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*BNSF R. Co. v. Tyrrell*, No. 16-405

A defendant may be sued only in jurisdictions that have “personal jurisdiction” over the defendant. The scope of personal jurisdiction is important because it limits a plaintiff’s ability to engage in forum shopping. This Term, the Supreme Court is considering two important personal-jurisdiction cases, *BNSF R. Co. v. Tyrrell* and *Bristol-Myers Squibb Co. v. Superior Court of California*.

Today the Court issued its decision in *BNSF*, holding that the Federal Employer’s Liability Act’s venue provision does not make a railroad subject to personal jurisdiction in every state in which it operates, and that the Due Process Clause makes it unconstitutional for a court in a given state to exercise personal jurisdiction over a railroad in connection with a claim that arose outside that state, unless the railroad is “at home in the forum State,” something that it typically will be only in the states in which it is incorporated or has its principal place of business. In so holding, the Court reaffirmed the broad applicability of its recent decisions in *Daimler AG v. Bauman*, 134 S. Ct. 746 (2014), and *Goodyear Dunlop Tires Operations, S.A. v. Brown*, 564 U.S. 915 (2011), which rejected the contention that nationally active corporations may be sued on any matter wherever they engage in business.

Although she agreed with the majority’s statutory analysis, Justice Sotomayor dissented from its constitutional analysis, as she effectively did in her *Daimler* concurrence.