Private Law: Conflict of Laws

Joseph Dainow
made by the insured with a wrongdoer; the recovery of medical expenses; second permittees and the omnibus clause; and intentional over-valuation of property. Limitations of space preclude a discussion of the cited cases.

CONFLICT OF LAWS

Joseph Dainow*

Recognition of Sister-State Judgment

Under the constitutional requirement of "full faith and credit," each state must recognize the judgments rendered in sister states, provided that such judgments meet all the requirements of jurisdiction, especially in the case of a nonresident defendant. These requirements for jurisdiction over nonresidents, for the constitutional purposes of full faith and credit, are necessarily established and interpreted by the United States Supreme Court. In moving away from the early requirement of personal service of nonresident defendants, and passing through the formulas of doing business and constructive presence, the constitutional requirement came to be satisfied by the nonresident's minimum contacts, which made the exercise of jurisdiction a matter of fairness and justice in the circumstances. To take advantage of this range, most states enacted "long arm" statutes to authorize and direct the action of their courts. The question then is when does such a statute go too far.

In Moore v. Evans, the Louisiana court of appeal took it upon itself to say that the Texas legislature had overreached the constitutional limitations of due process insofar as it gave Texas courts jurisdiction over a Louisiana defendant for a promissory note signed in Louisiana but payable in Texas. There


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4. 196 So.2d 839 (La. App. 3d Cir. 1967), with refused, 250 La. 894, 199 So.2d 914 (1967).
had been only substituted service on the defendant by serving the Texas Secretary of State, in accordance with the statute.\(^5\)

Although the final word in such cases must rest with the United States Supreme Court, the Louisiana decision appears to be correct and, in the event of such ultimate recourse, it should be sustained.

**Divorce**

The case of *Boudreaux v. Welch*\(^6\) contains a number of important issues but the Supreme Court decision appeared in time for examination along with the opinion of the court of appeal, and these were discussed in last year's symposium.\(^7\)

**PUBLIC LAW**

**MODERN SOCIAL LEGISLATION**

*Leila Obier Cutshaw*\(^*\)

**UNEMPLOYMENT COMPENSATION**

Programs initiated by social legislation represent society's attempt to ameliorate some evil affecting the public welfare. The Employment Security Act is one such program, designed to prevent economic insecurity due to unemployment "by encouraging employers to provide more stable employment and by the systematic accumulation of funds during periods of employment to provide benefits for periods of unemployment, thus maintaining purchasing power and limiting the serious social consequences of poor relief assistance."

Particularly since these funds are accumulated from the employer only and not the employee, the courts perform a delicate job of balancing competing interests when questions arise over an employee's right to benefits from them.

The act provides the balance with the courts weighing the facts against provisions of it. One disqualifies from benefits any individual "for any week with respect to which the administrator

\(^5\) VERNON'S TEXAS CIVIL STATS., art. 2031b, sec. 4 (1964).
\(^6\) 249 La. 983, 192 So.2d 356 (1966), reversing 180 So.2d 725 (La. App. 1st Cir. 1965).

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