

Bench & Bar

The newsletter of the Illinois State Bar Association's Bench & Bar Section

Norfolk Southern **Distinguishes But Does Not** **Derail *Daimler***

BY MICHAEL CORTINA

On June 27, 2023, the United States Supreme Court issued its opinion in *Mallory v. Norfolk Southern Railway Co.* The case pertains to general personal jurisdiction that courts have over the parties in a suit. In its holding, the Court found that courts in the Commonwealth of Pennsylvania had general jurisdiction

over Norfolk Southern Railway Co. despite the fact that the company is neither headquartered nor incorporated there. While on its face, the holding may seem to be an abrogation of the Court's 2014 ruling in *Daimler AG v. Bauman*, but upon closer inspection, it is clear that *Mallory* and

Continued on next page

Norfolk Southern
Distinguishes But Does Not
Derail *Daimler*
1

Skip-the-Line Program –
Eliminating the ‘Time Tax’ to
Serve You Better
1

Recent Appointments and
Retirements
4

Illinois Supreme Court M.R.
5272
5

Skip-the-Line Program – **Eliminating the ‘Time Tax’** **to Serve You Better**

BY ALEXI GIANNOULIAS

Everything we do at the Secretary of State's office is centered around creating an environment of excellent customer service. Each day we look to make improvements to better achieve this goal.

Our “Skip-the-Line Program” is an important step to improve the customer experience using a multi-pronged approach designed to eliminate the unpredictability of wait times at Driver and Motor Vehicle (DMV) facilities that Illinoisans have

experienced for far too long.

It includes:

- encouraging more customers to renew online through our improved website;
- requiring appointments at 44 DMV locations across the state; and
- extending DMV hours across the state.

The Skip-the-Line program, which

Continued on page 3

Norfolk Southern Distinguishes But Does Not Derail Daimler

CONTINUED FROM PAGE 1

Daimler can be read harmoniously.

Daimler AG v. Bauman changed the landscape pertaining to general jurisdiction and essentially gave *International Shoe v. State of Wash., Off. Of Unemployment Comp. and Placement*, 326 U.S. 310 (1945) the boot. While *International Shoe* was not entirely abandoned, its “minimum contacts” test for general jurisdiction was essentially replaced by a rather simple test to determine if a foreign corporation was “at home” in the chosen forum state. Under *Daimler*, a foreign corporation is considered “at home” and subject to the court’s general jurisdiction only in the states where the corporation is headquartered or where it is incorporated.

In *Mallory*, the defendant railroad was neither incorporated nor headquartered in Pennsylvania, but it was still sued there despite the fact that the acts complained of occurred in other states. The United States Supreme Court overruled the Pennsylvania Supreme Court and held that Pennsylvania had valid general personal jurisdiction over the defendant. This holding was possible because under Pennsylvania law, any out of state company that registers to do business in the Commonwealth agrees to appear in its courts on any cause of action against them. The Pennsylvania Supreme Court found that this provision in Pennsylvania law violated the Due Process Clause, but the United States Supreme Court disagreed and vacated the judgment and remanded the suit.

In short, Pennsylvania law side-stepped *Daimler* by requiring corporations that want to do business in the Commonwealth to waive their rights and acquiesce to the general jurisdiction of the courts. *Daimler* was not overruled by *Mallory* in any way.

Could a similar fate befall a corporation sued in Illinois under facts similar to *Mallory*? No, not under current Illinois law. Unlike the Commonwealth of Pennsylvania, Illinois does not require foreign corporations that register to do business to waive their rights and be subjected to the general jurisdiction of Illinois courts. In

fact, in 2017, the Illinois Supreme Court issued an opinion in *Aspen American Insurance Co. v. Interstate Warehousing, Inc.* that found that even though the defendant may have had continuous and systematic general business contacts in the state, it was neither headquartered nor incorporated in Illinois. The Illinois Supreme Court overruled the lower courts that had denied the defendant’s motion to quash service and dismiss the case for lack of personal jurisdiction. If Illinois had similar statutory language as Pennsylvania, the ruling in *Aspen American Insurance* may have been different.

Daimler and *Mallory* are able to be read harmoniously. *Daimler*’s “at home” test for general jurisdiction is not affected by *Mallory* because *Mallory* found that general jurisdiction existed because of a Pennsylvania statute, not because of *Daimler*’s test. ■

Bench & Bar

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Skip-the-Line Program – Eliminating the ‘Time Tax’ to Serve You Better

CONTINUED FROM PAGE 1

launches September 1, will require customers to schedule an appointment for in-person visits at 44 of our busiest DMVs in Chicago and the collar counties and locations in central and downstate Illinois.

Making an appointment that works best for an individual is standard practice in today’s world. Whether needing a haircut, an appointment with a doctor or dentist, or getting a car repaired, it is easier for consumers when they can reserve a specific time that accommodates their schedule. This is the world we live in now.

That’s what this program will accomplish. The Skip-the-Line program will eliminate the “Time Tax” Illinoisans have had to pay and allow our staff to enhance the service customers receive when they visit a DMV. We are offering services to customers when it works for them. No longer will they have to block out the whole day to visit a DMV. Now – we will be available when our customers want us.

Please note that motor vehicle transactions, including license plate sticker renewals, do not require an appointment because of the quick nature of the transaction. You can fulfill them at ilsos.gov or visit a DMV for walk-in service.

When I was running for Secretary of State, I spent a great deal of time sharing my vision for the office. But I also prioritized something else when I visited communities throughout Illinois: I asked questions, and I listened.

I listened and learned directly from residents about their experiences when visiting a DMV. And to be honest, most people dreaded this visit. In fact, many of the residents I talked with expected to have a negative experience at the DMV before they even walked in the door. It’s been this way for years.

I am committed to changing this!

Under the Skip-the-Line program, when a customer needs to get a REAL ID, a driver’s license or ID card service, or take an in-car driving test, they can visit ilsos.gov and select the “Make an Appointment” button that’s located prominently on the main page.

Then they follow the simple prompts and select the DMV location and available date and time that is convenient for them.

It’s that simple.

Those who would prefer to make an appointment by phone can call 844-817-4649.

We want to make the process as straightforward and efficient as possible so that our customers can obtain the services they need quickly and easily.

But we aren’t stopping there.

All DMVs throughout the state will have new extended, standardized hours beginning September 1. Every DMV will be open Monday through Friday from 8 a.m. to 5:30 p.m.

In addition, 16 DMVs throughout the state will be open on Saturdays from 8 a.m. to 12:30 p.m. That’s six days a week serving customers. Customers can visit ilsos.gov for a list of the DMVs operating six days a week.

These new extended hours, coupled with appointments and the newly redesigned ilsos.gov website, will improve transacting business with the Secretary of State’s office and ultimately eliminate the “Time Tax” associated with visiting a facility.

It is important to emphasize that we have broadened the scope of services available on ilsos.gov so that customers can conduct a wide range of business online, without needing to physically visit a Secretary of State’s office or DMV.

The revamped website is easier to view and navigate, is more intuitive, and prioritizes our most popular services.

My goal is to change the stereotype of dealing with governmental offices. I am determined to exceed our customers’ expectations, and I want them to leave our DMVs with a positive experience.

The Skip-the-Line program is a strong step toward accomplishing this goal and transforming operations to best serve our customers, and changing the way they perceive the DMV. Learn more about Skip-the-Line at www.ilsos.gov/skip_the_line/home.html. ■

Alexi Giannoulis was sworn into office as Illinois’ 38th Secretary of State on January 9, 2023. Giannoulis is committed to transforming the office’s antiquated IT infrastructure to modernize operations and improve customer service for all Illinoisans.

Recent Appointments and Retirements

1. Pursuant to its constitutional authority, the supreme court has appointed the following to be circuit judge:

- Edward J. Underhill, Cook County Circuit, June 8, 2023
- Corinne C. Heggie, Cook County Circuit, June 20, 2023
- Hon. Kim DiGiovanni, 16th Circuit, July 5, 2023
- James S. Murphy-Aguilu, Cook County Circuit, 10th Subcircuit, July 7, 2023
- Debjani Desai, Cook County Circuit, July 14, 2023

2. The supreme court has assigned the following to the appellate court:

- Hon. Rena M. Van Tine, Circuit Judge, Appellate Court, 1st Dist., July 18, 2023

3. The circuit judges have appointed the following to be associate judges:

- Jonathan Mitchell, 1st Circuit, June 30, 2023
- Cynthia D. Lamb, 22nd Circuit, July 1, 2023
- Tawnya Frioli, 7th Circuit, July 7, 2023
- Mary E. Koll, 11th Circuit, July 17, 2023
- Sara Rice, 20th Circuit, July 27, 2023

4. The following judges have retired:

- Hon. Patricia H. Kievlan, Associate Judge, 20th Circuit, June 30, 2023
- Hon. Charles E. Peterson, Associate Judge, 16th Circuit, June 30, 2023
- Hon. Gregory P. Vazquez, Associate Judge, Cook County Circuit, June 30, 2023
- Hon. Eileen O'Neill Burke, Appellate Court, 1st Dist., July 3, 2023
- Hon. Marguerite Quinn, Cook County Circuit, 12th Subcircuit July 4, 2023
- Hon. Joseph G. McGraw, 17th Circuit, July 5, 2023
- Hon. Ann Collins-Dole, Cook County Circuit, 8th Subcircuit, July

6, 2023

- Hon. Brian K. Flaherty, Associate Judge, Cook County Circuit, July 14, 2023
- Hon. Maxwell Griffin, Jr., Associate Judge, Cook County Circuit, July 14, 2023
- Hon. Robert M. Travers, Associate Judge, 11th Circuit, July 14, 2023
- Hon. Peter A. Felice, Cook County Circuit, 4th Subcircuit, July 21, 2023
- Hon. Israel Desierto, Associate Judge, Cook County Circuit, July 31, 2023
- Hon. Clare E. McWilliams, Cook County Circuit, 10th Subcircuit, July 31, 2023
- Hon. Susan T. O'Leary, 12th Circuit, July 31, 2023
- Hon. Joseph R. Voiland, 23rd Circuit, July 31, 2023

5. The terms of the following judges have expired:

- Hon. M. Thomas Carney, Associate Judge, 12th Circuit, June 30, 2023
- Hon. Cory C. Lund, Associate Judge, 12th Circuit, June 30, 2023
- Hon. Jennifer L. Martyn, Associate Judge, 18th Circuit, June 30, 2023

6. The following judge has deceased:

- Hon. Matthew J. Maurer, Associate Judge, 7th Circuit, July 23, 2023 ■

M.R. 5272

SUPREME COURT
STATE OF ILLINOIS

Amended Order

IT IS HEREBY ORDERED that the following holidays shall be observed by all courts in this State and by the Administrative Office of the Illinois Courts for the year 2024:

January 1	New Year's Day	Monday
January 15	Martin Luther King, Jr. Day	Monday
February 12	Lincoln's Birthday	Monday
February 19	Washington's Birthday (Obsvd.)	Monday
May 27	Memorial Day	Monday
June 19	Juneteenth Independence Day	Wednesday
July 4	Independence Day	Thursday
September 2	Labor Day	Monday
October 14	Columbus Day (Obsvd.)	Monday
November 5	2024 General Election Day	Tuesday
November 11	Veterans' Day	Monday
November 28	Thanksgiving Day	Thursday
November 29	Day Following Thanksgiving Day	Friday
December 25	Christmas Day	Wednesday

In addition to the foregoing holidays, the chief judge in each circuit in this State may declare a court holiday in any county in the circuit when the court facilities in that circuit or county are otherwise closed for the observance of a holiday not listed above. These additional observances shall be limited to only those situations in which both court security is unavailable and all county government offices are closed.

In the event the court facilities in a circuit or county are to remain open on one or more of the holidays, the chief circuit judge in which that situation occurs, may disregard the listed holiday and declare the court open on that day.

Dated this 9th day of August, 2023.



Chief Justice
Supreme Court of Illinois

FILED
August 9, 2023
SUPREME COURT
CLERK