

# Preface

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The world does not need another lofty theory for how to resolve disputes with ingredients in more than one state. But there is room in the market for a user-friendly guide to Conflict of Laws.

I first took Conflicts because my dad said it was fun. He was right. Conflicts should be fun. Parts of it are even easy. But way too many students feel like the law student in *Les Misérables* whose mind went blank while reading about Conflict of Laws.<sup>1</sup>

Part of the problem is that most Conflicts books do not keep it real. They don't give enough examples of how the different rules apply. Even worse, when they do give examples, they give them for the purpose of showing how hard—or even impossible—it is to apply the rules.

This book takes a different approach. Its chapters begin with no-nonsense summaries of the applicable law. Its aim is not to score scholarly points but to show what is easy and hard about the material. It then provides examples of fact patterns that test your understanding of the rules. Explanations show how the law applies to the facts and explore difficulties and uncertainties that arise in specific situations.

This book includes the basic material covered in standard Conflict of Laws courses. It begins with an overview (Chapter 1) that describes the topics and introduces the jargon. It covers domicile, personal jurisdiction, and forum selection (Part I); choice of law approaches (Parts II-VI); constitutional limits on choice of law (Part VII); rules for enforcing judgments (Part VIII); and proving foreign law (Part IX). The book's organization follows the sequence in most casebooks, but you can read the parts in any order.

I hope this book will provide a useful supplement to any casebook or treatise studied in Conflicts. But (warning!) this book is not a substitute for casebooks. Nor is it designed as an alternative to treatises that provide more complete, reliable coverage of specific laws.

This fourth edition updates several chapters and revises the coverage of personal jurisdiction to keep up with the U.S. Supreme Court.

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1. OK, Hugo doesn't say that the law student was reading about Conflicts, but he was reading Savigny, the Conflicts guru of the day. See Victor Hugo, *Les Misérables* 754 (Charles E. Wilbour trans. Modern Library 1992) (1862). You can skip most of the footnotes in this book.

## NOTE ON TERMINOLOGY

This book uses the word “state” to mean a state of the United States. Most Conflicts scholars and the Restatements on Conflicts use the word “state” to mean a sovereign political entity, including both states of the United States and foreign countries.

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## DISCLAIMER

Laws of specific jurisdictions are given hypothetically and for the purpose of illustration. Such laws are not necessarily valid today. In some cases, they are most definitely *not* valid.

I have tried to avoid disseminating legal disinformation by situating fictional laws in fictional jurisdictions. This can be annoying, but it is a traditional part of Conflicts discussions. No resemblance to any real jurisdiction, living or dead, is intended. Ditto for the fictional parties. Paris and Brittany are not who you think they are.

In contrast, errors in the description and application of relevant Conflicts principles are unintended. Editors, colleagues, and students have helped eliminate some real blunders. They also helped remove some bad jokes and obscure Beatles references. But errors remain, and I would appreciate it if you would contact me and bring them to my attention. Email me at [mhoffhei@olemiss.edu](mailto:mhoffhei@olemiss.edu).

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## CITATIONS

To reduce deforestation, citations are kept to a minimum. The two Restatements of Conflict of Laws are referred to as the “First Restatement” and “Second Restatement.” Full citations for them and for treatises are given at the end of the Introduction (Chapter 1).