

## CONFLICT OF LAWS (PRIVATE INTERNATIONAL LAW)

Professor Light – Summer in Spain 2019 (3 credits) – M-F 9:00-10:50am

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### Course Description:

With the expansion of communications in the world it is inevitable that there will arise in most every lawyer's practice a conflict between and among the laws of the several jurisdictions involved in even the least complex of legal transactions. This course takes the student from the classroom to the courtroom in understanding these problems. The development of the Internet has generated many new and difficult problems dealing with traditional conflict of laws. Conflicts in contractual and marital problems are considered as are conflicts in the international setting. An important aspect of the course is preparing the practitioner to detect a lack of conflicts, which saves time and expense of litigation.

Conflict of Laws course materials typically include topics covered in a rudimentary way in the first year Civil Procedure course such as domicile, personal jurisdiction, the Erie Doctrine, choice of law, and recognition of judgments (including preclusion), all topics covered on the Multistate Bar Examination.

### Materials:

We will use Richman, Reynolds, & Whytock, *Understanding Conflict of Laws* (4th ed., Lexis Nexis, 2013). ISBN 978-0-7698-6449-5. It is a paperback of modest length (443 pages) and is available on Amazon (new) for \$49 (\$34.49 for Kindle version). Many examples come from Michael H. Hoffheimer, *Examples and Explanations: Conflict of Laws*, 3rd Edition (Wolters Kluwer, 2016). ISBN 978-1-4548-6847-7. Additional materials such as handouts may be distributed to each student in PDF via e-mail. Students therefore must bring their laptop computers to Spain and to class.

### Objectives:

Upon successful completion of this course, students will be able to:

1. Determine the requirements for domicile for jurisdictional and choice of law purposes
2. Determine the requirements for en-rem and personal jurisdiction.
3. Identify the traditional and modern methods for choice of law
4. Identify methods of shaping choice of law in behalf of clients
5. Determine the standards for recognition of judgments domestically and internationally
6. Determine the special conflicts requirements and standards in family law.

### Course Plan:

Each day there will be selected readings from the treatise on specific topics being covered that day. Fridays are reserved by the program for field trips or guest lectures in lieu of regular class. In 2019, all students in the program will attend a special guest lecture on the first Friday, May 31. Field trips also will be scheduled for June 7 and June 14.

**Grading:** The final grade will be determined entirely by a take-home exam due the last day of class. The final grade may be adjusted a half-letter (up or down) based on the degree and quality of class participation.

## TENTATIVE TOPIC ASSIGNMENTS

The professor reserves the right to change the course at his discretion. Changes will be announced to students.

ASSIGNMENTS FROM RICHMAN, REYNOLDS, & WHYTOCK, UNDERSTANDING CONFLICT OF LAWS (4<sup>th</sup> ed., 2013). For each session, there will be a PowerPoint summarizing the cases in the reading assignment. During most days, there also will be a lecture on a related specific case or special topic, often focusing on particularly complex, international/comparative law, or contemporary “hot” topic.

1 Chapter 1, Introduction, pp. 1-4; Chapter 2, Domicile pp. 5-13

### **Jurisdiction of Courts**

2 Chapter 3, Part A-Introduction to Jurisdiction of Courts pp. 15-29; Chapter 3, Part B-History pp. 30-42

3 Chapter 3, Part C-After 1977 pp. 42-70

4 Chapter 3, Part D-Bases for Jurisdiction pp. 70-104

5 Chapter 3, Part E-Understanding Personal Jurisdiction pp. 104-128

6 Chapter 3, Part F- Jurisdiction over Property, pp. 128-147

7 Chapter 3, Part G-Additional Problems, pp. 147-167

### **Choice of Law**

8 Chapter 4, Part A-Pervasive Problems, pp. 174-192

9 Chapter 4, Part B-The First Restatement, pp. 192-216

10 Chapter 4, Part C-Modern Choice of Law, p. 216-291

11 Chapter 4, Part D-Choice of Law Today, pp. 292-309

12 Chapter 4, Part E-The Constitution and Choice of Law, pp. 310-331

13 Chapter 4, Part F-Special Problems in Federal Courts, pp. 331-351

### **Judgments**

14 Chapter 5, Part A-Basic Principles, pp. 354-388

15 Chapter 5, Part B-The Reach and Limits of Full Faith and Credit, pp. 388-412

### **Family Law**

16 Chapter 6, Family Law, pp. 414-443

### **Final Examination**