Contents

Preface to the Seventh Edition  xxii
Preface to the Second Edition  xxiii
Acknowledgments  xxv
Introduction  xxvii

Chapter 1. Conflict of Laws: An Overview  1

   Problem 1: Male or Female?  2
      Questions and Comments  4
   Problem 2: The Long Arm of the Law  5
      Licra and UEJF v. Yahoo! Inc.  5
      Questions and Comments  7
   Problem 3: Whose Artwork?  10
      Questions and Comments  13

Chapter 2. Traditional Approaches to Choice of Law  15

   A. Torts  15
      1. Nonintentional Torts  15
         Alabama Great Southern Railroad v. Carroll  15
         Questions and Comments  20
         Selections from the First Restatement of Conflicts, on Wrongs  25
      2. Intentional Torts  28
         Bullard v. MRA Holding, LLC et al.  29
         Questions and Comments  31
   B. Contracts  33
      Selections from the First Restatement of Conflicts, on Contracts  33
      Poole v. Perkins  38
      Linn v. Employers Reinsurance Corp.  42
      Questions and Comments  44
      An Exercise  47
C. Domicile

Selections from the First Restatement of Conflicts, on Domicile

White v. Tennant 48
Rodriguez Diaz v. Sierra Martinez 53
Questions and Comments 61

D. Marriage

Selections from the First Restatement of Conflicts, on Marriage and Legitimacy

Matter of Ranftle 66
Questions and Comments 67
People v. Ezeonu 69
Questions and Comments 71
In re Marriage of J.B. and H.B. 72
Questions and Comments 79

E. Property

Selections from the First Restatement of Conflicts, on Real Property

Burr v. Beckler 85
Thomson v. Kyle 86
Questions and Comments 88
Selections from the First Restatement of Conflicts, on Personal Property

Blackwell v. Lurie 91
Morson v. Second National Bank of Boston 95
Questions and Comments 97

F. Corporations

Selections from the First Restatement of Conflicts, on Corporations

McDermott Inc. v. Lewis 102
Irving Trust Co. v. Maryland Casualty Co. 106
Questions and Comments 108

G. Wrinkles in the Theory

1. Characterization

Haumschild v. Continental Casualty Co. 111
Questions and Comments 115

2. Renvoi

In re Estate of Damato 117
University of Chicago v. Dater 120
Questions and Comments 124

3. Substance vs. Procedure

Selections from the First Restatement of Conflicts, on Procedure

Sampson v. Channell 125
O’Leary v. Illinois Terminal Railroad 132
Questions and Comments 134
Grant v. McAuliffe 136
Questions and Comments 138
Chapter 3. Modern Approaches to Choice of Law 173

A. Introduction 173

B. Interest Analysis: In Theory and in Practice 188
  1. Theoretical Foundations of Interest Analysis 188
     Currie, Notes on Methods and Objectives in the Conflict of Laws 188
  2. Judicial Applications 192
     a. True Conflicts 192
        Lilienthal v. Kaufman 192
     b. True Conflicts vs. Apparent Conflicts 196
        Bernkrant v. Fowler 196
        Questions and Comments 199
     c. Unprovided-For Cases 200
        Hurtado v. Superior Court 200
        Questions and Comments 204
  3. Recent Theoretical Criticisms of Interest Analysis 205
  4. A Short Note on Interest Analysis in Other Nations 208

C. Comparative Impairment 211
  Bernhard v. Harrah’s Club 212
  Questions and Comments 218
  Kearney v. Salomon Smith Barney, Inc. 220
  Questions and Comments 224
D. The “Better Rule”  
   Leflar, Conflicts Law: More on Choice-Influencing Considerations  
   Milkovich v. Saari  
   Questions and Comments  

E. The Restatement Second and the Most Significant Relationship  
   Phillips v. General Motors Corp.  
   Questions and Comments  
   America Online, Inc. v. National Health Care Discount, Inc.  
   Questions and Comments  

F. Wrinkles in the Theory  
   1. Domicile  
      Reich v. Purcell  
      Questions and Comments  
   2. Renvoi  
      Pfau v. Trent Aluminum Co.  
      Questions and Comments  
      Richards v. United States  
      Questions and Comments  
   3. Substance and Procedure  
   4. Statutes of Limitations  
      Ledesma v. Jack Stewart Produce, Inc.  
      Global Financial Corp. v. Triarc Corp.  
      Questions and Comments  
   5. Public Policy  
   6. Postscript  
      Paul v. National Life  
      Questions and Comments  

G. Statutory Resolution of Choice-of-Law Problems  
   Questions and Comments  

Chapter 4. Constitutional Limitations on Choice of Law  

A. Constitutional Limitations on Choice of Law  
   Home Insurance Co. v. Dick  
   Questions and Comments  
   Pacific Employers Insurance Co. v. Industrial Accident Commission  
   Questions and Comments  
   Watson v. Employers Liability Assurance Corp.  
   Clay v. Sun Insurance Office, Ltd.  
   Questions and Comments  
   Allstate Insurance Co. v. Hague  
   Questions and Comments  
   Home Insurance Co. v. Dick  
   Questions and Comments  
   Pacific Employers Insurance Co. v. Industrial Accident Commission  
   Questions and Comments  
   Watson v. Employers Liability Assurance Corp.  
   Clay v. Sun Insurance Office, Ltd.  
   Questions and Comments  
   Allstate Insurance Co. v. Hague  
   Questions and Comments
Chapter 5. The Jurisdiction of Courts over Persons and Property

A. Consent and Waiver
   1. Consent
      * * *
   2. Waiver
      * * *

B. Activities as a Basis for Jurisdiction
   1. General and Specific Jurisdiction
      * * *
   2. Purposeful Availment and Foreseeability
      * * *
Contents

Questions and Comments 457
Asahi Metal Industry Co. v. Superior Court of California 459
Questions and Comments 466
Note on Activities-Based Personal Jurisdiction for Internet Disputes 470
Goodyear Dunlop Tires Operations, S.A. v. Brown 472
Questions and Comments 478
Daimler AG v. Bauman 479
Questions and Comments 488
C. Jurisdiction Based on Property 488
Shaffer v. Heitner 489
Sternberg v. O’Neil 498
Questions and Comments 503

Chapter 6. Conflict of Laws in the Federal System 509

A. The Erie Doctrine 509
   Erie Railroad v. Tompkins 509
   Questions and Comments 514
   Note: Erie and Substance vs. Procedure 515
   Questions and Comments 517
1. Erie and Choice of Law 519
   Klaxon Co. v. Stentor Electric Manufacturing Co. 519
   Questions and Comments 521
   Ferens v. John Deere Co. 523
   Questions and Comments 533
   Note: Erie and Choice of Forum 535
2. Erie and Judgments 537
   Semtek Int’l Inc. v. Lockheed Martin Corp. 537
   Questions and Comments 542
B. The Federal Common Law 543
   Clearfield Trust Co. v. United States 543
   Questions and Comments 545
   Illinois v. City of Milwaukee 547
   Questions and Comments 551

Chapter 7. Recognition of Judgments 555

A. Jurisdictional Requirements 558
   Durfee v. Duke 558
   Fall v. Eastin 562
   Questions and Comments 564
Chapter 8. Extraterritoriality of Federal Law

A. Extraterritoriality of Federal Statutes
   1. Territorialism
      "EEOC v. Arabian American Oil Co." 631
      Questions and Comments 638
   2. Contacts and Effects
      "Lauritzen v. Larsen" 640
      Questions and Comments 646
   3. Comity
      "Hoffman-La Roche Ltd. v. Empagran S.A." 647
      Questions and Comments 650
   4. International Law of Prescriptive Jurisdiction
      "United States v. Yunis" 651
      "United States v. Lawrence" 654
      Questions and Comments 658
B. Extraterritoriality and the Constitution
   "Reid v. Covert" 661
## Chapter 9. Choosing Legal Regimes

### A. Contractual Choice of Law

- *Nedlloyd Lines B.V. v. Superior Court of San Mateo County Seawinds Ltd.* 691
- *Questions and Comments*

### B. Choice-of-Court Clauses

- *Carnival Cruise Lines, Inc. v. Shute* 722
- *Questions and Comments*

### C. Arbitration Clauses

1. **The Federal Arbitration Act and Arbitrability**
   - *Note: Arbitrability* 751
2. **Policing the Clauses**
   - *AT&T Mobility LLC v. Concepcion* 755
   - *Sabia v. Orange County Metro Realty, Inc.* 765
   - *Questions and Comments*

## Chapter 10. Choice of Law in Complex Litigation

### A. Introduction

### B. Approaches to Choice of Law

1. **No Choice Necessary**
   - *Ferrell v. Allstate Insurance Co.* 781
   - *Questions and Comments*
2. **Single Governing Law**
   - *Ysbrand v. Daimler Chrysler Corp.* 797
   - *Questions and Comments*

   - *Note on General Consensus Law* 807
3. Multiple Governing Laws
   
   *Schnall v. AT&T Wireless Services, Inc.*
   
   *In re Telectronics Pacing Systems, Inc.*
   
   Questions and Comments

---

**Table of Cases**

**Table of Secondary Authorities**

**Table of Restatement Sections**

**Index**