

Biz Legal Contract Term EXPLORED: Forum Selection Clause

Introduction/Definition

This clause tells what jurisdiction (state, county, or country) a case will be litigated or arbitrated.

This is important because if you live in California and the forum selection clause says you must litigate in Georgia--- well, you see the problem.

What you are essentially doing is consenting for a jurisdiction to have personal jurisdiction over person so, you need be careful. You won't be able to later claim that a court doesn't have jurisdiction over you.

Many forum selection clauses have conflict of laws provisions which tell you not only the jurisdiction but, the law to govern based on a hierarchy system if there is a conflict as to the applicable law.

In GA....

- Forum selection clause are presumed valid; the plaintiff bears the burden of proving that enforcement of the forum selection clause would be unreasonable under the circumstances.

My Advice

Make the forum selection clause as convenient for YOU as you can. Your lawyer can do the research to see what jurisdictions are more friendly towards your business or cause. You may be able to get as specific as to place in the agreement which COURT a case can be litigated, so long as it doesn't conflict with state statute on court jurisdiction.

NOTE: This legal presentation is only authorized for Georgia businesses and only pertains to Georgia-based businesses. Any and all legal advice only applies to the laws in the state of Georgia and Kendrick Law Practice is only authorized to practice law in Georgia.

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