Question MEE 6 – February 2026 – Selected Answer 1

1. The issue is whether service of process on Dan was sufficient?

Under the Federal Rules of Civil Procedure, notice of process may be served on a party personally, by leaving the notice of process at the party's residence with a person of sufficient age, or by leaving the notice of process with the party's agent (which is usually relevant for a corporation). The federal rules do not permit service by mail. However, the federal rules also allow for service of process consistent with rules of the State in which the federal court sits or where the party is served. In addition, due process under the Constitution requires that the method of notice be reasonably apprised to notify the party of the lawsuit. The test is one of reasonableness and is determined by the facts of the case. If the method of notice is not likely to apprise the party of the lawsuit, then that method may be found unreasonable and violate the party's due process rights.

Here, Dan lived with his parents in State C. Penny's attorney attempted to waive service of process by mailing the waiver to Dan's parents' house but Dan never responded because he was frequently away, which the attorney learned. Penny's attorney then followed the method of notice allowed under State C law, where the federal court in the action sits, by mailing the summons and complaint by first class mail to Dan's residence. Even though mailing the summons and complaint was improper under federal law, it complied with State C law and thus is permissible under the federal rules. However, complying with the proper method is not enough if the party will not reasonably be apprised of the lawsuit by the method of notice. In this case, Penny's attorney knew that Dan was frequently away from his parents's house, which is why he didn't respond in the first place. The attorney then used the same method for service of process, mailing the items to Dan's parent's house without any reasonable expectation that anything had changed. Moreover, the envelope had no markings showing it was a summons and complaint such that Dan's parents just placed the envelope with the rest of his mail thinking it unimportant. These facts show that mailing the summons and complaint to Dan's parent's house was unlikely to apprise Dan of the lawsuit and thus was an unreasonable method of notice in this action. For these reasons, service of process on Dan was likely not sufficient.

2. Does the federal court in State C have personal jurisdiction over corporation?

Personal jurisdiction can be established by presence in the State when served, consent to personal jurisdiction, or by long arm statute. If personal jurisdiction is asserted by long arm statute, then there must be sufficient minimum contacts between the State and the defendant such that exercising personal jurisdiction comports with notions of fair play and substantial justice. Minimum contacts can be established if the defendant purposefully availed itself of the forum state's laws and the defendant's conduct is sufficiently related to its contacts with the State. Purposeful availment can be shown through specific jurisdiction and general jurisdiction

Specific jurisdiction

Specific jurisdiction is established if the events giving rise to claim occurred within the forum state. The events must be substantial enough that hailing the defendant into the forum court would not be unfair.

Here, there are no events in the action that took place in State C where the action was filed. Penny visited the corporation branch in State B where Dan worked. Dan managed the assets in State B and the contract was signed in State B. Penny has done no business in State C with the corporation and no employees in State C worked with Penny's assets. Thus, specific jurisdiction cannot be exercised over the corporation.

General jurisdiction

A corporation is subject to general jurisdiction in any state where its contacts are so substantial as to be at home in the State. A corporation is at home in the State of its incorporation and where its principal place of business is located.

Here, the corporation is incorporated and headquartered in State A. Though corporation has an office in State C, there are no facts showing its contacts with state C are so systematic and continuous such that it should be considered at home in State C. Outside of the state of incorporation and headquarters, a corporation will rarely be held to general jurisdiction in another State. Thus the court cannot exercise general jurisdiction over corporation.

Purposeful Availment/Consent

A corporation may be sued in a State when it purposefully avails itself of the protections of the laws of the forum State. If it avails itself of the forum state's laws, it is likely fair to exercise personal jurisdiction over the defendant. Additionally, if a corporation consents to personal jurisdiction in the form state, the corporation cannot later deny its consent.

Here, the corporation availed itself of State C's laws when it registered to do business in State C as a foreign corporation. And subject to that registration, the corporation consented to the state courts' exercise of general personal jurisdiction over the corporation such that the corporation is subject to the same liabilities and duties of native corporations. Through the registration in State C, the corporation availed itself of the protections of law in doing business in State C and additionally consented to personal jurisdiction pursuant to State C law. Thus, personal jurisdiction may be exercised pursuant to this consent and purposeful availment of State C law.

Notions of Fair Play and Substantial Justice

Even if personal jurisdiction can be exercised, the court still must find its exercise comports with notions of fair play and substantial justice including whether the defendant can afford to travel to the state to defend itself. Here, the corporation is an entity and thus is presumed to be able to afford to travel to State C to defend itself. Thus, exercise of personal jurisdiction will be fair to the corporation and State C's interest in exercising personal jurisdiction.

Question MEE 6 – February 2026 – Selected Answer 2

<u>Question 1</u>

The issue is whether service of process on Dan was sufficient.

Generally, service of process is sufficient if it is completed by a nonparty over the age of 18. An individual may be personally served, or service can be properly completed by summons and complaint being left with a person of sufficient age at the person's place of abode.

Generally, service of process by U.S. mail is not allowed. Under Federal Procedural law, service of process using a permissible method of the forum state is allowed. However, service of process must also comply with Due Process safeguards of the U.S. Constitution which mandates that service of process be made through a method which could reaonably apprise a person that they were a party to a lawsuit.

In this case, Dan was not personally served. The law of State C allows service of process in its courts of general jurisdiction by sending the summons and complaint by first-class mail to a defendant's place of residence. Penny's attorney mailed a request for waiver of service of process to the home of Dan's parents which became Dan's place of residence after he moved there from State B.

Additionally, although Dan's parents' home was Dan's home (Dan left State B and moved into his parents' home), Penny's attorney visited Dan's parents' home and learned that Dan was frequently away from home for weeks traveling throughout the United States. Additionally, the envelope sent to Dan had no markings indicating the nature of its contents so Dan's parents could not have known that the envelope was something related to a lawsuit. Thus, Penny's attorney knew that mailing the summons and complaint by first-class mail to the home of Dan's parents would not make him apprised of the summons and complaint, a Due Process requirement for sufficient service of process.

Thus, service of process on Dan was insufficient because he was never served in a way that complied with Due Process.

Question 2

The issue is whether the district court has personal jurisdiction over the corporation.

Traditional basis for personal jurisdiction exists when an entity is personally served, domiciled in the jurisdiction or consents. Under the U.S. Constitution, personal jurisdiction is constitutional permissible if there are sufficient minimum contacts and exercising personal jurisdiction would be fair.

A corporation is domiciled in the state of its incorporation and the state in which its headquarters is located.

Under the minimum contacts prong of constiutionally permissible personal jurisdiction, the court can exercise personal jurisdiction if there is general or specific personal jurisdiction. General personal jurisdiction exists if the corporation is essentially at home.

Here, the traditional basis for personal jurisdiction over the corporation exist in this case. The forum state, State C, is not the corporation's domicile. The corporation is domiciled in State A because it is incorporated there and has its headquarters in State A.

However, a traditional basis exists through consent because the corporation, by registering to do business in State C, consented that the state's court may exercise general personal jurisdiction over the corporation.

Thus, the district court has personal jurisdiction over the corporation through the traditional basis of consent. This is also constitutionally permissible because the state purposely availed itself to State C by registering there and it fits the interest of justice because the corporation consented.

Question MEE 6 – February 2026 – Selected Answer 3

1. Was service of process on Dan sufficient?

Yes, the service of process on Dan was sufficient, but Dan may be excused from his failure to timely respond to the complaint.

At issue here is whether the methods of service used by Penny's attorney were authorized by state law and meet the constitutional requirement. In addition, at issue here is whether Dan's failure to respond may be excuse for good cause.

Service of process includes a copy of the complaint plus the court summons. A waiver of service of process that is sent a defendant includes a copy of the complaint, summons, and a method for the defendant to respond when waiving service. For defendant's in the United States, process must be served within 90 days of the filing of the complaint, and a defendant can extend their time to respond (answer or rule 12 motion) to the complaint from 21 days to 60 days by waiving the service of process.

For a federal court, methods that are authorized in the state where it sits are authorized methods of service. Generally, for a person, service can be by any adult over 18 that is not a party, and service can be personal or substituted or any means authorized by the state. Critically, due process under the constitution requires that service be provided in a manner designed to provide reasonable notice of the complaint.

Here, the facts indicate that Dan has relocated to State C to live with his parents and that is where the waiver of the service of process was sent. Unfortunately, Dan did not become aware of the waiver request until after the time for responding, meaning that he was also untimely responding to the complaint by answer or by pre-answer motion. However, his failure to waive service of process can be excused for good cause and the facts support some finding that Dan was not at fault for failing to respond. On this issue alone, the default judgment could be set aside.

2. Does the district court have personal jurisdiction over the corporation/

Yes, the district court has personal jurisdiction over the corporation.

At issue here is the requirements for personal jurisdiction, specific or general, based on the corporation's contacts with the forum state or where the corporation is at home or has consented to jurisdiction.

Federal courts must exercise specific or general jurisdiction over the parties. The plaintiff is deemed to have consented to jurisdiction, so the relevant party for such an analysis is the defendant.

For a corporation, general personal jurisdiction is any state where the corporation is incorporated and the one state where its principal place of business is located.

Here, the corporation is incorporated and has its headquarters in State A. Therefore, for court in State C to have personal jurisdiction, it must be based on contacts or where the corporation has consented to personal jurisdiction.

Specific jurisdiction is when a defendant has meaningful contacts with the forum stated, which is found, generally, when a defendant has purposefully availement with the forum or the injury was foreseeable based on those contacts.

Here, based on the facts, the corporation does business in State C but the employees of the corporation have not worked with Penny in any capacity. Despite this, a court could find that the corporation's contacts are substantially related to the injury complained of by Penny and find meaningful contacts.

However, meaningful contact is only requirement, another is that the injury be related to the contacts. Courts typically interpret this to mean that the injury arises from or relates to the contacts by the defendant in the forum state.

Here, because no part of the services of the corporation were provided to Penny, this test is likely to fail and no specific jurisdiction will be found by the district court over the corporation.

However, personal jurisdiction may be found where the corporation consented to personal jurisdiction. The facts indicate that the corporation is registered to do business in State C, and this means that the state can sue on its claim in the state as opposed to only defend claims when not incorporated or registered to do business in the state. Therefore, since the corporation has consented to personal jurisdiction by registering to do business in the state, the court will have personal jurisdiction.