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SYMPOSIUM: THE IMPACT OF *SHAFFER V. HEITNER*

## SINGLE-FACTOR BASES OF IN PERSONAM JURISDICTION—A SPECULATION ON THE IMPACT OF *SHAFFER V.* *HEITNER*

DAVID H. VERNON\*

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\* Law School Foundation Professor of Law, University of Iowa. A.B., 1949, LL.B., 1952, Harvard University; LL.M. 1953, J.S.D., 1960, New York University Law School. The author would like to acknowledge the research assistance of Roger Carter and Gary Koch, University of Iowa law students. Further, the author expresses his thanks to colleagues Randall P. Bezanson, Robert N. Clinton, and Allan D. Vestal for helpful criticisms made after reading preliminary drafts of this article.

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## I. INTRODUCTION

During the period between *Pennoyer v. Neff* (1877)<sup>1</sup> and *Shaffer v. Heitner* (1977),<sup>2</sup> the Supreme Court authorized state courts to assert in personam jurisdiction over any person served with process in the forum and in rem and quasi in rem jurisdiction over any properly attached property in the forum. The analytical framework developed in *Pennoyer*<sup>3</sup> and its progeny,<sup>4</sup> rather than the holdings of the cases,<sup>5</sup> pro-

1. 95 U.S. 714 (1877).

2. 433 U.S. 186 (1977).

3. "From our perspective, the importance of *Pennoyer* is not its result, but the fact that its principles and corollaries derived from them became the basic elements of the constitutional doctrine governing state-court jurisdiction." *Id.* at 198-99. See also Hazard, *A General Theory of State-Court Jurisdiction*, 1965 SUP. CT. REV. 241.

4. *Harris v. Balk*, 198 U.S. 215 (1905), a quasi in rem case applying the presence-power doctrine of *Pennoyer*, was considered in detail by the Court in *Shaffer*, 433 U.S. at 200-01, 208-09. Other in rem and quasi in rem progeny of *Pennoyer* cited by the Court in *Shaffer* were: *Huron Holding Corp. v. Lincoln Mine Operating Co.*, 312 U.S. 183 (1941); *Ownbey v. Morgan*, 256 U.S. 94 (1921); *Pennington v. Fourth Nat'l Bank*, 243 U.S. 269 (1917); *Baltimore & O.R.R. v. Hostetter*, 240 U.S. 620 (1916); *Ballard v. Hunter*, 204 U.S. 241 (1907); *Louisville & N.R.R. v. Deer*, 200 U.S. 176 (1906); *Arndt v. Griggs*, 134 U.S. 316 (1890); *Huling v. Kaw Valley Ry.*, 130 U.S. 559 (1889); *Freeman v. Alderson*, 119 U.S. 185 (1886); *Steele v. G.D. Searle & Co.*, 483 F.2d 339 (5th Cir. 1973), *cert. denied*, 415 U.S. 958 (1974); *U.S. Indus., Inc. v. Gregg*, 348 F.Supp. 1004 (D. Del. 1972), *rev'd*, 540 F.2d 142 (3d Cir. 1976), *cert. denied*, 433 U.S. 908 (1977).

5. In *Pennoyer v. Neff*, 95 U.S. 714 (1877), *Neff*, a Californian, filed suit in Oregon against *Pennoyer* seeking recovery of a tract of land in Oregon. *Neff* based his prevailing claim on a patent issued to him by the United States. *Pennoyer* claimed superior title by virtue of a later purchase of the property at a sheriff's sale in execution on a judgment a third person, *Mitchell*, had obtained several years earlier in a quasi in rem proceeding against *Neff*. In sustaining *Neff's* claim to the property, the Court held that the judgment *Mitchell* had obtained, the basis of the