Process Clause. International Shoe Co. v. Washington, 326 U.S. 310, 316 (1945). Opinions in the wake of the pathmarking *International Shoe* decision have differentiated between general or all-purpose jurisdiction, and specific or case-linked jurisdiction.

A court may assert general jurisdiction over foreign (sister-state or foreign-country) corporations to hear any and all claims against them when their affiliations with the State are so "continuous and systematic" as to render them essentially at home in the forum State. Specific jurisdiction, on the other hand, depends on an "affiliatio[n] between the forum and the underlying controversy," principally, activity or an occurrence that takes place in the forum State and is therefore subject to the State's regulation. von Mehren & Trautman, Jurisdiction to Adjudicate: A Suggested Analysis, 79 Harv. L.Rev. 1121, 1136 (1966) (hereinafter von Mehren & Trautman); see Brilmayer et al., A General Look at General Jurisdiction, 66 Texas L.Rev. 721, 782

(1988) (hereinafter Brilmayer). In contrast to general, all-purpose jurisdiction, specific jurisdiction is confined to adjudication of "issues deriving from, or connected with, the very controversy that establishes jurisdiction." von Mehren & Trautman 1136.

Because the episode-in-suit, the bus accident, occurred in France, and the tire alleged to have caused the accident was manufactured and sold abroad, North Carolina courts lacked specific jurisdiction to adjudicate the controversy. The North Carolina Court of Appeals so acknowledged. Brown v. Meter, 199 N.C.App. 50, 57–58, 681 S.E.2d 382, 388 (2009). Were the foreign subsidiaries nonetheless amenable to general jurisdiction in North Carolina courts? Confusing or blending general and specific jurisdictional inquiries, the North Carolina courts answered yes. Some of the tires made abroad by Goodyear's foreign subsidiaries, the North Carolina Court of Appeals stressed, had reached North Carolina through "the stream of commerce"; that connection, the Court of Appeals believed, gave North Carolina courts the handle needed for the exercise of general jurisdiction over the foreign corporations.

A connection so limited between the forum and the foreign corporation, we hold, is an inadequate basis for the exercise of general jurisdiction. Such a connection does not establish the "continuous and systematic" affiliation necessary to empower North Carolina courts to entertain claims unrelated to the foreign corporation's contacts with the State.

I

On April 18, 2004, a bus destined for Charles de Gaulle Airport overturned on a road outside Paris, France. Passengers on the bus were young soccer players from North Carolina beginning their journey home. Two 13-year-olds, Julian Brown and Matthew Helms, sustained fatal injuries. The boys' parents, respondents in this Court, filed a suit for wrongful-death damages in the Superior Court of Onslow County, North Carolina, in their capacity as administrators of the boys' estates. Attributing the accident to a tire that failed when its plies separated, the parents alleged negligence in the "design, construction, testing, and inspection" of the tire.

Goodyear Luxembourg Tires, SA (Goodyear Luxembourg), Goodyear Lastikleri T.A.S. (Goodyear Turkey), and Goodyear Dunlop Tires France, SA (Goodyear France), petitioners here, were named as defendants. Incorporated in Luxembourg, Turkey, and France, respectively, petitioners are indirect subsidiaries of Goodyear USA, an Ohio corporation also named as a defendant in the suit. Petitioners manufacture tires primarily for sale in European and Asian markets. Their tires differ in size and construction from tires ordinarily sold in the United States. They are designed to

carry significantly heavier loads, and to serve under road conditions and speed limits in the manufacturers' primary markets.[1]

In contrast to the parent company, Goodyear USA, which does not contest the North Carolina courts' personal jurisdiction over it, petitioners are not registered to do business in North Carolina. They have no place of business, employees, or bank accounts in North Carolina. They do not design, manufacture, or advertise their products in North Carolina. And they do not solicit business in North Carolina or themselves sell or ship tires to North Carolina customers. Even so, a small percentage of petitioners' tires (tens of thousands out of tens of millions manufactured between 2004 and 2007) were distributed within North Carolina by other Goodyear USA affiliates. These tires were typically custom ordered to equip specialized vehicles such as cement mixers, waste haulers, and boat and horse trailers. Petitioners state, and respondents do not here deny, that the type of tire involved in the accident, a Goodyear Regional RHS tire manufactured by Goodyear Turkey, was never distributed in North Carolina.

Petitioners moved to dismiss the claims against them for want of personal jurisdiction. The trial court denied the motion, and the North Carolina Court of Appeals affirmed. Acknowledging that the claims neither "related to, nor ... ar[o]se from, [petitioners'] contacts with North Carolina," the Court of Appeals confined its analysis to "general rather than specific jurisdiction," which the court recognized required a "higher threshold" showing: A defendant must have "continuous and systematic contacts" with the forum. That threshold was crossed, the court determined, when petitioners placed their tires "in the stream of interstate commerce without any limitation on the extent to which those tires could be sold in North Carolina."

Nothing in the record, the court observed, indicated that petitioners "took any affirmative action to cause tires which they had manufactured to be shipped into North Carolina." The court found, however, that tires made by petitioners reached North Carolina as a consequence of a "highly-organized distribution process" involving other Goodyear USA subsidiaries. Petitioners, the court noted, made "no attempt to keep these tires from reaching the North Carolina market." Indeed, the very tire involved in the accident, the court observed, conformed to

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[1] Respondents portray Goodyear USA's structure as a reprehensible effort to "outsource" all manufacturing, and correspondingly, tort litigation, to foreign jurisdictions. Yet Turkey, where the tire alleged to have caused the accident-in-suit was made, is hardly a strange location for a facility that primarily supplies markets in Europe and Asia.

tire standards established by the U.S. Department of Transportation and bore markings required for sale in the United States.[2] As further support, the court invoked North Carolina's "interest in providing a forum in which its citizens are able to seek redress for [their] injuries," and noted the hardship North Carolina plaintiffs would experience "[were they] required to litigate their claims in France," a country to which they have no ties. The North Carolina Supreme Court denied discretionary review.

We granted certiorari to decide whether the general jurisdiction the North Carolina courts asserted over petitioners is consistent with the Due Process Clause of the Fourteenth Amendment.

II

A

The Due Process Clause of the Fourteenth Amendment sets the outer boundaries of a state tribunal's authority to proceed against a defendant. The canonical opinion in this area remains *International Shoe*, in which we held that a State may authorize its courts to exercise personal jurisdiction over an out-of-state defendant if the defendant has "certain minimum contacts with [the State] such that the maintenance of the suit does not offend 'traditional notions of fair play and substantial justice.' "

Endeavoring to give specific content to the "fair play and substantial justice" concept, the Court in *International Shoe* classified cases involving out-of-state corporate defendants. First, as in *International Shoe* itself, jurisdiction unquestionably could be asserted where the corporation's in-state activity is "continuous and systematic" and *that activity gave rise to the episode-in-suit*. Further, the Court observed, the commission of certain "single or occasional acts" in a State may be sufficient to render a corporation answerable in that State with respect to those acts, though not with respect to matters unrelated to the forum connections. The heading courts today use to encompass these two *International Shoe* categories is "specific jurisdiction." Adjudicatory authority is "specific" when the suit "aris[es] out of or relate[s] to the defendant's contacts with the forum."

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[2] Such markings do not necessarily show that any of the tires were destined for sale in the United States. To facilitate trade, the Solicitor General explained, the United States encourages other countries to "treat compliance with [Department of Transportation] standards, including through use of DOT markings, as evidence that the products are safely manufactured."

International Shoe distinguished from cases that fit within the "specific jurisdiction" categories, "instances in which the continuous corporate operations within a state [are] so substantial and of such a nature as to justify suit against it on causes of action arising from dealings entirely distinct from those activities." Adjudicatory authority so grounded is today called "general jurisdiction." For an individual, the paradigm forum for the exercise of general jurisdiction is the individual's domicile; for a corporation, it is an equivalent place, one in which the corporation is fairly regarded as at home. See Brilmayer 728 (identifying domicile, place of incorporation, and principal place of business as "paradig[m]" bases for the exercise of general jurisdiction).

Since *International Shoe*, this Court's decisions have elaborated primarily on circumstances that warrant the exercise of specific jurisdiction, particularly in cases involving "single or occasional acts" occurring or having their impact within the forum State. As a rule in these cases, this Court has inquired whether there was "some act by which the defendant purposefully avail [ed] itself of the privilege of conducting activities within the forum State, thus invoking the benefits and protections of its laws." Hanson v. Denckla, 357 U.S. 235, 253 (1958). [Justice Ginsburg cited World-Wide Volkswagen Corp. v. Woodson, 444 U.S. 286 (1980), Burger King Corp. v. Rudzewicz, 471 U.S. 462 (1985), and Asahi Metal Industry Co. v. Superior Court, 480 U.S. 102 (1987).] See also Twitchell, The Myth of General Jurisdiction, 101 Harv. L.Rev. 610, 628 (1988) (in the wake of *International Shoe*, "specific jurisdiction has become the centerpiece of modern jurisdiction theory, while general jurisdiction plays a reduced role").

In only two decisions postdating *International Shoe*, discussed infra, has this Court considered whether an out-of-state corporate defendant's in-state contacts were sufficiently "continuous and systematic" to justify the exercise of general jurisdiction over claims unrelated to those contacts: Perkins v. Benguet Consol. Mining Co., 342 U.S. 437 (1952) (general jurisdiction appropriately exercised over Philippine corporation sued in Ohio, where the company's affairs were overseen during World War II); and Helicopteros [Nacionales de Colombia v. Hall], 466 U.S. 408 [(1984)] (helicopter owned by Colombian corporation crashed in Peru; survivors of U.S. citizens who died in the crash, the Court held, could not maintain wrongful-death actions against the Colombian corporation in Texas, for the corporation's helicopter purchases and purchase-linked activity in Texas were insufficient to subject it to Texas court's general jurisdiction).

B

To justify the exercise of general jurisdiction over

petitioners, the North Carolina courts relied on the petitioners' placement of their tires in the "stream of commerce." The stream-of-commerce metaphor has been invoked frequently in lower court decisions permitting "jurisdiction in products liability cases in which the product has traveled through an extensive chain of distribution before reaching the ultimate consumer." Typically, in such cases, a nonresident defendant, acting outside the forum, places in the stream of commerce a product that ultimately causes harm inside the forum.

Many States have enacted long-arm statutes authorizing courts to exercise specific jurisdiction over manufacturers when the events in suit, or some of them, occurred within the forum state. * * *

The North Carolina court's stream-of-commerce analysis elided the essential difference between case-specific and all-purpose (general) jurisdiction. Flow of a manufacturer's products into the forum, we have explained, may bolster an affiliation germane to specific jurisdiction. But ties serving to bolster the exercise of specific jurisdiction do not warrant a determination that, based on those ties, the forum has general jurisdiction over a defendant. See, e.g., Stabilisierungsfonds Fur Wein v. Kaiser Stuhl Wine Distributors Pty. Ltd., 647 F.2d 200, 203, n. 5 (C.A.D.C.1981) (defendants' marketing arrangements, although "adequate to permit litigation of claims relating to [their] introduction of ... wine into the United States stream of commerce, ... would not be adequate to support general, 'all purpose' adjudicatory authority").

A corporation's "continuous activity of some sorts within a state," *International Shoe* instructed, "is not enough to support the demand that the corporation be amenable to suits unrelated to that activity." 326 U.S., at 318. Our 1952 decision in Perkins v. Benguet Consol. Mining Co. remains "[t]he textbook case of general jurisdiction appropriately exercised over a foreign corporation that has not consented to suit in the forum."

Sued in Ohio, the defendant in *Perkins* was a Philippine mining corporation that had ceased activities in the Philippines during World War II. To the extent that the company was conducting any business during and immediately after the Japanese occupation of the Philippines, it was doing so in Ohio: the corporation's president maintained his office there, kept the company files in that office, and supervised from the Ohio office "the necessarily limited wartime activities of the company." Although the claim-in-suit did not arise in Ohio, this Court ruled that it would not violate due process for Ohio to adjudicate the controversy. See Keeton v. Hustler Magazine, Inc., 465 U.S. 770, 779–780, n. 11 (1984) (Ohio's exercise of general jurisdiction was permissible in *Perkins* because "Ohio was the corporation's principal, if temporary, place of business").

We next addressed the exercise of general jurisdiction over an out-of-state corporation over three decades later, in *Helicopteros*. In that case, survivors of United States citizens who died in a helicopter crash in Peru instituted wrongful-death actions in a Texas state court against the owner and operator of the helicopter, a Colombian corporation. The Colombian corporation had no place of business in Texas and was not licensed to do business there. "Basically, [the company's] contacts with Texas consisted of sending its chief executive officer to Houston for a contract-negotiation session; accepting into its New York bank account checks drawn on a Houston bank; purchasing helicopters, equipment, and training services from [a Texas enterprise] for substantial sums; and sending personnel to [Texas] for training." These links to Texas, we determined, did not "constitute the kind of continuous and systematic general business contacts ... found to exist in Perkins," and were insufficient to support the exercise of jurisdiction over a claim that neither "ar[o]se out of ... no[r] related to" the defendant's activities in Texas.

Helicopteros concluded that "mere purchases [made in the forum State], even if occurring at regular intervals, are not enough to warrant a State's assertion of [general] jurisdiction over a nonresident corporation in a cause of action not related to those purchase transactions." We see no reason to differentiate from the ties to Texas held insufficient in *Helicopteros*, the sales of petitioners' tires sporadically made in North Carolina through intermediaries. Under the sprawling view of general jurisdiction urged by respondents and embraced by the North Carolina Court of Appeals, any substantial manufacturer or seller of goods would be amenable to suit, on any claim for relief, wherever its products are distributed. But cf. World-Wide Volkswagen, 444 U.S., at 296 (every seller of chattels does not, by virtue of the sale, "appoint the chattel his agent for service of process").

Measured against *Helicopteros* and *Perkins*, North Carolina is not a forum in which it would be permissible to subject petitioners to general jurisdiction. Unlike the defendant in *Perkins*, whose sole wartime business activity was conducted in Ohio, petitioners are in no sense at home in North Carolina. Their attenuated connections to the State fall far short of the "the continuous and systematic general business contacts" necessary to empower North Carolina to entertain suit against them on claims unrelated to anything that connects them to the State.[5]

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[5] As earlier noted, the North Carolina Court of Appeals invoked the State's "well-recognized interest in providing a forum in which its citizens are able to seek redress for injuries that they have sustained." But "[g]eneral jurisdiction to

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[Plaintiffs asserted also that, under a "single enterprise" theory, jurisdiction over the offshore Goodyear entities should be based on the North Carolina contacts of Goodyear USA. But they had not previously urged disregard of the subsidiaries' discrete status, and accordingly forfeited this contention.]

For the reasons stated, the judgment of the North Carolina Court of Appeals is Reversed.

NOTES AND QUESTIONS

1. When *International Shoe* was decided, the Court did not talk in terms of general and specific jurisdiction, but that distinction was suggested in von Mehren and Trautman, Jurisdiction to Adjudicate: A Suggested Analysis, 79 Harv. L. Rev. 1121 (1966). See General and Specific Jurisdiction, supra p. 734. Up to this point, most of the cases we have examined involved specific jurisdiction because the jurisdictional determination concentrated on the propriety of the current suit in the forum, not on whether every suit against the defendant could be brought in the forum.

One might begin by asking why general jurisdiction is ever available if specific jurisdictional requirements cannot be fulfilled. That depends, of course, on the flexibility or breadth of specific jurisdiction. In Helicopteros Nacionales de Colombia v. Hall, 466 U.S. 408 (1984), defendant entered into a contract with a Texas company to transport workers to work sites on a pipeline construction project in Peru. Four American who were hired in Texas to work on the project were killed in a helicopter crash in Peru, and their families sued the helicopter company (and other defendants) in Texas. Defendant had bought the helicopters it used for this project from Bell Helicopter Co. in Texas, and the pilots had received training in Texas on operating the helicopters. But the parties all conceded that the claims asserted in this case did not arise out of defendant's activities in Texas, the Supreme Court held that general jurisdiction could not be satisfied, and declined to consider specific jurisdiction because plaintiffs were not relying on it.

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adjudicate has in [United States] practice never been based on the plaintiff's relationship to the forum. There is nothing in [our] law comparable to ... article 14 of the Civil Code of France (1804) under which the French nationality of the plaintiff is a sufficient ground for jurisdiction." von Mehren & Trautman 1137. When a defendant's act outside the forum causes injury in the forum, by contrast, a plaintiff's residence in the forum may strengthen the case for the exercise of specific jurisdiction.

Justice Brennan had no problem with the Court's conclusion that general jurisdiction could not be satisfied by defendant's limited contacts with Texas, but he thought jurisdiction in that case could be upheld on a specific jurisdiction theory:

> The negotiations that took place in Texas led to the contract in which [defendant] agreed to provide the precise transportation services that were being used at the time of the crash. Moreover, the helicopter involved in the crash was purchased by [defendant] in Texas, and the pilot whose negligence was alleged to have caused the crash was actually trained in Texas. This is simply not a case, therefore, in which a state court has asserted jurisdiction over a nonresident defendant on the basis of wholly unrelated contacts with the forum. Rather, the contacts between [defendant] and the forum are directly related to the negligence that was alleged in [plaintiffs'] original complaint. Because [defendant] should have expected to be amenable to a suit in the Texas courts for claims directly related to these contacts, it is fair and reasonable to allow the assertion of jurisdiction in this case.

How should a specific jurisdiction argument be assessed in *Goodyear*? The trial court in that case found that at least 33,923 tires made by Goodyear (France), at least 6402 made by Goodyear (Luxembourg) and at least 5906 made by Goodyear (Turkey) were shipped into North Carolina during 2004-07. Brown v. Meter, 681 S.E.2d 382, 385 (N.C.Ct.App.2009). Should that suffice to support jurisdiction without regard to whether "all-purpose" jurisdiction can be satisfied? Consider Justice Ginsburg's reaction to the North Carolina view of jurisdiction in *Goodyear*: "Under the sprawling view of general jurisdiction urged by respondents and embraced by the North Carolina Court of Appeals, any substantial manufacturer or seller of goods would be amenable to suit, on any claim for relief, wherever its products are distributed."

2. How close must the link to the event in suit be to support specific jurisdiction? Professor Brilmayer has argued that the critical question for specific jurisdiction problems is whether the contacts have substantive relevance to plaintiff's claim whether or not there is a jurisdictional problem in the case:

> A contact is related to the controversy if it is the geographical qualification of a fact relevant to the merits. A forum occurrence which would ordinarily be alleged as part of a comparable domestic complaint is a related contact. In contrast, an occurrence in the forum State of no relevance to a totally domestic cause of action is an unrelated contact, a purely jurisdictional allegation with no substantive purpose. If a fact is irrelevant in a purely

> domestic dispute, it does not suddenly become related to the controversy simply because there are multistate elements.

Brilmayer, How Contacts Count: Due Process Limitations on State Court Jurisdiction, 1980 Sup.Ct.Rev. 77, 82. It this a desirable standard?

Professor Twitchell criticized this approach as underinclusive. In World-Wide Volkswagen v. Woodson (supra p. 720), for example, it would seem that Audi's sales of cars in Oklahoma lacked that sort of relationship to the claim by the Robinsons, who bought their car in New York. She feels that specific jurisdiction should reach such a case:

> [T]he fact that this accident occurred within the forum, coupled with similarity between the manufacturer's conduct in the forum and the conduct underlying the plaintiff's cause of action, * * * makes exercising jurisdiction over this claim particularly reasonable. Having sold and serviced identical cars in the state, the manufacturer will have foreseen such suits and insured against them. Furthermore, the forum has a very strong interest in regulating the manufacturer's conduct in this suit, not just because this particular automobile malfunctioned there, but because state residents are buying many similar cars and operating them on the forum's highways. The fact that the car was not actually sold within the state is, in this context, fortuitous. A court need not decide whether it is fair to hold the manufacturer subject to jurisdiction on all causes of action in the forum in order to decide that it is fair in this particular case. Specific jurisdiction, in which the nature of the cause of action is taken into account when considering fairness, not general jurisdiction, is the key to proper jurisdictional analysis under these circumstances.

Twitchell, The Myth of General Jurisdiction, 101 Harv.L.Rev. 610, 661–62 (1988). Did the Court implicitly endorse this analysis in *World-Wide Volkswagen?*

In response, Professor Brilmayer argued that substantive relevance is a critical element of a sensible test. See Brilmayer, Related Contacts and Personal Jurisdiction, 101 Harv.L.Rev. 1444 (1988). With regard to defective products cases, she raises the "tricky problem of what constitutes adequate similarity. Must it be the identical product that is distributed? A similar make or model? * * * Would assertion of specific jurisdiction require that a similar product sent into the forum state have an identical defect?" With regard to defendant's ability to foresee suit of the character of the suit brought, she adds that "[i]f one assumes that awareness of potential liability to suit on *some* cause of action in the forum entails awareness of

potential liability on *other* causes of action that did not arise in the forum, then one risks turning specific jurisdiction into general jurisdiction. Under this view, the defendant should be equally unsurprised by any cause of action brought against him or her in the forum: the very definition of general jurisdiction." Id. at 1460-61.

3. Should one's attitude toward the breadth of general jurisdiction depend on, or at least relate to, one's attitude toward the breadth of specific jurisdiction? In Nichols v. G.D. Searle & Co., 991 F.2d 1195, 1200 (4th Cir.1993), the court observed that "because specific jurisdiction has expanded tremendously, plaintiffs may now generally bring their claims in the forum where they arose. As a result, 'obsolescing notions of general jurisdiction,' which functioned primarily to ensure that a forum was available for plaintiffs to bring their claims, have been rendered largely unnecessary. Thus, broad constructions of general jurisdiction should generally be disfavored."

Would a narrower attitude toward specific jurisdiction justify reconsidering the breadth of general jurisdiction? For example, in a companion case to *Goodyear*, J. McIntyre Machinery, Ltd. v. Nicastro, 131 S.Ct. 2780 (2011), the Court could not agree about whether jurisdiction was proper in a suit against a U.K. manufacturer in New Jersey for injuries sustained by a New Jersey worker in a New Jersey workplace while he was operating a scrap metal machine manufactured in the U.K. by defendant and sent to New Jersey by its U.S. distributor. Justice Kennedy nonetheless concluded that specific jurisdiction was not proper because there had been no act by which defendant "submitted" to New Jersey jurisdiction. But Justices Breyer and Alito, while concurring in the judgment that jurisdiction was not warranted in that case, did not join Justice Kennedy's opinion. If Justice Kennedy's narrow view of jurisdiction were to prevail, should that have a bearing on the breadth of general jurisdiction?

In *Nicastro*, the lawyer for the U.K. manufacturer said during oral argument that plaintiff could have sued it in Ohio, where the U.S. distributor was located. What sort of jurisdiction would that be? Although the U.K. defendant had established a contractual relationship with the Ohio distributor, would that suffice to support jurisdiction in a tort suit like *Nicastro*? It appeared that the contact leading to the sale of the machine to Nicastro's employer was made at a trade meeting in Las Vegas, Nevada, and it is not clear what connection existed -- even for the contractual arrangement for delivery of the machine -- with Ohio. Should the U.K. manufacturer in *Nicastro* be subject to general jurisdiction in Ohio? Could it be said that a suit for plaintiff's workplace injury in New Jersey arose out of defendant's contacts with Ohio? Weren't there more pertinent contacts with Texas in *Helicopteros* (supra note 1)?

In *Nicastro*, Justice Ginsburg dissented and argued that a "stream-of-commerce" theory should be used to uphold jurisdiction over the U.K. manufacturer. Does that mean she would support jurisdiction in North Carolina over Goodyear affiliates for any injury there due to an alleged defect in one of the tires made by the Goodyear affiliate? Would the argument for upholding jurisdiction be stronger if, under applicable tort law, Goodyear USA is not liable for manufacturing or design mistakes of its affiliates?

4. Until recent decades, many courts had approached jurisdictional decisions using what appears in retrospect to be a "general jurisdiction" analysis but with a rather low bar on what would suffice. For example, in Bryant v. Finnish National Airline, 208 N.E.2d 439 (N.Y.1965), plaintiff was a New Yorker who was injured at Orly airport in Paris due to defendant's alleged negligence. Defendant flew no planes to or from the United States, and none of its officers, directors or shareholders was American. It did, however, have a one-and-a-half room New York office staffed by three full-time and four part-time employees to receive and process reservations for travel on Finnair inside Europe. This office had no authority to sell tickets or receive payment for travel in Europe on defendant's planes, but it did do some publicity for defendant in New York. Using the doing business rubric, the court applied a "pragmatic test" to justify jurisdiction over this unrelated claim: "The New York office is one of many maintained by defendant in various parts of the world, it has a lease on a New York office, it employs several people and it has a bank account here, it does public relations and publicity work for defendant including maintaining contacts with other airlines and travel agencies and, while it does not make reservations or sell tickets, it transmits requests for space to defendant in Europe and helps to generate business. These things should be enough."

In *Goodyear*, the Court seems to have a much narrower conception of the contacts required, saying that they need not only be "continuous and systematic" but also render defendant "essentially at home in the forum State." How should that be applied in other cases? In Rush v. Savchuk, supra p. 793 n. 1, the Court asserted that "State Farm is 'found,' in the sense of doing business, in all 50 states," citing the Insurance Almanac as support. In Keeton v. Hustler Magazine, Inc., supra p. 738 n. 1, the Court upheld jurisdiction in New Hampshire over a defendant that distributed 10,000 to 15,000 magazines monthly in New Hampshire, but noted that "respondent's activities in the forum may not be so substantial as to support jurisdiction over a cause of action unrelated to those activities." Would California have general jurisdiction over the National Enquirer? See Calder v. Jones, supra p. 736. Would Burger King Corporation (see Burger King Corp. v. Rudzewicz, supra p. 743) be subject to general jurisdiction, like State Farm, throughout the country?

5. Consider Goodyear USA itself. It did not object to jurisdiction in North Carolina. That was probably because it had qualified to do business there and, in the process, appointed an agent for service of process in North Carolina. Should that overcome all due process concerns? In Pennsylvania Fire Ins. Co. v. Gold Issue Mining & Milling Co., 243 U.S. 93, 37 S.Ct. 344, 61 L.Ed. 610 (1917), the Court held that a state could constitutionally require that foreign corporations wishing to be authorized to do business in a state consent to suit there on any claim, of whatever nature, not just those arising out of the business done in the state. Compare Bendix Autolite Corp. v. Midwesco Enterprises, Inc., 486 U.S. 888, 108 S.Ct. 2218, 100 L.Ed.2d 896 (1988) (state may not deny protection of statute of limitations to foreign corporation that refuses to consent to jurisdiction over unrelated suits); Note, Registration Statutes, Personal Jurisdiction, and the Problem of Predictability, 103 Colum.L.Rev. 1163 (2003) (arguing that due process precludes general jurisdiction based on corporate registration statutes).

6. We are told that Goodyear (Turkey) and Goodyear (France) and Goodyear (Luxembourg) are "indirect subsidiaries" of Goodyear USA. The North Carolina court offered the following explanation:

> [T]he ties between Goodyear Tire and Rubber Co. and Goodyear France, Goodyear Luxembourg, and Goodyear Turkey, respectively, were "indirect." For example, Goodyear has "sales marketing offices that develop business plans, sales plans," and determine how the needs associated with those plans would be met. Goodyear's sales marketing office would decide how to obtain the needed product, including whether any needed product would be obtained from a European affiliate. After making this determination, the needed tires would be manufactured, shipped to the United States, and distributed to retailers and similar entities using Goodyear's existing distribution system.

Brown v. Meter, 681 S.E.2d 382, 386 n.4 (N.C.Ct.App.2009). Should these corporate arrangements affect the jurisdictional determination? Would the jurisdiction question be different if there were only one corporate entity that engaged in all these worldwide activities without separating them into subsidiaries? Would it matter if the local subsidiaries were required by national laws in those countries requiring that companies operting there by organized under their laws?

7. If major differences in result flow from whether "specific" or "general" jurisdiction is available in given cases, is there reason for uneasiness about relying heavily on these somewhat abstract categories? Professor Twitchell argued that the courts should adopt a "home base" approach to general jurisdiction (generally looking to corporate headquarters) that seems to resemble the test in *Goodyear*, See Twitchell, supra,

101 Harv.L.Rev. at 667-70. Thereafter, however, she became uneasy about her proposal: "Doing business jurisdiction plays a vital role in resolving multiparty disputes, and situates some cases in fora that might well be reasonable although the jurisdictional exercise would not pass constitutional muster under current specific-jurisdiction case law. Doing-business jurisdiction thus provides a practical solution to thorny constitutional debates." Twitchell, Why We Keep Doing Business With Doing-Business Jurisdiction, 2001 U. Chi. L.F. 171, 203. Nonetheless, the doctrine has produced serious problems of predictability. See id. at 203-13; Rhodes, Clarifying General Jurisdiction, 34 Seton Hall L.Rev. 807 (2004) (survey of general jurisdiction holdings based on a review of approximately 3,000 cases). Will those problems disappear with the new formulation? Will different problems arise?

8. The term "general jurisdiction" is used to describe a very different concept in connection with subject matter jurisdiction, where we will find that some courts (like the federal courts) are allowed only to hear claims of certain types or involving certain minimum or maximum amounts, while others are courts of "general jurisdiction" and may hear claims of all types. Be careful not to confuse the two ideas.