

SYLLABUS
CONFLICT OF LAWS

PROFESSOR ZAMORA
SPRING 2014

All assignments in regular font are from the assigned text, Conflict of Laws: Federal, State and International Perspectives (revised 2nd ed., 2002). In addition, there will be assigned readings from the **Supplementary Materials**.

At the end of each section of cases, the casebook lists questions and comments. You should read the questions and comments related to the cases we discuss in class.

For purposes of classroom discussion, after the first week of classes, I will divide the class (by random) into teams, and will assign cases to each team, as the syllabus shows. PLEASE TAKE NOTE: THE MEMBERS OF THE TEAM WILL BE HELD TO A HIGH STANDARD IN DISCUSSING THE CASE, SO GO OVER THE CASES ASSIGNED TO YOU WITH A FINE TOOTH COMB. The team assigned to a case must have a thorough understanding of the facts of the case, and of the court's analysis. Those students who are NOT assigned a given case for that day are also expected to be prepared to discuss the case, if I call on you.

PART ONE
CHOICE OF LAW

Tuesday, Jan. 14

Survey of Black Letter Rules – Torts

Pp. 1 – 13,

Alabama Great Southern

Horn v. North British Railway

focus on questions 1, 2, 3, 4

Thursday, Jan. 16

Black Letter Rules (cont.) – Contracts and Property

Pp. 14 – 34

Milliken

Estate of Barrie

[skip White v. Tennant]

Estate of Evan Jones

Tuesday, Jan. 21

Black Letter rules (cont.) – Public Policy

Pp. 34 – 40

Loucks TEAM 1

Maneuvering Within the Rules - Renvoi

Pp. 41 – 52

In Re Annesley TEAM 2

U Chicago v. Dater TEAM 3

In Re Schneider's Estate TEAM 4

Thursday, Jan. 23

Maneuvering Within the Rules (cont.) – Characterization

Pp. 52 – 60

Haumschild TEAM 5

Mertz TEAM 6

[Skip Levy v. Daniels' U Drive]

Maneuvering Within the Rules – Substance and Procedure

Pp. 66 - 75

Levy v. Steiger TEAM 7

Grant v. McAuliffe TEAM 8

Tuesday, Jan. 28

Modern Conflicts Analysis – Torts: The Range of Modern American Analysis

Pp. 103 – 129

Cavers Cases 1, 2, 3 and 5 [Skip Case 4]

Griswold

Rheinstein

Reese

Currie

Cavers

Thursday, Jan. 30

Modern Conflicts Analysis – Torts: Lex Loci Discarded

Pp. 129 – 145

Kilberg TEAM 1

Pearson TEAM 2

The Search for a Theory

Pp. 145 – 152

Babcock TEAM 3

Tuesday, Feb. 4

Search for a Tort theory (continued)

Pp. 152 – 160, and pp. 181 – 194, [SKIP Milkovich]

Dym v. Gordon TEAM 4

Neumeier v. Kuehner TEAM 5

Cipolla, Foster & Labree (squib cases) TEAM 6

Thursday, Feb. 6

Tort Theory, Texas Style

Supplementary materials, pp. 1 - 29

Gutierrez TEAM 7

Crisman TEAM 8

Tuesday, Feb. 11

Nailen TEAM 1

Huddy TEAM 2

Hughes Wood Products TEAM 3

Thursday, Feb. 13

Modern Conflicts and Intentional Acts

Pp. 231 – 255

Lilienthal TEAM 4

Bernkrant TEAM 5

Auten TEAM 6

Haag TEAM 7

Tuesday, Feb. 18

Contract (cont.) - Party Autonomy

Pp. 256 – 258, 272 – 278 (questions and notes relevant to Southern)

Southern International Sales TEAM 8

Contract (Texas style)

Supplementary materials, pp. 30 – 69

St. Paul Mercury TEAM 1

Faloona TEAM 2

Admiral Insurance TEAM 3

American Home Assurance v. Safway Steel
and **TV-3 v. Royal Insurance Co** TEAM 4

Thursday, Feb. 20

Party Autonomy and State Interests

Pp. 346 – 356, 359 – 364 (relevant questions and notes)

Estate of Clark TEAM 5

Maccoun/Watts TEAM 6

Watts v. Swiss Bank Corp. TEAM 7

Tuesday, Feb. 25

The Constitution and Choice of Law

Pp. 381 – 401

Home Insurance v. Dick TEAM 8

Alaska Packers TEAM 1

Pacific Employers TEAM 2

Watson TEAM 3

[skip Clay Insurance]

PART TWO

THE CONSTITUTION AND CONFLICT OF LAWS
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Thursday, Feb. 27

Supreme Court's Role – *Allstate v. Hague* and after

Pp. 401 – 429

Allstate v. Hague TEAM 4

Phillips Petroleum (squib case p. 421) TEAM 5

Sun Oil (Squib case p. 422) TEAM 6

Tuesday, March 4

Diversity Jurisdiction and the *Erie* Doctrine.

Pp. 431 – 443, 449 - 470

Swift v. Tyson TEAM 7

Erie Railroad v. Tompkins TEAM 8

Van Dusen v. Barrack TEAM 1

Klaxon TEAM 2

[skip Sampson]

Thursday, March 6

Minimum contacts and its variants

Pp. 485 – 497, 531 – 545, 551 – 555 (relevant notes and questions)

International Shoe TEAM 3

McGee v. Int'l Life Insurance TEAM 4

World Wide Volkswagen TEAM 5

SPRING BREAK – MARCH 10 - 14

PART THREE
JURISDICTION AND JUDGMENTS

Tuesday, March 18

General Versus Specific Jurisdiction; Reasonableness

Pp. 559 – 578

Helicopteros Nacionales TEAM 6

Asahi Metal TEAM 7

Thursday, March 20

Conferring Jurisdiction by Agreement – Choice of Forum Clauses

Pp. 290 – 302, 306 – 312 (questions and notes relevant to Zapata)

Unterweser Reederei v. Zapata TEAM 8

The Bremen v. Zapata TEAM 1

Tuesday, March 25

Agreements to Arbitrate

Pp. 312, 315 – 337

Scherk TEAM 2

Mitsubishi TEAM 3

[skip Gilbert]

Thursday, March 27

Rise and Fall of Quasi In Rem Jurisdiction, and Transient Jurisdiction

Pp. 578 – 580, and 610 – 620

Burnham TEAM 4

Jurisdiction in the Internet Age

Supplementary materials, pp. 70 - 91

Griffis v. Luban TEAM 5

Gator.com Corp. v. L.L. Bean TEAM 6

Tuesday, April 1

Forum Non Conveniens – U.S. and European approaches

SUPPLEMENTARY MATERIALS, pp. 92 - 122

Piper Aircraft TEAM 7

In Re Union Carbide TEAM 8

Iragorri TEAM 3

The Dupont Case TEAM 4

Thursday, April 3

Parallel Litigation and Lis Pendens

SUPPLEMENTARY MATERIALS, pp. 123- 151

Case 1 (p. 92) TEAM 4

Case 2 (p. 95) TEAM 5

Tuesday, April 8

Parallel Litigation and Lis Pendens (continued)

Case 3 (p. 97) TEAM 6

Erich Gasser TEAM 7

Turner TEAM 8

Thursday, April 10

Recognition and Enforcement of Foreign Judgments; Jurisdiction of the Rendering Court

Pp. 637 – 647, 674 - 684

Fauntleroy TEAM 1

Baldwin TEAM 2

Durfee v. Duke TEAM 3

Tuesday, April 15

Recognition of FOREIGN COUNTRY JUDGMENTS

PP. 684 – 702, Pp. 734 – 735 [Skip Parsons and Soc. Audi-NSU]

AND SUPPLEMENTARY MATERIALS pages 152-156

Hilton v. Guyot TEAM 4

Johnston v. Compagnie Generale Transatlantique TEAM 5

New York Convention (UN Convention on Recognition and Enforcement of Foreign Arbitral Awards) – [Brief overview]

PART FOUR

CONFLICT OF LAWS ON THE INTERNATIONAL STAGE
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Thursday, April 17

Jurisdiction to Prescribe

Pp. 908 – 927

U.S. v. Alcoa TEAM 6

U.S. v. Imperial Chemical TEAM 7

British Nylon Spinners v. Imperial TEAM 8

Tuesday, April 22

Jurisdiction to Prescribe (cont.) – Balancing of interests

Pp. 943 – 950, 959 – 960 [Rest. Sec. 403], 960 - 971

Timberlane TEAM 1

Hartford Insurance TEAM 2

Thursday, April 24

True Conflicts in International Relations; The Act of State Doctrine

Pp. 971 – 993, **AND SUPPLEMENTARY MATERIALS pp. 157 - 164**

Fruehauf TEAM 3

Sabbatino TEAM 4

Callejo v. Bancomer, Supplementary materials TEAM 5