

Case Brief

Civ Pro Unit F: Personal jurisdiction, Evolution of

Bauer, 2/14/15

Identity of Case

Pennoyer v. Neff, 95 US 714 (1878)

Page 148 of the casebook

Summary of Facts/Procedural History

Prior to the beginning of this suit, Neff was sued by his attorney, Mitchell, for 300 dollars worth of unpaid attorney fees, in Oregon state court. Neff has left the state of Oregon, Mitchell gave service by publication in Newspapers in Oregon so it is pretty clear that Neff did not have notice. Neff did have property in Oregon. Mitchell got a default judgment against Neff, and afterwards had his property seized and sold at Sheriff's auction (which Mitchell purchased for very little and sold to Pennoyer for a profit).

Neff returns to the state some 8 years later, and finds Pennoyer occupying his land and files suit to evict, in federal district court in Oregon (diversity of citizenship). The result of Neff v. Pennoyer depends on whether the prior Oregon court had personal jurisdiction over Neff.

Statement of the Issue

Was there personal jurisdiction over Neff in Mitchell v. Neff?

Holding

Where service did not occur in state (to establish personal jurisdiction) and the property was not attached before the suit began (in rem jurisdiction) the judgment of the Oregon Court in Mitchell v. Neff was not valid/binding, therefore Mitchell did not acquire title to the property and did not transfer any title to Pennoyer. Pennoyer has not been there long enough for adverse possession, so he is evicted (but he can sue Mitchell).

Reasoning

In rem jurisdiction: a state has jurisdiction over the property within its borders. But, to establish jurisdiction over that property, it needs to be attached to the claim. Basically, Mitchell needed to go to the title office and "seize the land" before bringing suit, which allows the court to put that property towards paying off what Neff owes Mitchell. Mitchell did not do this, rather he directed the sheriff to seize the land after the judgement was entered.

Personal jurisdiction: a court has jurisdiction over the inhabitants/citizens of its states, anyone who would bring a case to its courts (hence personal jurisdiction in Pennoyer v. Neff), and anyone who is served in the state. The court decides that service by newspaper was not sufficient, and therefore the court did not establish personal jurisdiction over Neff.

Evaluation