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Kyle C. Bisceglie on
Ehrenfeld v. Mahfouz, 9 N.Y.3d 501 (N.Y. 2007), and the New York Libel Terrorism Protection Act

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New York Legislature Extends Limits of New York's Personal Jurisdiction Statute to Permit Declaratory Actions in New York of Enforcement of Foreign Libel Judgments

On December 20, 2007, the Court of Appeals ruled in a unanimous 6-0 decision that the New York long-arm statute did not confer personal jurisdiction over a foreign defendant who had won a default judgment in England against a New York based author and dismissed the author's declaratory action. *Ehrenfeld v. Mahfouz*, 9 N.Y.3d 501 (N.Y. 2007). In so holding, *Ehrenfeld* reminded us that the New York long-arm statute does not reach the Constitutional limits of due process. Suing a New York resident abroad, serving her here and publishing the English opinion on the winning party's website accessible in New York were insufficient to confer jurisdiction in New York. By these acts, the defendant simply did not purposefully conduct business in New York, nor did he avail himself of the laws and privileges of New York.

The New York State Legislature effectively overturned the *Ehrenfeld* decision on April 30, 2008 when Governor David Paterson signed into law the "Libel Terrorism Protection Act" ("the Act") which amended New York's personal jurisdiction and foreign judgment sections of the CPLR to overrule *Ehrenfeld* to the extent it prevented authors in New York from obtaining a declaration of unenforceability of foreign libel judgments. This statute was the result of a political and editorial uproar in the aftermath of *Ehrenfeld*, and, while clearly aimed at helping plaintiffs such as Ms. Ehrenfeld, it has extended New York's personal jurisdiction in ways unintended.

Background of *Ehrenfeld v. Mahfouz.* Rachel Ehrenfeld wrote a book entitled *Funding Evil: How Terrorism is Financed – and How to Stop It*. Published in 2003 by Bonus Books, her book claims that Khalid bin Mahfouz, a Saudi businessman and financier, has directly and indirectly financed various Islamist terror groups. The book was published in the United States, but one chapter was available on the Internet on the ABCNews.com website, and twenty-three copies were purchased in the United Kingdom via the Internet from third-party vendors. Mahfouz denied any claims that he funded

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terrorism in any way, and, in January 2004, demanded that Ehrenfeld "cease and desist" in various ways set forth in the Court of Appeals decision. Mahfouz then sued in England and, on four occasions in 2004 and 2005, served legal papers upon Ehrenfeld in New York.

Ehrenfeld did not appear in England for the same reasons that Mahfouz chose to sue her there: the high costs and plaintiff-friendly standards for libel suits in England. Because Ehrenfeld never defended herself, the English court entered default judgment against her in 2004, and awarded Mahfouz the then-equivalent of approximately $225,000 in damages and attorney's fees.

Before Mahfouz took any significant step to enforce his judgment, Ehrenfeld preemptively filed a declaratory action in the Southern District of New York claiming the decision was both incorrect and unenforceable under New York and federal law. Not surprisingly, Mahfouz moved to dismiss based on lack of personal and subject matter jurisdiction.

The district court held it lacked personal jurisdiction under New York's long-arm statute, CLPR 302(a)(1). This decision was appealed to the Second Circuit which then certified the personal jurisdiction question to the New York Court of Appeals.

Libel Tourism: United States Versus British Libel Laws. It is not uncommon to strike at U.S. publishers and authors from England because the libel standards vary. This overview will place *Ehrenfeld* in context.

The U.S. libel standard for a public figure is found in *New York Times Co. v. Sullivan*, 376 U.S. 254 (U.S. 1964). To recover damages for libel, a public figure must prove "that the statement was made with 'actual malice' – that is, with knowledge that it was false or with reckless disregard of whether it was false or not." *Id.* at 279-280. A "non-public official" may still be deemed a "public figure" for purposes of the libel law if he or she "commanded sufficient continuing public interest and had sufficient access to the means of counterargument to be able 'to expose through discussion the falsehood and fallacies' of the defamatory statements." *Curtis Pub. Co. v. Butts*, 388 U.S. at 155 (U.S. 1967).

Private figures have as a lower standard for proving libel: "where a newspaper publishes speech of public concern, a private-figure plaintiff cannot recover damages without also showing that the statements at issue are false." *Phila. Newspapers v. Hepps*, 475 U.S. at 769 (1986) Private parties "bear the burden of showing that the speech at issue is false before recovering damages for defamation from a media defendant" be-

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cause holding otherwise (therefore putting the burden on the media defendant) could "only result in a deterrence of speech which the Constitution makes free." *Id.* at 777.

Until 2006, British defamation laws generally did not distinguish between public and private figures, and typically presumed that the contested statement is defamatory and required that the defendant prove the truth of the allegedly defamatory statement. Heather Maly, Note and Comment, *Publish at Your Own Risk or Don't Publish at All: Forum Shopping Trends in Libel Litigation Leave the First Amendment Un-Guaranteed*, 14 J.L. & POL'Y at 898-99 (2006). A statement is considered defamatory if it is likely to injure the reputation of an individual in the eyes of reasonable members of the public. *Id.* at 899.

This burden on the defendant can make British libel suits extremely costly to defend. *See* Sarah Lyall, *Where Suing for Libel is a National Specialty*, NY TIMES, July 22, 2000, at B9 (an author of a book about the denial of the Holocaust spent $3 million defending a British libel suit brought by a Holocaust denier portrayed in the book). While the *Reynolds v. Times Newspapers Ltd.*, [2001] 2 AC 127, case held that journalists may have a defense against libel charges when the media has a legitimate duty to report matters of public interest, this case did not change British libel law in practice – courts still imposed a high standard upon defendants*. See* Catherine Spratt, *A new day in the U.K.: Britain's highest court has handed down a watershed ruling that allows the media to better defend 'responsible journalism' against libel claims*, NEWS MEDIA & THE LAW, Winter 2007, http://www.rcfp.org/news/mag/31-1/lib-anewdayi.html.

Not surprisingly, such standards have made British courts a destination for libel lawsuits. Doreen Carvajal, *Britain, a Destination for "Libel Tourism,"* INT'H HERALD TRIBUNE, Jan. 20, 2008. This arises not only from plaintiff-friendly standards but also because British courts exert jurisdiction even if there are very tenuous ties between the conflict and the United Kingdom. *Id.* An Icelandic investment bank successfully brought suit against a Danish tabloid for libel in the UK because there was an English translation on a Danish website that gets some minimal traffic in the UK. *Id.* In *Ehrenfeld*, Mahfouz could maintain suit against Ehrenfeld in the UK because twenty-three copies of the book were purchased in the UK via the Internet and one chapter of the book was accessible in the UK on the ABCNews.com website. *Ehrenfeld*, 9 N.Y.3d at 504. These contacts that the British court used to assert personal jurisdiction are comparable to or less palpable than the contacts that Mahfouz had with New York State (which included suing a New York resident in British court and publishing the British court's decision on his website that was accessible in New York). The fact that the Court of Appeals held that it did

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not have personal jurisdiction over Mahfouz shows that the New York standard for personal jurisdiction in libel cases is more limited than the British standard.

A better known example of libel tourism involves film director Roman Polanski's 2005 libel suit victory in British court against American magazine Vanity Fair for its description of events that occurred after Polanski's wife died in 1969. Sarah Lyall, *Polanski Wins Vanity Fair Libel Suit,* N.Y. TIMES, July 23, 2005. Although the events described were largely accurate, Vanity Fair was ordered to pay $87,700 in damages and a substantial portion of Polanski's legal costs because some of the dates and chronology were inaccurate. Further, the court reached this result without Polanski ever stepping foot into the UK during the duration of the trial. Why? Because Polanski was a fugitive from justice in the United States and may face arrest and extradition in the UK, the British court permitted his testimony from France via live video link. Polanski had no real contact with the UK and the only real contact that this libel suit had with the UK was the magazine's limited circulation there. As a result, Polanski prevailed in a suit about damage to his character from inaccurate dates when he "can't be here [in the UK] because he slept with a 13-year-old-girl and has been a fugitive from justice for more than a quarter of a century." *Id*. Apparently, the UK also does not recognize that some people should be "libel proof."

"Serious journalism" may have finally caught a break because of the House of Lords's decision in *Jameel v. Wall Street Journal Europe Sprl* [2006] UKHL 44. In this case, which also involved allegations of Saudi entities financing terrorism, the court gave journalists the right to publish allegations about public figures, so long as the reporting is responsible and in the public interest. *See* Sarah Lyall, *High Court in Britain Loosens Strict Libel Law*, NY TIMES, Oct. 12, 2006. The court agreed it would be impossible for the newspaper to prove the truth of the allegations because they were based upon secretive surveillance by Saudi authorities. As a result of this decision, journalists have a "public interest" defense to libel claims and do not always bear the burden of proving accuracy. This moves British libel law closer to American libel law for "serious journalism," but the defense will not be available to celebrity magazines, which are often the subject of libel suits for vapid gossip. *See* Catherine Spratt, "*A New Day in the U.K".* Further, *Jameel* will not curtail British courts from asserting jurisdiction over every libel claim that the Worldwide Web can carry.

Media and Legislative Response to *Ehrenfeld.* Numerous American publishers and media companies that supported Ehrenfeld in her lawsuit and provided *amicus curiae* briefs were upset by the result of her case. Jim Milliot, *Appeals Court Reject's*

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Ehrenfeld's Bid to Block 'Libel Tourism', PUBLISHERSWEEKLY, Dec. 20, 2007, available at http://www.publishersweekly.com/article/CA6514697.html. Ehrenfeld claimed that the English judgment deterred publishers from accepting her work on financing of terrorism in order to avoid foreign libel suits. *Ehrenfeld*, 9 N.Y.3d at 510-11. Ehrenfeld's attorney, Daniel Kornstein, has stated publicly that having the judgment hanging over her head has affected Ehrenfeld's research and writing. Joseph Goldstein, *N.Y. Appeals Court Opens Door to 'Libel Tourism'*, THE SUN, Dec. 21, 2007. Ehrenfeld herself described Mahfouz's award against her as "the Damocles sword effect. He's holding it above my head to intimidate me and others." James Oliphant, *Saudi wields British law against U.S. author: Billionaire leverages harsher libel rules to suppress unflattering book*, CHICAGO TRIBUNE, Mar. 17, 2008.

The New York State Legislature responded very quickly to the *Ehrenfeld* decision. *Ehrenfeld* was decided on December 20, 2007, and in January 2008, Assemblyman Rory I. Lancman and Senator Dean Skelos introduced the "Libel Terrorism Protection Act" (the "Act") that would effectively overrule *Ehrenfeld*. After some debate in the NY Legislature (and some constitutional concerns which will be discussed below), the Act was signed into law by Governor Paterson on April 30, 2008. The new law amends the CPLR in the following ways:

1. By prohibiting enforcement of overseas libel judgments in New York unless the court determines that the overseas law satisfies speech and press protections guaranteed by the New York and United States Constitutions; and

2. By permitting New York courts to exercise long-arm jurisdiction over persons outside of New York who obtain a judgment in a defamation proceeding outside the United States against a person who is a New York resident, has assets here and/or involving a New York publication.

See bill summary, http://assembly.state.ny.us/leg/?bn=A9652.

The Act adds subdivision 2(b)(8) to CPLR 5304, adding "no recognition of foreign country judgment" if:

> the cause of action resulted in a defamation judgment obtained in a jurisdiction outside the United States, unless the court before which the matter is brought sitting in this state first determines that the defamation law applied in the foreign court's adjudication provided at least as much

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> protection for freedom of speech and press in that case as would be provided by both the United States and New York Constitutions.

The new law also adds section (d) to CPLR 302 (Personal jurisdiction by acts of non-domiciliaries):

> (d) Foreign Defamation Judgment. The Courts of this State shall have personal jurisdiction over any person who obtains a judgment in a defamation proceeding outside the United States against any person who is a resident of New York or is a person or entity amenable to jurisdiction in New York who has assets in New York or may have to take actions in New York to comply with the judgment, for the purposes of rendering declaratory relief with respect to that person's liability for the judgment, and/or for the purpose of determining whether said judgment should be deemed non-recognizable pursuant to section Fifty-Three Hundred Four of this Chapter, to the fullest extent permitted by the United States Constitution, provided:
>
> 1. The publication at issue was published in New York, and
>
> 2. That resident or person amenable to jurisdiction in New York (i) has assets in New York which might be used to satisfy the foreign defamation judgment, or (ii) may have to take actions in New York to comply with the foreign defamation judgment. The provisions of this subdivision shall apply to persons who obtained judgments in defamation proceeding outside the United States prior to and/or after the effective date of this subdivision.

That the Act overruling the *Ehrenfeld* holding passed so quickly shows the widespread dissatisfaction with the decision. Much of the justification behind the bill was to protect writers who expose terrorist networks and financiers. *See* http://www.ny.gov/governor/press/press_0501082.html. In other words, much of the enthusiasm for the Act had to do with combating the "financing of terrorism." Many American writers and organizations previously have been sued for libel in England without any such connection to exposing terrorism. Fortunately for those like them, despite the intentions and title of the Act, the Act is broad enough to protect all writers, publishers, and media outlets from the enforcement of British defamation or libel suits in New York.

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The public response to *Ehrenfeld* and libel tourism doesn't end there. On May 22, 2008, Rep. Cohen (D-TN) introduced a bill to Congress that would have the same effect as the New York legislation, except it would apply to federal courts across the country. *See* http://cohen.house.gov/index.php?option=content&task=view&id=542. Presumably, this would give every federal court in the country the personal jurisdiction to declare a foreign libel judgment against an American defendant unenforceable (if the speech protection in the foreign country are not as great as those under the First Amendment), and would preclude every federal court from enforcing such a judgment.

The New York law (and pending federal law) relieves writers of the negative effect of *Ehrenfeld*, that is, the unresolved threat of a foreign lawsuit and, because the Act is retroactive, helps Ehrenfeld achieve her established goal when she brought her suit in the Southern District.

As discussed below, it is this author's belief that this Act was both unnecessary and proceeds on questionable constitutional grounds.

Enforcement of Foreign Libel Judgments in New York Courts. Even if the New York legislature had not passed the "Libel Terrorism Protection Act," Mahfouz would not be able to collect his British libel award in New York. Generally, the "non-enforcement of a foreign judgment requires more than a difference in law, procedure, or policy." Jeremy Maltby, Note, *Juggling Comity and Self-Government: The Enforcement of Foreign Libel Judgments in U.S. Courts*, 94 COLUM. L. REV. at 1990 (1994). By defaulting in a foreign lawsuit, "a defendant ensures that the judgment will be entered in against [her], and assumes the risk that an irrevocable mistake of law or fact may underlie that judgment." *Ackermann v. Levine*, 788 F.2d at 842 (2d Cir. 1986). When there is a foreign default judgment, the New York courts accept the finding of the foreign court, but still must consider whether the foreign law applied is repugnant to the public policy of New York. *Sarl Louis Feraud Int'l v. Viewfinder, Inc.*, 489 F.3d at 479 (2d Cir. 2007). "A judgment is unenforceable as against public policy to the extent that it is repugnant to fundamental notions of what is decent and just in the state where enforcement is sought." *Ackermann v. Levine*, 788 F.2d at 941 (2d Cir. 1986) (internal citation omitted). CPLR 5304(b)(4) reflects this principle.

The non-recognition of a foreign judgment "may be considered 'constitutionally mandatory' when the judgment conflicts with the principles of the U.S. Constitution." *WIP Wohnungsbaugesellschaft Prenzlauer Berg mbH v. Sutton*, 2007 N.Y. Misc. LEXIS 6381, at * 6 (N.Y. Sup. Ct. 2007). State and federal courts in New York have been clear that for-

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eign libel awards cannot be enforced in New York unless the foreign courts gave the defendant the same protections guaranteed by the First Amendment. *See Ajitabh Bachchan v. India Abroad Publication, Inc.*, 154 Misc. 2d 228 (N.Y. Sup. Ct. 1992). Foreign lawsuits against the press must meet "the safeguards for the press which have been enunciated by the courts of this country." *Id.* at 231. Because British libel law places no burden on the plaintiff to prove the falsity of the statement, enforcement would jeopardize the guarantees of the First Amendment, and the judgment is unenforceable in New York. *Id.* at 234-35. Because British libel laws offer significantly less protection than the protection offered under the First Amendment of the United States Constitution, courts in New York would almost certainly find that the default libel judgment against Ehrenfeld was repugnant to public policy and, therefore, should not be recognized. Admittedly, the *Jameel* decision may ultimately affect the willingness of U.S. courts to enforce British libel judgments.

Additionally, *Ehrenfeld* would be unenforceable because the UK's personal jurisdiction standards vary from those of the U.S. Constitution. CPLR 5304(a)(2) states that a "foreign country judgment is not conclusive if: . . . the foreign court did not have personal jurisdiction over the defendant." It is likely that the jurisdictional "analysis" used by British courts to assert personal jurisdiction over Ehrenfeld would not meet our due process requirements. There is no evidence that Ehrenfeld wrote her book to target Mahfouz. Furthermore, the facts that twenty-three copies of her book were purchased in England over the Internet from a third-party vendor and that one chapter of her book was available on the Internet were probably not enough for an American court to assert jurisdiction because they do not meet the due process requirements of the U.S. Constitution. *See International Shoe Co. v. Washington*, 326 U.S. 310 (1945); *Zippo Manufacturing Co. v. Zippo Dot Com, Inc.*, 952 F.Supp. 1119 (E.D. Pa. 1997).

Constitutionality of the Libel Terrorism Protection Act. Despite homage to the bounds of the "fullest extent" of the U.S Constitution, the Act confers jurisdiction upon New York Courts in circumstances that exceed the due process limits of the U.S. Constitution. While the bill passed the N.Y. Senate unanimously, the Assembly noted that an advisory committee to the state court administrator opposed the bill because of constitutional concerns. James Oliphant, *Saudi wields British law against U.S. author*.

Unlike New York, the Supreme Court of the United States does not give any special procedural protection to defendants in libel and defamation actions. *See, e.g., Calder v. Jones*, 465 U.S. at 790 (1984). In *Calder*, the Court stated that "the potential chill on protected First Amendment activity stemming from libel and defamations is already

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taken into account in the constitutional limitation on the substantive laws governing such suits. To reintroduce those concerns at the jurisdictional stage would be a form of double counting." *Id.* (internal citations omitted). Therefore, in determining the constitutionality of the Act, the fact that its goal is to protect First Amendment activity cannot be taken into account at all.

In *Calder*, the Supreme Court found jurisdiction over the defendants because their allegedly libelous activity was aimed at the forum state, and they knew that the brunt of that injury would be felt by the plaintiffs in the forum state, even though the conduct (publishing the article) occurred in another state. *Id.* at 789-90. To claim personal jurisdiction under *Calder*, the "effects" or *actual* injury must occur in the forum state. In the case of foreign libel suits against New Yorkers, the plaintiff is targeting a New Yorker. However, because the Act prohibits the enforcement of foreign libel suits, it *precludes* the bulk of what should constitute the actual (economic) injury. Without injury to New Yorkers (as the law precludes it), how can New York courts assert personal jurisdiction consistent with *Calder*? Therefore, the portion of the Act giving New York Courts personal jurisdiction in cases where New Yorkers are subject to foreign libel judgments lacks an element *Calder* requires under the Due Process Clause. An exception may exist in those cases where the plaintiff can establish injury by an unenforceable foreign award (as *Ehrenfeld* attempted to do).

Additionally, the "provisos" of the Act seem to provide personal jurisdiction based on the plaintiff's own actions rather than the "defendant's independent activities," and, thereby, runs afoul of long standing Court of Appeals precedent. *See Haar v. Armendaris Corp.*, 31 N.Y.2d 1040 (1973); *Parker-Bernet Galleries, Inc. v. Franklyn*, 26 NY2d 13 (1970).

Finally, if the Act prohibits the enforcement of certain foreign libel judgments, why does an author need a declaratory judgment as well?

Significance of *Ehrenfeld* in Light of the "Libel Terrorism Protection Act". The Libel Terrorism Protection Act overturned the result of *Ehrenfeld*, but left certain statements contained in *Ehrenfeld* intact as dicta. In particular, *Ehrenfeld* helps define the extent of New York's long-arm statute under CPLR 302(a)(1). The Act added an exception to the New York long-arm statute for the occurrence of foreign libel judgments only. *Ehrenfeld's* analysis and description of New York's long-arm statute remain valid.

The decision affirms that CPLR 302(a)(1) is not co-extensive with constitutional limits. *Ehrenfeld* distinguishes *Yahoo! v. La Ligue Contre Le Racisme et L'Antisemitisme*, 433

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F.3d 1199 (9th Cir. 2006) (*en banc*), in which the Ninth Circuit asserted personal jurisdiction in a situation with facts very similar to that in *Ehrenfeld*. *Yahoo!* states that the Ninth Circuit interprets the effects test from *Calder v. Jones*, 465 U.S. 783 (1984), to impose three requirements for personal jurisdiction: "the defendant allegedly [must] have (1) committed an intentional act, (2) expressly aimed at the forum state, (3) causing harm that the defendant knows is likely to be suffered in the forum state." *Ehrenfeld* states that this test is broader than that in CPLR 302(a)(1) and following the Ninth Circuit's test would usurp the legislative function. The fact that New York does not follow the Ninth Circuit's "effects test" is still good law, even with the passage of the Act. Practically speaking, the new CPLR 302(a)(5) effectively adopts the Ninth Circuit's holding in *Yahoo!* for libel actions only.

Ehrenfeld reiterates holdings from a number of earlier cases that "the overriding criterion necessary to establish a transaction of business is some act by which the defendant *purposefully avails itself of the privilege of conducting activities within New York.*" *Id.* at 508 (emphasis added). Personal jurisdiction is only proper when a defendant purposefully engages in activity in New York, and invokes the benefits and protections of New York law. *Id.* As Mahfouz's only relevant contacts to New York were to further his assertions under the laws of England, the court could not assert jurisdiction. *Id.* at 509. The court said that Mahfouz's prior acts, including his prior ownership of New York real estate and his previous indictment by a New York grand jury, were not relevant because the judgment in question has nothing to do with these acts. *Id.* at n. 6. Therefore, in cases *other than* foreign libel suits, these sorts of contacts with New York are insufficient to confer personal jurisdiction on New York courts.

Beyond *Ehrenfeld.* The *Ehrenfeld* decision is still valid outside of defamation cases. The Libel Terrorism Protection Act effectively overrules only that part of *Ehrenfeld* that denied Ehrenfeld's ability to obtain a declaration of rights, and codifies what was likely preexisting New York law on enforcement of foreign judgments. However, this Act – likely unintentionally – challenges the long-standing principle under New York law that the plaintiff's own actions cannot be used as a basis for personal jurisdiction over a defendant. More fundamentally, because the Act immunizes New York authors and others from liability, establishing injury in New York will require carefully crafted case theory. Without that injury, application of the Act to a foreign defendant likely exceeds the Due Process limits of *Calder* and progeny.

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As to the problem of libel tourism, American writers, publishers, and media companies are still susceptible to foreign libel suit and there is nothing the Court of Appeals, New York legislature or Congress can do about the law in the United Kingdom and elsewhere. New York has certainly done as much as its territorial limits permit for writers and New York based publishers.

Because so much is accessible to read or purchase over the Internet, British courts can assert jurisdiction over a wide range of writing, including most contemporary published books that can be purchased easily over the Internet and shipped to the UK. Until British laws change, litigants from around the world are going to file libel and defamation suits in the UK against American writers and media organizations. While they may have piece of mind in New York, they still must carefully avoid exposure to the UK forum.

For a detailed analysis of American versus British libel laws and a more extensive discussion of "libel tourism," *see* Heather Maly, Note and Comment, *Publish at your own Risk or Don't Publish at All: Forum Shopping Trends in Libel Litigation Leave the First Amendment Un-Guaranteed*, 14 J.L. & POL'Y 883 (2006); Marin Roger Scordato, *The International Legal Environment for Serious Political Reporting Has Fundamentally Changed: Understanding the Revolutionary New Era of English Defamation Law*, 40 CONN. L. REV. 165 (2007); Raymond W. Beauchamp, Note, *England's Chilling Forecast: The Case for Granting Declaratory Relief to Prevent English Defamation Action from Chilling American Speech*, 74 FORDHAM L. REV. 3073 (2006).

For a detailed analysis of the enforcement of foreign libel judgments in the United States, *see* Jeremy Maltby, Note, *Juggling Comity and Self-Government: The Enforcement of Foreign Libel Judgments in U.S. Courts*, 94 COLUM. L. REV. 1978 (1994); Melinda Luthin, *U.S. Enforcement of Foreign Money Judgments and the Need for Reform*, 14 U.C. DAVIS J. INT'L L. & POL'Y 111 (2007); Eric P. Enson, Comment, *A Roadblock on the Detour Around the First Amendment: Is the Enforcement of English Libel Judgments in the United States Unconstitutional?*, 21 LOY. L.A. INT'L & COMP. L. REV. (1999); 2-27 Weinstein, Korn & Miller CPLR Manual § 27.27; 1-3 Weinstein, Korn & Miller CPLR Manual § 3.06.

For a general overview of the exercise of long-arm jurisdiction under CPLR 302(a)(1), *see* 2-3 New York Civil Practice: CPLR P 302; 1-3 Weinstein, Korn & Miller CPLR Manual § 3.05; 1-2 LexisNexis AnswerGuide New York Civil Litigation § 2.03; and 1-2 LexisNexis AnswerGuide New York Civil Litigation § 2.05.

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