



SJC Reaffirms Transient Jurisdiction

Plaintiff Caroline Roch (“Plaintiff”), a New Jersey resident and freshman member of the Worcester Polytechnic Institute softball team, visited a property rented by her head coach’s parents during a spring training trip to Florida. Plaintiff was injured when she hit her shoulder on the edge of the pool during an initiation ritual. She brought suit against her coach’s parents (“Defendants”), both New Hampshire residents, in Massachusetts Superior Court. Defendants were served with process in Massachusetts while attending a softball game at Worcester State College.

The Superior Court allowed Defendants’ motion to dismiss for lack of personal jurisdiction, reasoning that personal service on Defendants did not confer jurisdiction. Plaintiff appealed, and the Massachusetts Supreme Judicial Court (“SJC”) reversed the dismissal. Although it noted the “tension” between the common law doctrine of transient jurisdiction and the requirement that personal jurisdiction be conferred by statute, the SJC reaffirmed the longstanding common law rule and held that “Massachusetts courts have personal jurisdiction over nonresident individuals who are served with process while intentionally, knowingly, and voluntarily in Massachusetts.”

In reaching this conclusion, the SJC relied on “the weakness of the arguments in favor of abolishing transient jurisdiction, our general reluctance to modify the common law, the United States Supreme Court’s analyses of transient jurisdiction among the States, and the availability of forum non conveniens.” The SJC noted that it was aware of no statute expressly or implicitly repealing transient jurisdiction. It also stated that there “is nothing unfair about” subjecting an individual to a state’s judicial process where that individual visited a forum state and therefore availed itself of the state’s benefits, such as roads and emergency services.

The SJC’s holding only applies to individuals; it did not address whether process in the forum state may confer personal jurisdiction over a corporation.

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