

Conflict of Laws
Course Syllabus, Fall 2021 (Prof. Symeonides)
Willamette University College of Law

Dear Students,

*Welcome back to school. We missed you! We look forward to seeing you **in person**.*

We hope for a semester that is as near to normal as possible, but we also recognize that we may have to make necessary adjustments as we go. We hope for your cooperation and welcome your feedback.

We will do our utmost to make your experience as painless and lively as possible, while maintaining the academic rigor dictated by our obligation to prepare you for a demanding profession.

I. COURSE OBJECTIVES

This course will teach you how to detect and handle legal disputes that implicate the laws of more than one state or country (*multistate cases*) and which, for this reason, present *conflicts of laws*. We will spend much of our time on intra-U.S. or *interstate* conflicts, because they are the most frequent and you will encounter them daily in your future practice. However, we will also cover *international* conflicts between U.S. state or federal laws and foreign laws.

In other courses, you have learned the law of judicial jurisdiction, namely, which state's courts may decide a multistate case. In this course, you will learn about *legislative* or *prescriptive jurisdiction*, namely which state's or country's law will govern the merits of a multistate case, and how a court or other decision-maker selects that law (*choice of law*).

You will also learn about the conditions and requirements for recognizing and enforcing a judgment in another state or country (*judgment recognition*).

Our work materials consist primarily of appellate judgments. This means that we will focus primarily on the work of the courts. You will learn how to prepare for court as an attorney for either side, or (why not) as a judge.

However, you will also learn how to be a good office lawyer, *e.g.*, how to avoid litigation or make it more predictable. For example, when you draft a contract for a client, should you include or agree to a choice-of-forum clause assigning (exclusive or concurrent) jurisdiction to a specified court or arbitral tribunal? Should you also include or agree to a choice-of-law clause designating in advance the applicable law?

II. REQUIRED AND RECOMMENDED MATERIALS

1. Required Course Materials

(a) S. SYMEONIDES & W. PERDUE, CONFLICT OF LAWS: AMERICAN, COMPARATIVE, INTERNATIONAL (4th edition, 2019) (hereinafter "Casebook").¹

¹ Instead of buying a hard copy of this book, you may want to consider the less expensive options of renting it or buying the electronic version. If you buy the electronic version, make sure it allows you to copy it onto your hard drive or to print it. All royalties from the sale of this book to WUCL students are donated to WUPILP.

(b) OREGON STATUTORY SUPPLEMENT (available on WISE) containing all choice-of-law provisions in Oregon statutes. Please have it with you during class.

2. Strongly Recommended Materials

Symeonides, *Oregon's Choice-of-Law Codification for Contract Conflicts: An Exegesis*, 44 WILLAMETTE LAW REVIEW 205-252 (2007) (available on WISE).

Symeonides, *Oregon's New Choice-of-Law Codification for Tort Conflicts: An Exegesis*, 88 OREGON LAW REVIEW 963-1052 (2009) (available on WISE).

3. In-Depth Materials (if you want)

If you read your assignments, including the notes and questions, you do not need to do any additional reading. But if you would like to read any of my works, here is a partial list of books available at the Library.

- (1) S. SYMEONIDES, *PRIVATE INTERNATIONAL LAW: U.S.A.* (Wolters Kluwer 2015). This is a concise book, less than 500 pages, covering the whole course. You have free electronic access to this book through the Library's website at [this link](#)
- (2) S. SYMEONIDES, *OXFORD COMMENTARIES ON AMERICAN LAW: CHOICE OF LAW* (Oxford U.P. 2016) (800 pages, dealing only with choice of law).
- (3) P. HAY, P. BORCHERS, S. SYMEONIDES & C. WHYTOCK, *CONFLICT OF LAWS* (West 6th ed. 2018). This is a standard hornbook, more than a thousand pages long.
- (4) S. SYMEONIDES, *THE AMERICAN CHOICE-OF-LAW REVOLUTION: PAST, PRESENT AND FUTURE*, (The Hague Academy of International Law Monographs, Martinus Nijhoff, 2006). This is a 500-page monograph on tort and contract conflicts and choice-of-law methodology.

You may also find several of my articles, including my 30 annual surveys of American choice-of-law cases, posted on SSRN at [this link](#)

IV. OFFICE HOURS

- (1) 9:00–10 AM, Monday through Friday
- (2) 4:00–5:00 PM, Monday through Friday, except Tuesday
- (3) Any other time on Thursday or Friday upon request.

My email is symeon@willamette.edu

V. CLASS ATTENDANCE

1. Show up

The school's *Class Attendance Policy* requires you to attend a minimum of 75% of regularly scheduled classes in order to be allowed to take the exam. For this course, this means you must attend a minimum of **twenty** (90-minute) **classes** (not 19 or 19.5) *i.e.*, you are allowed a maximum of **six absences**.

2. Pay attention

The school's policy provides as follows:

“Students may use computers in class only for educational purposes, such as taking notes or accessing materials that are necessary for the particular class. The use of computers for other purposes, such as reading, composing, or sending email or instant messages, playing video or audio files or games, or displaying web pages not necessary for the class **is prohibited.**”

I expect you to abide by this policy.

3. Class Recording

Although all of our classes will be held in person (I hope), I also plan to record them on Zoom and post the recordings on WISE. They will be available for viewing *for three days* after each class. They will be removed thereafter.

You may not record the class in any form, take screenshots of the PowerPoint slides, or download the recordings.

Viewing the recordings after class is not a substitute for attending class and will not count as such for purposes of the attendance policy.

VI. CLASS PREPARATION AND PARTICIPATION

1. Preparation

I expect each student to have read the assignments, mark the relevant information on the maps described in paragraph 3, below, and come to class ready and willing to participate in the discussion.

If on a given day you are not prepared, you must let me know by email at symeon@willamette.edu at least 15 minutes before class begins. Each student will be allowed two “unprepared” (“UP”) days for the semester, with no consequences and no need to give reasons.

It is a violation of the Honor Code to come to class unprepared, unless you inform me ahead of time as provided in the preceding paragraph. In addition, I reserve the right to reduce your final grade accordingly.

2. Participation

Although I do not like “cold” calling students, I feel obligated to do so. I do not expect you to have all the answers but, at a minimum, you must be able to recite the basic facts and issues so that we can begin an intelligent conversation.

I reserve the right to reduce the grade of students who are unprepared and to increase the grade of students who are well-prepared and volunteers who make constructive contributions to the class.

3. Maps

To facilitate your preparation and understanding of the cases, I post on WISE maps showing the states involved in each assigned case. Before each class, you must mark on each map the relevant contacts of each state (*e.g.*, place of conduct, place of injury, domicile of the parties, etc.) and provide an abbreviated description of each state’s laws (*e.g.*, contract valid vs. contract invalid). Failure to do so means you are unprepared.

4. Questions

I welcome your questions (the more the better) especially *during* class. I am always available outside class (see my office hours above), but I prefer that you ask your questions during class so other students can benefit from your question and our answer. You should not hesitate to ask a question for fear that it might be “wrong,” “off base,” or worse, “stupid.” There is no such thing. You are here to learn. Moreover, even a “wrong” question can be helpful to me, if only to let me know if I am not getting through.

5. Answers

For similar reasons, you should not hesitate to volunteer an answer for fear that it might be wrong. First of all, if it is wrong, we will correct it (that’s why we are here) and neither you nor your classmates will make the same mistake again (*e.g.*, in court). Second, even a “wrong” answer may be pedagogically helpful because it helps me identify and address existing gaps in your understanding.

6. PowerPoint

I use PowerPoint in all of my classes because it helps all students, not only the visual learners. My slides digest and distill the assigned text. In other words, they do what a well-prepared student must do *before* coming to class. For this reason, **I will not give you the slides before class.** However, you may view them again by watching the recordings on WISE.

Some students complain that the slides are too long or that I go too fast and they don’t have time to write down what is on the slides. Although I try to go slow, I don’t think this complaint is justified because:

- (a) you should not try to write down everything;
- (b) if you think this is necessary, you may do so when you watch the recordings on WISE; and
- (c) as noted above, the slides simply reproduce in abbreviated form what is already in the assigned (and available) text. If something on the slides is not drawn from the text, you will not be accountable for it for exam purposes, unless I tell you otherwise, in which case I will go slowly.

7. Preferred names

If you prefer to be called by a name or surname different from what appears on the roster, please let me know. Please also let me know if you prefer a non-binary pronoun (and please correct me if I make a mistake or mispronounce your name).

VII. CLASS ASSIGNMENTS AND LENGTH OF MATERIALS

1. Course coverage

Our schedule comprises 26 ninety-minute classes. The syllabus envisions covering 717 pages from the Casebook and a nine-page statutory supplement (total 796). If we cover all pages, this will amount to 30.6 pages per 90-minute class, or **61 pages per week**. If you add the 138 pages of two recommended law review articles, the total will be 934 pages, which will amount to 36 pages per 90-minute class.

I don't think this is too much reading for an upper-level class. If you think otherwise, please read the next paragraph. In any event, it would be much easier for me, at my age, to go slow and cover much less; but it would be a disservice to you and a violation of my obligation to cover what I think you need to know before graduating.

2. ABA Standard 310

ABA Standard 310 requires law schools to demonstrate that the students spend approximately 45 hours of work in order to justify the award of one credit hour. For a three-credit course like ours, this amounts to a total of 135 hours for the semester, including the time spent in class. To comply with this requirement, I submitted the following itemization to the ABA.

ABA Standard 310
Credit-Work Assignment – Prof. Symeonides
Course: Conflict of Laws – 3-credit course x 45 hours per credit = 135 hours

Task	Actual time	Allotted time	Total working hours
Hours in Class—Professor led instruction	26 classes x 90 minutes = 2,340 minutes	26x100 min. = 2,600 min. or 43.3. hours	44
Reading casebook and preparing for class	815 pages covered	1 hour per 15 pages = 55 hours	55
Reading statutes	10 pages	4 hours	4
Reading recommended law review arts.	138 pages	1 hour per 20 pages = 7 hours	7
Preparation for mid-semester review		3 hours	3
Preparation for end-of-semester review		3 hours	3
Preparation for final exam		15 hours	15
Final exam	3 hours	4 hours	4
		Total	135
ABA req: 3 credit course x 45 hours = 135 hours			Requirement MET

VIII. EXAMINATION

Your exam will be “open book.” You will have access to your computer’s hard drive but **no access to the internet** during the exam. If you buy an electronic version of the Casebook, make sure it allows you to copy it onto your hard drive or to print it.

You will have the opportunity to practice using one old exam, which we will discuss in class.

IX. ASSIGNMENTS FOR FIRST DAY OF CLASSES

For the first day of classes, please read this Syllabus. Please also read and be prepared to discuss pages 1–9, 17–18, and 23–37 of the Casebook. See Class # 1, below. I posted these pages on WISE.

Because some students may not be able to obtain a copy of the Casebook before classes begin, I have posted on WISE all pages we will cover in the first two weeks.

X. CLASS SCHEDULE

*** Class 1

CHAPTER 1. INTRODUCTION

Read pages 1-9, and 17-18.

PART 1. CHOICE OF LAW

CHAPTER 2. THE TRADITIONAL AMERICAN APPROACH

I. INTRODUCTION 23

II. THE TRADITIONAL AMERICAN APPROACH TO TORT AND CONTRACT CONFLICTS 23

A. TORTS 23

Alabama Great Southern R.R. Co. v. Carroll 23

Notes and Questions 26

Territoriality, Interstate Boundaries, and Cross-Border Torts 32

The Reasons for and “Virtues” of the *Lex Loci Delicti* Rule 34

“Conflicts Justice” versus “Substantive Justice” 36–37

*** Class 2

B. CONTRACTS 37

Milliken v. Pratt 37

Linn v. Employers Reinsurance Corp. 41

Notes and Questions 43

III. THE TRADITIONAL APPROACH TO CONFLICTS IN OTHER AREAS 47

IV. DOMICILE 50; Read also O.R.S § 15.420 from *Statutory Supplement*

V. THE RESTATEMENT’S FOLLOWING 52

VI. THE STRUCTURE, OPERATION, AND ESCAPE MECHANISMS OF THE TRADITIONAL APPROACH 53

A. INTRODUCTION 53

B. CHARACTERIZATION 54; Read also O.R.S. § 15.410

Alabama Great Southern R.R. Co. v. Carroll 55

Levy v. Daniels’ U-Drive Auto Renting Co. 56

Notes and Questions 58–61

*** Class 3

Haumschild v. Continental Cas. Co. 61

Folk v. York-Shipley, Inc. 64

Notes and Questions 66

C. SUBSTANCE VS. PROCEDURE 68

Grant v. McAuliffe 70

Kilberg v. Northeast Airlines, Inc. 74

Notes and Questions 75

Vest v. St. Albans Psychiatric Hospital, Inc. 76

Notes and Questions 79

A Note on Evidence 80

D. THE APPLICATION OF THE DESIGNATED LAW 85

1. *Renvoi* 85

Estate of Wright 89

Notes and Questions 91–93

***** Class 4**

- American Motorists Ins. Co. v. ARTRA Group, Inc.* 93
Notes and Questions 97
Braxton v. Anco Electric, Inc. 99
Notes and Questions 102
2. The *Ordre Public* Reservation 105
Loucks v. Standard Oil Co. of New York 105
Kilberg v. Northeast Airlines, Inc. 107
Owen v. Owen 108
Notes and Questions 110
3. The Penal-Law Exception 116
Loucks v. Standard Oil Co. of New York 116
Notes and Questions 118
4. The Foreign Tax Exception 120
Attorney General of Canada v. R.J. Reynolds Tobacco Holdings, Inc. 120
Notes and Questions 128–30
-

***** Class 5**

- VII. JUDICIAL NOTICE AND PROOF OF FOREIGN LAW 130
Geller v. McCown 130
Walton v. Arabian American Oil Co. 132
Notes and Questions 134
Read O.R.S. § 15.430(1)–(3) from *Statutory Supplement*

CHAPTER 3. CONTEMPORARY APPROACHES TO THE CHOICE-OF-LAW PROBLEM

- I. INTRODUCTION 143
- II. THE SCHOLASTIC “REVOLUTION”: THE EARLY PROTAGONISTS 144
1. Walter Wheeler Cook (1873–1943) 144
2. David F. Cavers (1902–1986) 145
3. Brainerd Currie (1912–1965) and Interest Analysis 146
- III. THE JUDICIAL REVOLUTION: THE BEGINNINGS 148
- A. INTRODUCTION 148
- B. THE “CENTER OF GRAVITY” APPROACH 149
- Auten v. Auten* 149
Haag v. Barnes 152
Notes and Questions 154–55
-

***** Class 6**

- IV. THE REVOLUTION TAKES OFF 155
- A. INTRODUCTION 155
- Basic Concepts in Currie’s Interest Analysis 156
- B. FALSE CONFLICTS 159
1. COMMON-DOMICILE INTRASTATE TORTS 160
- a. LOSS-DISTRIBUTION CONFLICTS 160

- (1) The *Babcock* Pattern 160
 - Babcock v. Jackson* 160
 - Notes and Questions 166
 - Rong Yao Zhou v. Jennifer Mall Restaurant, Inc.* 169
 - Notes and Questions 171
 - Note and Questions on Interest Analysis 171–76
-

***** Class 7**

- The First Synthesis: The Restatement (Second) 176
 - O'Connor v. O'Connor* 181
 - Notes and Questions 187
 - Recap: The Cases of the *Babcock* Pattern 191
- (2) The Converse-*Babcock* Pattern 192
 - Milkovich v. Saari* 192
 - Notes and Questions 196
 - Recap: The Cases of the Converse-*Babcock* Pattern 198
 - Result-Selectivism in American Approaches 199
 - Not “Only in America”: Result-Selectivism in Other Countries 204

b. CONDUCT-REGULATION CONFLICTS 208

- Padula v. Lilarn Properties Corp.* 208
- Notes and Questions 210
- The Distinction between Conduct-Regulating and Loss-Distributing Rules 214

2. A COMMON-DOMICILE RULE 220-24

Read O.R.S. § 15.440(2) from *Statutory Supplement*

***** Class 8**

3. *Dépeçage* 224

- Simon v. United States* 224
- Notes and Questions 231
- A Note on *Dépeçage* 232

C. DIRECT OR TRUE CONFLICTS: CONTRACTS 237

- Lilienthal v. Kaufman* 238
 - Notes and Questions 242
 - Contract Conflicts under the Restatement (Second) 246
 - Contract Conflicts under the Oregon Statute: Read O.R.S. §§ 15.300 to 15.380
 - Currie’s Second Thoughts: “Apparent” Conflicts 248
 - People v. One 1953 Ford Victoria* 248
 - Bernkrant v. Fowler* 251
 - Notes and Questions 254–56
-

***** Class 9**

Unilateral “Localizing” Statutes 256

“Rules of Immediate Application” or Mandatory Rules 258

D. DIRECT OR TRUE CONFLICTS: TORTS 260; Read also O.R.S. § 15.430 (4)–(7)

1. DIRECT CONFLICTS ARISING FROM SPLIT-DOMICILE INTRASTATE TORTS 260

- Foster v. Leggett* 260
Notes and Questions 262
Cipolla v. Shaposka 266
Notes and Questions 271
Eger v. E.I. Du Pont DeNemours Co. 272
Notes and Questions 276
Biscoe v. Arlington County 279
Notes and Questions 282
2. RECAP: DIRECT CONFLICTS IN SPLIT-DOMICILE INTRA-STATE TORTS 284–91
Read § 15.440(3)(a)–(b) from *Statutory Supplement*
-

***** Class 10**

- E. INVERSE CONFLICTS 291
1. INVERSE CONFLICTS ARISING FROM SPLIT-DOMICILE INTRASTATE TORTS 291
Erwin v. Thomas 291
Notes and Questions 294
~~*Kaiser-Georgetown Community Health Plan, Inc. v. Stutsman* 295
Notes and Questions 300~~
Neumeier v. Kuehner 304
A Note on the *Neumeier* Rules 309
2. RECAP: INVERSE CONFLICTS IN SPLIT-DOMICILE INTRA-STATE TORTS 312
Read again O.R.S. § 15.440(3)(a)–(b)
- F. SPLIT-DOMICILE CROSS-BORDER TORTS 318
1. DIRECT OR TRUE CONFLICTS 318
Bernhard v. Harrah's Club 318
Notes and Questions 323
Kearney v. Salomon Smith Barney, Inc. 328
Notes and Questions 337–42
-

***** Class 11**

2. FALSE CONFLICTS 342
Gaither v. Myers 342
Notes and Questions 346
3. OTHER CROSS-BORDER CONDUCT-REGULATION CONFLICTS 347
4. RECAP: SPLIT-DOMICILE CROSS-BORDER TORTS 354; Read O.R.S. § 15.440(3)(c)
- G. FINAL RECAP FOR TORT CONFLICTS 363; Read again O.R.S. § 15.440
- V. THE REVOLUTION OF LATE 365
Schultz v. Boy Scouts of America 365
Notes and Questions 374–79
-

***** Class 12**

- P.V. ex rel. T.V. v. Camp Jaycee* 379
Notes and Questions 392
The Oregon Codification for Tort Conflicts 395
Symeonides, Oregon's New Choice-of-Law Codification: An Exegesis 399
Read O.R.S. §§ 15.400 to 15.460

*** Class 13

CHAPTER 4. CONFLICTS ACROSS THE CURRICULUM

I. INTRODUCTION 411

II. COMPLEX LITIGATION 411

In re Air Crash Disaster at Sioux City, Iowa 411

Notes and Questions 420

Choice of Law in Class Actions 423

III. PUNITIVE DAMAGES 426

IV. PRODUCTS LIABILITY 436

Gantes v. Kason Corporation 436

Notes and Questions 443-52

Read O.R.S. § 14.435 from *Statutory Supplement*

*** Classes 14 and 15

V. PARTY AUTONOMY IN CONTRACTS 452

DeSantis v. Wackenhut Corporation 454

Notes and Questions 459

The Uniform Commercial Code 467; Read also O.R.S. §§ 71.3010-71.320

Other State Statutes on Party Autonomy 469

Read O.R.S. §§ 15.350, 15.355, 15.455, 36.508

The CISG 471

Bar Exam, Civ. Proc. & Conflicts (posted on WISE)

Nedlloyd Lines B.V. v. Superior Court 472

Notes and Questions 479

Law Governing Forum-Selection Clauses 486-92

*** Class 16

VI. INSURANCE CONFLICTS 492

Gilbert Spruance Co. v. Pennsylvania Mfgs. Ass'n Ins. Co. 493

Notes and Questions 500

Read O.R.S. Titles 36, and 56 on pages 7-8 of *Statutory Supplement*

VII. STATUTES OF LIMITATION 505

Keeton v. Hustler Magazine, Inc. 505

Notes and Questions 516

Read O.R.S. §§ 12.410 to 12.480

VIII. PROPERTY 524

A. Immovables 524

B. Movables 525

Autocephalous Greek-Orthodox Church of Cyprus v. Goldberg 525

Notes and Questions 531-36

*** Class 17

- IX. MARITAL PROPERTY 537
Hughes v. Hughes 537
Notes and Questions 542; Read also O.R.S. §§ 112.705 to 112.775
- X. SUCCESSIONS 552
Guidry v. Hardy 552
Estate of Renard 556
Notes and Questions 560; Read also O.R.S. §§ 112.230, 112.255
- XI. STATUS 568
1. Marriage 568
 2. Divorce 572
 3. The Status of a Child 574
Hermanson v. Hermanson 574
Notes and Questions 576-84
- Bar Exam**, Family Law, July 2020 (posted on WISE)
-

***** Class 18**

- XII. CORPORATIONS 584
McDermott, Inc. v. Lewis 584
Notes and Questions 592

CHAPTER 5. CONSTITUTIONAL LIMITS ON CHOICE OF LAW

- I. INTRODUCTION 595
- II. THE DUE PROCESS CLAUSE: A FIRST LOOK 596
Home Insurance Co. v. Dick 596
Notes and Questions 601
- III. THE FULL FAITH AND CREDIT CLAUSE: A FIRST LOOK 602
Alaska Packers Assn. v. Industrial Accident Comm'n of California 602
Notes and Questions 608-11
-

***** Class 19**

- IV. A BIT OF BOTH: THE COURT'S CURRENT APPROACH 611
Allstate Insurance Co. v. Hague 611
Phillips Petroleum Co. v. Shutts 627
Notes and Questions 635
Sun Oil Co. v. Wortman 641
Notes and Questions 651
- V. A STATE'S OBLIGATION AND RIGHT TO PROVIDE A FORUM 654
Hughes v. Fetter 654
Notes and Questions 657
Tennessee Coal, Iron & R.R. Co. v. George 658
Notes and Questions 660
-

***** Class 20**

- VI. PRIVILEGES AND IMMUNITIES, EQUAL PROTECTION AND THE COMMERCE CLAUSE 662
1. Discrimination 663
 - a. An Overview of Doctrine 663

- b. Implications for Choice of Law 664
- 2. Undue Burdens on Interstate Commerce 667–69

PART 3. RECOGNITION OF JUDGMENTS

CHAPTER 10. RECOGNITION OF SISTER-STATE JUDGMENTS

- I. AN OVERVIEW OF RES JUDICATA RULES 941
 - II. FULL FAITH AND CREDIT TO INTERSTATE JUDGMENTS 944
 - 1. THE BASIC POLICIES 945
 - Fauntleroy v. Lum* 945
 - Yarborough v. Yarborough* 949
 - Notes and Questions 954–57
-

***** Class 21**

- Thomas v. Washington Gas Light Co.* 957
 - Notes and Questions 972
 - 2. REQUIREMENTS FOR RECOGNITION 975
 - Durfee v. Duke* 975
 - Notes and Questions 980
 - ~~*Baker v. General Motors Corp.* 983~~
 - Notes and Comments 995
 - 3. WHOSE RULES OF PRECLUSION 999
 - 4. PENAL AND TAX JUDGMENTS 1001
 - 5. INCONSISTENT JUDGMENTS 1003–04
-

***** Class 22**

CHAPTER 12. RECOGNITION OF FOREIGN-COUNTRY JUDGMENTS

- I. INTRODUCTION 1059
 - II. THE STARTING POINT 1059
 - Hilton v. Guyot* 1059
 - Notes and Questions 1065
 - Reciprocity 1069
 - III. THE UNIFORM ACT 1071
 - IV. INTERNATIONAL OR REGIONAL AGREEMENTS 1074
 - 1. The European Union’s Brussels I Regulation 1074
 - 2. The Hague Conventions 1076
 - 3. The Inter-American Convention 1079
 - V. JURISDICTION 1079
 - Hilton v. Guyot* 1079
 - Nippon Emo-Trans Co., Ltd. v. Emo-Trans, Inc.* 1080
 - Notes and Questions 1085–89
-

***** Class 23**

- VI. PROCEDURAL FAIRNESS 1089
 - Hilton v. Guyot* 1089
 - Cooley v. Weinberger* 1090
 - Bank Melli Iran v. Pahlavi* 1093

Notes and Questions 1096
VII. SUBSTANTIVE DEFENSES 1102
Bachchan v. India Abroad Publications Inc. 1102
Notes and Questions 1107
“Libel Tourism” and Foreign Judgments 1111-13

***** Class 24**

CHAPTER 7. CHOICE OF LAW IN THE INTERNATIONAL ARENA

I. INTRODUCTION 701
II. CONFLICTS BETWEEN FEDERAL LAW AND FOREIGN LAW 701
1. “Prescriptive” or Legislative Jurisdiction 701
2. International Law Limits 702
3. Constitutional Limitations 703
4. Statutes Expressly Applicable to Foreign Events or Persons 704
5. Statutes That Are Silent or Ambiguous 707
 a. ~~A Bilateralist Approach 708~~
 ~~*Lauritzen v. Larsen* 708~~
 ~~Notes and Questions 714~~
 b. Unilateralist Approaches 719
 ~~*RJR Nabisco, Inc. v. European Community* 719~~
 ~~Notes and Questions 733-40~~

***** Class 25**

III. CONSTITUTIONAL LIMITATIONS ON STATE ACTION IN THE INTERNATIONAL ARENA 740
~~*American Insurance Ass’n v. Garamendi* 740~~
~~Notes and Questions 754-61~~

***** Class 26: Review**
