

Case Brief

Civ Pro F1: Evolution of Personal jurisdiction

2/18/15, Bauer

Identity of Case

Hess v. Pawloski

Page 159 of the casebook

Summary of Facts/Procedural History

Defendant Hess, a PA citizen, drove to MA and injured plaintiff Pawloski in an MVA, then drove back to PA. Pawloski sued him in Massachusetts state court. MA has a long-arm statute which creates a fictional consent for anyone who drives their car in MA: the operation by a nonresident of a motor vehicle on a public way....shall be deemed equivalent to an appointment by such nonresident of the registrar...to be his agent who may be served for him.

Defendant doesn't appear, gets a default judgment against him. He appeals based on lack of personal jurisdiction. Judgment for plaintiff affirmed on appeal.

Statement of the Issue

Can a state establish "consent" to personal jurisdiction through a long arm statute such as the one described above?

Holding

The consent statute for MA does not violate the due process requirement for personal jurisdiction.

Reasoning

Motor vehicles are inherently dangerous. By driving them you accept responsibility for what you do in them. Cannot claim to be surprised by being sued for causing an accident that he knew about..

This holding is specific to this statute.

Evaluation