CONFLICTS OF LAW
SYLLABUS

MONDAYS: 8:10 AM - 10:00 AM
KUSHNER 038N
STEVEN C. BENNETT
PARK JENSEN BENNETT LLP
(646) 200-6345
SCBENNETT@PARKJENSEN.COM

TEACHING ASSISTANT
IAN SAMUEL
JONES DAY
(212) 326-3808
ISAMUEL@JONESDAY.COM

Course Materials
1. Herma H. Kay et al., Conflict Of Laws: Cases - Comments - Questions (9th
   Edition, West 2013)
2. Handouts/hypotheticals

Week One (1/12) Introduction, Personal Jurisdiction
1. Overview of course, classroom methods, exam
2. Review personal jurisdiction as it affects choice of law
   Kay, pp. 411-473

Week Two (1/20) Subject Matter Jurisdiction
1. Review subject matter jurisdiction as it affects choice of law
2. Erie doctrine
   Kay, pp. 779-856

Week Three (1/26) Federal Versus State Choice Of Law
1. Choice of law in federal cases
2. Preemption and supremacy
   Kay, pp. 865-906
Week Four (2/2): Constitutional Limits on Choice of Law (Part I)

1. Due process
2. Full faith and credit

Kay, pp. 343-384

Week Five (2/9): Constitutional Limits on Choice of Law (Part II)

1. Obligation to provide a forum
2. Discrimination

Kay, pp. 385-407

Week Six (2/23): Traditional Choice of Law Theories

1. Historical background
2. Place of wrong
3. Place of contracting
4. Situs of property
5. Domicile

Kay, pp. 3-42

Week Seven (3/2): Exceptions To Traditional Theories

1. Characterization
2. Substance versus procedure
3. Renvoi
4. Public Policy

Kay, pp. 43-86

Week Eight (3/9): Modern Approaches (Part I)

1. Statutory solutions
2. Party autonomy
3. Interest analysis

Kay, pp. 99-149
Week Nine (3/16): Modern Approaches (Part II)

1. False conflicts
2. Unprovided-for cases
3. Resolving true conflicts
Kay, pp. 150-219

Week Ten (3/23) Modern Approaches (Part III)

1. Most significant relationship/Restatement
2. Better law
Kay, pp. 223-266

Week Eleven (3/30): Special Problems

1. Depecage
2. Renvoi
3. Rules versus standards
4. Complex litigation
Kay, pp. 266-308

Week Twelve (4/13): Judgment Enforcement/Preclusion

1. Res judicata
2. Jurisdictional issues
3. Settlement and claim preclusion
Kay, pp. 519-587

Week Thirteen (4/20): International Issues

1. Scope of regulatory authority
2. Recognition of judgments
3. Proving foreign law
Kay, pp. 91-97, 907-931, 1019-1032
Week Fourteen: (4/27) Choice of Law in Cyberspace; Exam Review

1. Cyberspace issues
2. Exam guidelines and review

Kay, pp. 322-342