

# LAW 7011: Conflict Of Laws

Legal matters frequently touch more than one jurisdiction. For example: an individual is injured by a product from another state or another country; a contract is formed involving parties from different jurisdictions; a business conducts transactions across state lines and across international borders; one party to a marriage moves to another state and seeks a divorce or custody of children. Often the laws that will govern outcome, and even the basis for exercising the power to adjudicate these matters will differ. How does the system navigate the issues raised by conflicting laws and conflicting bases of authority? Conflict of laws examines the legal doctrines lawyers and judges use to solve the problems that the multi-jurisdictional nature of most modern cases raise. The course covers three main topics: choice of Law, jurisdiction to adjudicate and recognition of judgments. We begin with choice of law--the basic (but controversial) question of what method should be used to determine whose law applies. This question is critical not only for litigators who will try the case, but for all lawyers. A business lawyer drafting a contract must predict what law will govern whether the contract will be enforceable, or whether a particular business decision will be permissible; an estate lawyer must predict whether a trust will be enforced or a will's provisions be valid. Thus, conflict of laws, particularly choice of law, is not just a litigator's course but is also a planner's course. The second topic goes to the heart of the exercise of legal authority, and considers a court's adjudicatory jurisdiction--the power of a particular court to bring parties before it and to hear the case. Finally, we will turn to recognition of judgments--how a judgment or decision of one court is enforced in another jurisdiction. The focus throughout will not only be state to state, but will also explore federalism issues, including Erie, which is at heart a vertical choice of law.

**Credits:** 3.0