

MODIFIED 6/2/15

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

COMPLETE TITLE OF CASE:

CASEWORK, INC.

Respondent

v.

HARDWOOD ASSOCIATES, INC., ET AL.;

Appellants

HANOVER INSURANCE COMPANY

Respondent

DOCKET NUMBER WD77620

DATE: April 28, 2015

Appeal From:

Circuit Court of Clay County, MO
The Honorable Kathryn Elizabeth Davis, Judge

Appellate Judges:

Division One
James Edward Welsh, P.J., Thomas H. Newton, and Karen King Mitchell, JJ.

Attorneys:

Jonathan Sternberg, Kansas City, MO

Counsel for Appellants

Attorneys:

James Freeman, III, Kansas City, MO

Counsel for Respondent, Casework, Inc.

Scott Sullivan, Liberty, MO

Counsel for Respondent, Hanover Insurance

**MISSOURI APPELLATE COURT OPINION SUMMARY
MISSOURI COURT OF APPEALS, WESTERN DISTRICT**

CASEWORK, INC., Respondent, v. HARDWOOD ASSOCIATES, INC.,
ET AL., Appellants; HANOVER INSURANCE COMPANY, Respondent.

WD77620

Clay County

Before Division One Judges: Welsh, P.J., Newton, and Mitchell, JJ.

Hardwood, an Iowa business, and Casework, a Missouri business, entered into an agreement, after extensive negotiations, for Hardwood to perform services on Casework's Colorado project. A disagreement ensued during renegotiations, and Casework filed suit in Missouri against Hardwood for breach of contract and interference with a business relationship. Hardwood filed a motion to dismiss, arguing that it was not sufficiently present in the state to be sued in a Missouri court and claiming that the forum was inconvenient. The court denied the motion.

At trial, Hardwood's president asked for a continuance because Hardwood's lawyer had been permitted to withdraw from the case. The court denied the motion and, over Casework's objections, ordered the non-attorney president to represent Hardwood. Casework presented one witness, its president, whom Hardwood's president was ordered to question. Casework offered exhibits, which the court admitted into evidence. Casework rested. Hardwood's president declined the opportunity to submit records to the court. The trial court entered judgment for Casework and awarded a considerable amount of damages, interest, and attorney fees. Hardwood filed a motion seeking either an amendment of the judgment or a new trial, which the trial court denied. Hardwood appeals.

AFFIRMED

Division One Holds:

In the first point, Hardwood argues that the trial court erred in exercising personal jurisdiction over it because it did not waive the matter and sufficient minimum contacts with the state were not shown. Hardwood claims that the president's three visits and its numerous telephone calls and emails did not establish sufficient minimum contacts because no services were performed in Missouri. We disagree.

Personal jurisdiction is established by showing that the defendant's conduct (1) satisfies the long-arm statute and (2) constitutes sufficient minimum contacts with Missouri. The law also requires that the surrounding circumstances show that the exercise of personal jurisdiction over the defendant is reasonable, so as to not offend notions of fair play and substantial justice. Hardwood does not challenge the first prong. Sufficient minimum contacts may be established even when the defendant does not provide services in a state if it purposefully conducts business with a company in the forum state, such that the nature of the communications would place the defendant on notice that it could be sued in that state. Here, Hardwood's contact with Casework in Missouri involved an ongoing business relationship over the parties' Colorado project. Such

conduct was purposeful, and Hardwood should have reasonably anticipated being sued in Missouri. Hardwood's first point is denied.

In the second point, Hardwood argues that the trial court erred in forcing its president to represent its interest because the law requires an attorney to represent an organization in court. Harwood claims that the judgment is void because its non-attorney president assumed the role of attorney. We disagree.

Hardwood is correct that the law demands representation by legal counsel for a company to appear in court, so the trial court erred in requiring its president to act as an attorney. But the judgment is not void because of this error. A judgment is void if the unauthorized act of practicing law, which we must disregard, affected it. Here, the unauthorized acts of Hardwood's president, as a defending party, were minimal. Disregarding those acts would not affect the judgment. Hardwood's second point is denied.

Therefore, we affirm.

Opinion by Thomas H. Newton, Judge

April 28, 2015

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