



Conflict of Laws, Cases and Materials, 12th, 2008 Supplement (University Casebooks)

Peter Hay, Russell J. Weintraub, Patrick J. Borchers

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The 2008 Supplement to Conflict of Laws, Twelfth Edition, prepared by Peter Hay (Emory), Russell J. Weintraub (Texas), and Patrick J. Borchers (Creighton), continues the tradition of carefully prepared annual supplements to this widely-used casebook. The 2008 Supplement is longer than past Supplements because it anticipates some of the changes in the forthcoming Thirteenth Edition, which will be published in 2009. Added as a principal case is the 2006 decision by the House of Lords extending the rule that quantification of damages is "procedural" to include statutory limits on damages. The Law Lords thus justify refusal to apply New South Wales statutory limits on damages to a suit in England even though the U.K. choice-of-law rule selects New South Wales law. New items in the 2008 Supplement include: a 5th Circuit opinion denying specific jurisdiction to adjudicate a wrongful death claim against a defendant on a defective design theory when the court had jurisdiction to adjudicate the claim under other theories; a Supreme Court of Texas opinion deciding the manner in which forum contacts must be related to the cause of action to satisfy the "arise from or related to" requirement of specific jurisdiction; the French Cour de Cassation stated rules that give generous comity to foreign judgments; the National Conference of Commissioners on Uniform State Laws approved a revision of the Uniform Foreign-Country Money Judgments Recognition Act; the Uniform Law Conference of Canada adopted the Canadian Uniform Enforcement of Foreign Judgments Act, which limits the generous comity that the Supreme Court of Canada has given to foreign judgments; Japan adopted a new conflict of laws code; the Supreme Court of Texas enforced a forum-selection clause in a contract that also contained a choice-of-law clause that a Texas court would not enforce but would be enforced in the chosen forum. There is coverage of developments both in the U.S. and in other countries regarding same-sex legal relationships and their incidents. This topic is already an important source of conflict-of-laws issues and will grow in importance as more U.S. states and foreign countries adopt various forms of such arrangements. In keeping with the comparative approach of the book, the supplement also notes many developments abroad including an opinion of the Court of Justice of the European Communities interpreting the Brussels-I Regulation to further restrict English courts' ability to grant forum non conveniens stays; an opinion of the Supreme Court of Canada extending broad comity to the enforcement of foreign judgments. A feature of the 2008 Supplement is a substantial addition to the casebook's Documentary Appendix that contains more European Union legislation concerning the conflict of laws including: a Council Directive on legal aid for cross-border disputes; the latest and perhaps final draft of a Regulation to replace the Rome Convention on the Law Applicable to Contractual Obligations; a Regulation on the Law Applicable to Non-Contractual Obligations, a draft Regulation that amends the Regulation on jurisdiction and enforcement of judgments in matrimonial matters and introduces rules on the law applicable in matrimonial matters. The Supplement's Documentary Appendix contains extensive notes and comments on the documents.

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