

UAB Instructor Loses Jurisdictional Battle in Libel Suit

A teacher of non-credit courses in ancient Egyptian history at UAB, Katherine Griffis, claimed that a colleague in Minnesota, Marianne Luban, injured her by posting defamatory statements on an Internet newsgroup. In one such posting, Luban accused Griffis of obtaining her degree from a “box of Cracker Jacks.” Griffis brought suit in Alabama state court against Luban, asserting defamation and invasion of privacy claims. Luban, on the advice of counsel, did not appear in the suit, and the court entered a \$25,000 judgment against her, along with an injunction regarding future critical statements.

Griffis next filed the Alabama judgment in state court in Minnesota seeking to have it enforced there. Luban attacked the judgment, contending that the Alabama court did not have jurisdiction over her. The Minnesota district court and court of appeals rejected that argument. The Minnesota Supreme Court, on Luban’s appeal, recognized that Alabama’s long-arm statute allowed its courts to exercise jurisdiction over nonresident defendants to the full extent permitted by Fourteenth Amendment due process. Under the latter standard, nonresident jurisdiction is permissible if the defendant has sufficient “minimum contacts” with the state (the “forum state”) such that allowing the suit to proceed comports with “traditional notions of fair play and substantial justice.” What constitutes sufficient “minimum contacts” has been the subject of litigation. Griffis argued that, though Luban’s communications originated outside Alabama, the harmful effect was primarily felt in Alabama, in terms of damage to her reputation, her consulting work, etc., and that these effects amounted to sufficient contacts.

The Minnesota high court disagreed. *Griffis v. Luban*, C3-01-296 (Minn. Aug. 14, 2002). It applied a test with respect to an intentional wrong that required the plaintiff to show, not simply that the impact of the conduct occurred primarily in the forum state, but that the defendant’s conduct was expressly aimed at the forum state. Here, according to the court, the evidence did not show that Luban’s statements were aimed at the state of Alabama or at an Alabama audience. The Internet statements were directed at newsgroup members, who included individuals from many states. The fact that Griffis lived and worked in Alabama was not enough, the court stated, to confer jurisdiction on Alabama.

The Internet, because of its global reach and impact, is creating challenges to fundamental legal principles. This is especially true with respect to the issue of the jurisdiction of courts of one state to hear cases against parties who reside and act in another state. The law will likely continue to evolve in this area.