

Idle Musing On A Friday Afternoon

Friday, August 05, 2011

Even lawyers daydream.... But it might be scary what we daydream about.

We did a lot of posts back in June about the Supreme Court's decisions in cases that interested us. For example, we did a [post](#) on the two momma-moker cases, [Dukes](#) and climate change. We followed that with a [couple](#) of [posts](#) about the two stream-of-commerce personal jurisdiction cases at the end of the term.

So, we guess that makes us one of a small group of folks who have thought seriously about both the recent climate change and personal jurisdiction decisions.

That gives rise to this question. Now that the Supreme Court narrowed the climate change litigation to state court causes of action (eliminating federal common law), how does, say, Connecticut, get personal jurisdiction over a power company operating in, say, Texas? If there ever was such a thing as "stream of pollution" personal jurisdiction, we'd have to say it's an *a fortiori* goner after [Brown/Nicastro](#).

We don't have an answer to the question. There may not even be an answer. But that's what we were daydreaming about this Friday afternoon.