

The standard for a finding that personal jurisdiction exists is:

1. Defendant has purposefully availed himself of the benefits and protections of the forum state by establishing minimum contacts with the forum state; and
2. The exercise of jurisdiction over that defendant does not offend traditional notions of fair play and substantial justice.

Minimum contacts can be established by finding either contacts sufficient to assert specific jurisdiction or general jurisdiction.

Specific jurisdiction is found where the defendant purposefully directs its activities at the forum state and the litigation results from alleged injuries that arise out of or relate to those activities.

General jurisdiction requires a finding of substantial, continuous and systematic contact.

Numerous cases have held that telephone, fax and email are all sufficient to confer specific jurisdiction. *Long v. Grafton* 263 F.Supp.2d 1085, *Wien Air Alaska Inc. v. Brandt* 195 F.3d 208, 213, *Brown v. Flowers Indus Inc.* 688 F.2d 328. The more numerous the contacts, the more likely the Court is to find specific jurisdiction, but there is no numerosity requirement. One contact can be sufficient.

Traditional notions of fair play and substantial justice may be summed up in five points:

1. The burden on the defendant by having to litigate in the forum state;
2. The forum state's interest in the lawsuit;
3. The Plaintiff's interest in convenient and effective relief;
4. The judicial system's interest in efficient resolution of controversies; and
5. The shared interest of states in furthering fundamental social policies.

Being forced to travel to a distant forum is rarely a strong argument, unless the defendant is an invalid.

Texas has a substantial interest in redressing the injuries of its citizens. *Long v. Grafton* 263 F.Supp.2d 1085.

If the injury is felt entirely within Texas forcing the plaintiff to travel to another state to obtain relief would not advance the plaintiff's interest in convenient or effective relief. *Id.* If the majority of witnesses to be called reside in the forum state, the judicial system's interest in efficient resolution would seem to call for jurisdiction to rest in the forum state. *Id.*