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Federal Court Finds No Personal Jurisdiction Over Out-of-State Attorney

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The federal district court in Tacoma recently concluded that it did not have personal jurisdiction over a Mississippi attorney and his law firm who handled matters in Louisiana and Virginia for a Washington client. *Bullis v. Farrell*, 2022 WL 656204 (W.D. Wash. Mar. 4, 2022) (unpublished), involved claims for legal malpractice, breach of fiduciary duty and violation of the Washington Consumer Protection Act by a Washington resident living in Dupont against a lawyer and his firm officed in Jackson, Mississippi. The claims arose out of lawsuits the lawyer handled for the client in Louisiana and Virginia. Neither of those involved conduct in Washington and the lawyer was not licensed in Washington.

In *Bullis*, the defendants moved to dismiss for lack of personal jurisdiction in Washington. The court agreed there was no personal jurisdiction and transferred the case to the Southern District of Mississippi. The plaintiff in *Bullis* conceded that there was no general personal jurisdiction over the defendants in Washington. The decision, therefore, focused on whether there was specific personal jurisdiction arising solely from the fact that the client lived in Washington. The court determined that this alone was not sufficient to meet the requirements for personal jurisdiction.

In doing so, the court surveyed authorities on this point nationally and concluded:

When an out-of-state attorney represents an in-state client in an out-of-state matter, as is the situation in this case, the majority view is that the out-of-state lawyer “does not purposefully avail himself of the client’s home forum’s law and privileges” in the absence of “some evidence that the attorney reached out to the client’s home forum to solicit the client’s business.” *Id.* at *1 (citation omitted).

Notably, the court concluded that email communication with the client—without more—did not create sufficient contacts with Washington to establish personal jurisdiction.

In an age of “remote lawyering,” *Bullis* is a reminder that traditional contacts with a forum state—such as physical presence or other connections to the forum state—remain central to establishing personal jurisdiction for legal malpractice and related claims.

ABOUT THE AUTHOR

Mark J. Fucile of Fucile & Reising LLP advises lawyers, law firms and legal departments throughout the Northwest on professional responsibility and risk management. Mark has chaired both the WSBA Committee on Professional Ethics and its predecessor, the WSBA Rules of Professional Conduct Committee. Mark is a member of the Oregon State Bar Legal Ethics Committee and the Idaho State Bar Section on Professionalism & Ethics. Mark writes the Ethics Focus column for the Multnomah (Portland) Bar’s *Multnomah Lawyer*, the Ethics & the Law column for the WSBA *Bar News* and is a regular contributor on legal ethics to the WSBA *NWSidebar* blog. Mark is a contributing author and the

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