



Conflict of Laws (University Casebook Series)

Peter Hay, Russell Weintraub, Patrick Borchers

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The 14th edition continues the tradition of careful scholarship and attention to educational objectives begun with the first edition in 1936. The conflict of laws has experienced vast changes in the seventy seven years since the first edition of this book. The new edition joins its predecessors' attention to the needs of both teacher and student. Foreign law not only is of growing importance in a global economy but also holds important lessons for us as we reconsider our own law. With its extensive comparative materials the book facilitates appraisal of both domestic and foreign approaches.

The new edition retains the order of presentation in the 13th edition, which has proven to be an important aid in mastering the materials. Choice-of-law issues take on added meaning after the student understands when and why a court may proceed against a nonresident defendant, appreciates that a court with jurisdiction over the defendant may nevertheless defer to a more appropriate forum, and has studied the requirements imposed by the United States Constitution on interstate recognition of judgments and on choice of law.

Important features include an emphasis on comparative coverage and extensive notes and comments to guide study and provide background for class discussion.

The Documentary Appendix greatly facilitates comparative study. The Appendix contains the major European Union Council Regulations on procedural and substantive issues that are the focus of the book. Detailed commentary accompanies each Regulation. The choice-of-law materials contain many excerpts from and references to the laws of other countries.

Chapters 1 and 2 introduce the student to the major issues that subsequent chapters explore in detail. Chapter 3 explores judicial jurisdiction. The U.S. Supreme Court's 2011 decisions in *J. McIntyre Machinery, Ltd. v. Nicastro* and *Goodyear Dunlop Tires Operations, S.A. v. Brown* are both included as principal cases. A new state case on Internet libel is also included as a way to introduce the growing issues presented by bringing the "minimum contacts" test into the virtual world.


At an early point in the choice-of-law materials (chapter 7), the book explores the meaning of "procedural" in the context of the conflict of laws. This prepares the student for discussion of court opinions throughout the choice-of-law chapters that affix the procedural label to an issue. Chapter 8 then focuses on development of choice-of-law theory and its application, with attention to issues of great current importance, such as choice of law in national class actions. Chapter 8 includes an easily-accessible discussion of the rising influence of law and economics in choice of law. Chapter 8 also includes as a principal case the New York Court of Appeals' decision in *Edwards v. Erie Coach Lines Co.*, in which New York's high court attempted to clarify the implications of its controversial decision in *Schultz v. Boy Scouts of America*.

Chapter 9 covers the special problems of conflicts in federal and international settings and contains a section on the extraterritorial application of constitutional rights and includes as a principal case the Supreme Court's decision extending habeas corpus rights to the Guantanamo detainees. This chapter also includes as a principal case the U.S. Supreme Court's 2010 decision in *Morrison v. National Australia Bank*, in which the Court held, in a major break with a long line of lower court cases, that the Securities Exchange Act did not apply to securities traded on foreign exchanges.

The fast evolving area of same-sex marriage and the conflicts problems presented are covered extensively in

Chapter 11, which surveys the multitude of conflicts problems in family law.

Despite these important new additions, the 14th edition is slightly shorter than its predecessor in an effort to continue to make it an effective teaching tool regardless of the number of credit hours allotted for t

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