

American Conflicts Law

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Sixth Edition

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Preface

The sixth edition of this treatise has been reorganized and shortened to better reflect secondary reading requirements of the modern law school course in Conflict of Laws. Chapter 1 remains essentially the same, with only the section on “renvoi” moved to another chapter. Chapter 2 now covers the historical evolution and modern structure of the law of personal jurisdiction in the United States, along with the traditional grounds courts recognize for not exercising personal jurisdiction. Chapter 3 follows with coverage of the basic rules of interstate and international judgment enforcement. Chapters 2 and 3 reflect the philosophy that jurisdiction and judgment enforcement provide essential context for modern choice-of-law doctrine. Chapter 4 introduces choice-of-law theory and provides thorough coverage of the historical and modern systems that comprise American conflict-of-laws doctrine today. Chapter 5 follows with an examination of general problems that pervade all choice-of-law systems. Chapter 6 examines the historical evolution and modern composition of the constitutional limits on the power of states to apply their law to multistate controversies, particularly under the Due Process and Full Faith and Credit Clauses of the United States Constitution. Chapter 7 then examines “Vertical Choice of Law” — the obligations under the so-called “*Erie*” doctrine of the federal courts to apply state law, including state conflict-of-laws rules, in actions between citizens of different states. Chapters 8 through 12 then apply the materials from preceding chapters to particular subjects, Torts (Chapter 8), Contracts (Chapter 9), Property (Chapter 10), Inheritance (Chapter 11), and Domestic Relations (Chapter 12). Among the topics no longer treated in separate chapters are Corporations, Criminal Law, Domicile, Receivers and Conservators, Trusts, and Workers’ Compensation. These topics, where relevant to the modern course in Conflict of Laws, have been covered in other chapters. We hope that the revised and reorganized text will better fulfill the needs of contemporary law students for a concise, but relatively comprehensive, coverage of American Conflicts Law.

Professor Robert A. Leflar wrote the first three editions of this text alone. Professors McDougal and Felix joined him in the fourth edition in 1986. Professor Leflar died in 1997, and subsequently Professor Whitten joined Professors McDougal and Felix in the preparation of the fifth edition. Professor McDougal died in 2004, and the sixth edition has been prepared by Professors Felix and Whitten. The contributions of Professors Leflar and McDougal to the study and administration of the law of conflict of laws remain an inspiration and an instructive landmark. We trust that this edition of the text continues to reflect those contributions.

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