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HOW ARE REMOTE WORK, STATE REGULATIONS, AND PERSONAL JURISDICTION IMPACTING EMPLOYERS WITH OUT-OF-STATE REMOTE EMPLOYEES?

Personal jurisdiction is an area of employment law which is constantly changing and evolving. For example, the COVID-19 pandemic and the effects stemming therefrom have sent unprecedented shockwaves throughout the workplace, and the law is struggling to catch up. With remote work becoming widely accepted and, in some instances, the new normal, there is great uncertainty regarding where employers may be sued, which stems from the courts' handling of jurisdictional issues.

In an article published by *Roger Williams University Law Review*, entitled *Traditional Notions of Fair Play and Substantial Justice?: The Interplay Between Remote Work, State Regulations, and Personal Jurisdiction*, Attorney Kathryn M. Couture discusses personal jurisdiction, its interplay with the Due Process Clause of the Fourteenth Amendment, and the Supreme Court's recent decision in *Mallory v. Norfolk Southern Railroad Company*, which reinvigorated a century-old decision involving a corporate defendant's consent to personal jurisdiction by way of its compliance with state statutory laws.



Part II of the article examines the diverging interpretations and applications of the personal jurisdiction standard by different courts faced with similar questions of law during the COVID-19 pandemic.

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In Part III of the article, Attorney Couture attempts to reconcile these differences and, through the lens of *Mallory*, discusses the potential impact on employers moving forward. Importantly, she provides employers with a general understanding of what to expect when employing remote workers in different states and highlights some potential implications that may result. To read the published article, [click here](#).

If you have questions regarding remote employees or general employment law questions, please contact Attorney Couture at 401-824-5100 or kcouture@pdlolaw.com.



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