

Ford Motor Co. v. Montana Eighth Judicial District Court, No. 19-368

Introduction: Today, the Supreme Court held 8-0 that Ford’s contacts with Montana and Minnesota sufficed to support specific personal jurisdiction in those States’ courts over product-liability suits brought by residents of those States stemming from car accidents in the States.

Background: There are two types of personal jurisdiction: general and specific. It was undisputed that Ford is not subject to general jurisdiction in Montana or Minnesota because it is neither incorporated nor has its principal place of business in those States. For specific, or case-linked jurisdiction, due process requires that the plaintiff’s claims “arise out or relate to the defendant’s contacts” with the forum. Ford contended that this language imposes a causation requirement—that the defendant’s forum contacts must play a role in causing the plaintiff’s injury—and that the requirement was not satisfied in these product-liability suits, because the vehicles were neither designed nor manufactured in the forum States, and Ford did not sell the vehicles to purchasers in those States. Both States’ Supreme Courts disagreed and exercised specific personal jurisdiction over the claims against Ford.

Issue: Whether the “arise out of or relate to” requirement is met when none of the defendant’s forum contacts caused the plaintiff’s claims, such that the plaintiff’s claims would be the same even if the defendant had no forum contacts.

Court’s Holding: The Supreme Court affirmed by a vote of 8-0. (Justice Barrett did not participate.) In an opinion written by Justice Kagan, the Court held that, although the phrase “relate to” imposes “real limits” on the exercise of specific personal jurisdiction, it does not require a but-for or proximate causal connection between the plaintiff’s claims and the defendant’s forum contacts. The Court then focused on the facts of the case, detailing Ford’s in-state contacts, including its extensive marketing and sales of the model of vehicle at issue, and determining that they were “close enough” to support the exercise of specific jurisdiction under the circumstances. A key additional factor, the Court emphasized, is that the plaintiffs were residents of their respective forum States and also suffered injury in those States when the vehicles allegedly malfunctioned there, which supported the Court’s conclusion that the exercise of specific jurisdiction did not conflict with principles of “interstate federalism.”

Justice Alito authored a concurrence saying that the phrase “relate to” should not provide an independent basis for exercising specific jurisdiction and that some “causal link” is still required, but that the link was present under the facts of the case. Justice Gorsuch authored a concurrence, joined by Justice Thomas, criticizing the majority for lack of clarity over what “affiliation” between the defendant’s in-state conduct and the plaintiff’s claims is sufficient to support specific jurisdiction and suggesting that the Court should revisit its personal jurisdiction precedents in an appropriate case.

Mayer Brown filed an *amicus* brief in support of Ford on behalf of the Chamber of Commerce of the United States of America, the National Association of Manufacturers, and the American Tort Reform Association.

Read the opinion [here](#).