Jurisdiction

1. Be prepared to define, explain, give examples of, and distinguish between the following terms:
   a. jurisdiction
   b. in personam jurisdiction
      (1) What are some of the ways a court can get in personam jurisdiction over a defendant?
      (2) What is a "long-arm statute?"
   c. in rem jurisdiction
   d. subject matter jurisdiction
      (1) give examples of subject matter jurisdiction

2. Read and be prepared to orally brief and discuss the following cases:
   • *Bird v. Parsons* [(on-line]
   • *Cole v. Mileti*, 133 F. 3d 433, U.S. Dist. Ct. 6th Circuit, (1998) [online]
   • *Bickford v. Onslow Memorial Hospital Foundation, Inc.*, [on-line]

   As you discuss these cases, be sure to address the following questions:
   a. What issue is being addressed by the court in this opinion?
   b. What test does the court identify as applicable to this issue?
   c. How does the court apply the test to the facts of the case?
   d. How are these cases similar? How are they different, or distinguishable, from each other? Are there differences in the tests applied by these courts? If so, explain how the tests are different, and propose possible reasons why you think the courts may have approached these cases differently.

3. Read "Reviewing the Court System" and answer questions. Also answer all Questions.

4. a. What is the "sliding scale" standard and how does it apply to jurisdictional questions regarding internet based businesses? What are some examples of its application?
   b. Discuss:
      (1) Is MTSU's website interactive or informational only?
      (2) Is MTSU subject to the jurisdiction of the courts in every forum in which its website is available for viewing?

5. Conclusion(s):
   a. Based on the court rulings discussed above, what do you think is the state of the law regarding personal jurisdiction over out-of-state defendants? Is the state of the law different in Tennessee than it is in Maine?
   b. How would you advise a company which wished to do business in several states and wondered whether or not it should expect to be subject to the jurisdiction of the courts of each of them? What if its business were internet-based?