

REFLECTIONS ON HOFFHEIMER'S THE STEALTH REVOLUTION IN PERSONAL JURISDICTION

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The Supreme Court did not grant review in a case involving personal jurisdiction between 1990 and 2010 at a time when our world flattened.¹ Since then, the Court has decided six cases. In each, the Court has found that the assertion of jurisdiction violated due process.² Several scholars, including Professor Hoffheimer, have called into question the Court's begrudging approach to due process.³ Indeed, in an era when Americans are increasingly likely to be involved in interstate or international transactions, the Court's jurisdiction-vanishing act is deeply troubling.⁴

In earlier scholarship, Professor Hoffheimer has taken the Court to task for narrowing access to federal court.⁵ For example, he and his co-author Professor Judy Cornett argued that the Court's new general jurisdiction test dramatically changed the law, giving corporate defendants the ability to challenge jurisdiction in cases where jurisdiction would have been presumed prior to the Court's begrudging new approach.⁶

In *The Stealth Revolution in Personal Jurisdiction*,⁷ Professor Hoffheimer returns to the Court's personal jurisdiction case law in light of *Bristol-Myers Squibb v. Superior Court (BMS)*,⁸ yet another

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1. Michael H. Hoffheimer, *The Stealth Revolution in Personal Jurisdiction*, 70 FLA. L. REV. 499, 501 (2018). The reference to our flattened world is to Thomas Friedman's book from over a decade ago, entitled *The World is Flat: A Brief History of the Twenty-first Century*, in which he recounted and touted the ways in which technology has interconnected people around the globe.

2. See *Bristol-Myers Squibb Co. v. Superior Court (Bristol-Myers III)*, 137 S. Ct. 1773, 1783–84 (2017); *BNSF Ry. v. Tyrrell*, 137 S. Ct. 1549, 1559–60 (2017); *Walden v. Fiore*, 571 U.S. 277, 291 (2014); *Daimler AG v. Bauman*, 571 U.S. 117, 142 (2014); *Goodyear Dunlop Tires Operations, S.A. v. Brown*, 564 U.S. 915, 929–30 (2011); *J. McIntyre Mach., Ltd. v. Nicastro*, 564 U.S. 873, 887 (2011).

3. See, e.g., Judy M. Cornett & Michael H. Hoffheimer, *Good-Bye Significant Contacts: General Personal Jurisdiction After Daimler AG v. Bauman*, 76 OHIO ST. L.J. 101 (2015); Donald L. Doernberg, *Resolving International Shoe*, 2 TEX. A&M L. REV. 247 (2014); Tanya J. Monestier, *Registration Statutes, General Jurisdiction, and the Fallacy of Consent*, 36 CARDOZO L. REV. 1343 (2015); Michael H. Hoffheimer, *General Personal Jurisdiction After Goodyear Dunlop Tires Operations, S.A. v. Brown*, 60 KAN. L. REV. 549 (2012) [hereinafter Hoffheimer, *After Goodyear*]; MICHAEL VITIELLO, *ANIMATING CIVIL PROCEDURE* (2017).

4. See VITIELLO, *supra* note 3, at 69.

5. See Cornett & Hoffheimer, *supra* note 3, at 107; Hoffheimer, *After Goodyear*, *supra* note 3, at 607.

6. Cornett & Hoffheimer, *supra* note 3, at 111–13.

7. Hoffheimer, *supra* note 1, at 504.

8. 137 S. Ct. 1773 (2017).

jurisdiction-denying case. Here, Professor Hoffheimer does not merely repeat the previous critique, but has focused on another problem with the Court's new due process analysis: the Court acts as if it is merely applying well-settled principles, when that is far from the truth.⁹ As Professor Hoffheimer develops,¹⁰ that is a false narrative.

At the core of *The Stealth Revolution* are two important insights: the Court has created "a narrative of lower court intransigence that devalues the contributions of lower court judges and erodes confidence in the courts."¹¹ Further, "the Court is implementing radical law reform without the hard work of constructing persuasive explanations that ground a new vision of personal jurisdiction in firm constitutional principle and appropriate social policy analysis."¹²

Below, I first discuss in broad strokes Professor Hoffheimer's analysis and why it is an important contribution to the literature. Thereafter, I explore some questions that Professor Hoffheimer alluded to, but did not address head-on. Indeed, my hope is that he will turn his critical eye to those questions in the future.

PART ONE: IDENTIFYING THE COURT'S STEALTH REVOLUTION

Bristol-Myers Squibb (BMS) is one of the largest pharmaceutical companies in the world. While its state of incorporation is Delaware and its principal place of business either in New York or New Jersey, it has extensive operations in California.¹³ Apart from substantial bricks and mortar in California, over a seven year period, BMS sold over \$900 million from the sale of Plavix in that state.¹⁴ Not surprisingly, when reports surfaced that Plavix was not safe, a number of California plaintiffs filed action against BMS in California state courts.¹⁵ Numerous plaintiffs from other states also filed suit in California.¹⁶ A total of 678 plaintiffs filed actions, which were then consolidated.¹⁷ The plaintiffs filed their actions in March, 2012.¹⁸ BMS challenged the assertion of jurisdiction with regards to the out-of-state plaintiffs.¹⁹

At the time of filing, the Supreme Court had created some uncertainty about the rules governing general jurisdiction. In *Goodyear Dunlop Tires*

9. Hoffheimer, *supra* note 1, at 504.

10. *See id.*

11. *Id.* at 505.

12. *Id.*

13. *See Bristol-Myers III*, 137 S. Ct. at 1777–78.

14. *Id.* at 1778.

15. *Id.*

16. *Id.*

17. *Bristol-Myers Squibb Co. v. Superior Court (Bristol-Myers II)*, 377 P.3d 874, 878 (Cal. 2016).

18. *Id.* at 877.

19. *Id.* at 878.

Operations, S.A. v Brown,²⁰ the Court suggested a significantly new approach to general jurisdiction.²¹ Although technically not necessary to the decision, Justice Ginsburg stated that general jurisdiction is almost certainly proper only in a corporation's state of incorporation or principal place of business.²²

Narrowing the scope of general jurisdiction in such a manner would work a major change to prevailing approaches of lower courts. An occasional court narrowed general jurisdiction as suggested by Justice Ginsburg.²³ But most courts focused on earlier Supreme Court cases and upheld general jurisdiction when a corporate defendant's contacts with the forum state were continuous and systematic²⁴ or when the contacts were continuous and systematic and the assertion of jurisdiction was not otherwise unreasonable.²⁵ Any doubts about the Court's commitment to *Goodyear's* dicta ended with *Daimler AG v. Bauman*.²⁶

Daimler involved efforts of Argentine plaintiffs harmed during that country's dirty wars to sue Daimler in the United States for their harm.²⁷ The Court was unanimous, with only Justice Sotomayor questioning the Court's new general jurisdiction holding.²⁸ She pointed to the widely held view that general jurisdiction was proper based on the corporation's extensive business in the forum state and suggested that general jurisdiction was not proper because the traditional reasonableness factors weighed against jurisdiction.²⁹ She also urged that dismissal of the action was proper by application of *forum non conveniens*.³⁰ In the majority opinion, Justice Ginsburg reiterated *Goodyear's* dicta, now necessary for the decision that, except in an unspecified extreme case, a corporate defendant is "at home" (i.e., subject to suit when the claim is unrelated to the forum contacts) in its state of incorporation *and* principal place of business.³¹

BMS demonstrates the profound change in the law. Given its extensive contacts with California, *BMS* could barely contend that it lacked continuous and systematic contacts with California. Further, at oral argument, its counsel conceded that defending the suit in California was

20. 564 U.S. 915 (2011).

21. *Id.* at 924.

22. *Id.*

23. Charles W. "Rocky" Rhodes, *Clarifying General Jurisdiction*, 34 SETON HALL L. REV. 807, 829–55 (2005).

24. *Id.* at 813.

25. *Id.* at 816.

26. 571 US 117 (2014).

27. *Id.* at 121.

28. *Id.* at 142–60. (Sotomayor, J., concurring).

29. *Id.* at 145–46.

30. *Id.* at 156.

31. *Id.* at 122 (majority opinion).

not burdensome.³²

Because general jurisdiction was not available, the out-of-state plaintiffs had to shift their argument, attempting to demonstrate that their claim related to the California plaintiffs' claims and the defendant's California conduct.³³ Justice Alito, speaking for 8 justices, was having none of it. He accused the California Supreme Court of attempting to use a sliding scale of contacts as an indirect effort to circumvent the Court's new general jurisdiction requirements.³⁴ While citing the oft-repeated language from earlier Court decisions that a claim must arise out of "or relate" to the defendant's conduct with the forum, he did little to explain the Court's conclusion that the out-of-state plaintiffs' claim was unrelated to forum activity.³⁵ As Professor Hoffheimer points out, "In holding that the case was resolved by precedent, [Justice Alito] avoids explaining what purpose the relatedness requirement serves and what additional facts would satisfy the relatedness requirement."³⁶ According to Justice Alito, the outcome in *BMS* flows from a "straightforward application . . . of settled principles of personal jurisdiction."³⁷ Indeed, as Professor Hoffheimer mentions in passing, the Court attempted to explain its holding, in part, by discussing state sovereignty as an explanation for why contacts with the forum state prevail even in a case where the defendant admitted that defending suit in the forum state was not burdensome.³⁸

After reviewing Justice Sotomayor's lone dissent, "A Voice in the Wilderness,"³⁹ Professor Hoffheimer sliced and diced how Justice Alito's opinion did not, in fact, rely on settled precedent or offer a clear rule of decision or explain the policies that justified its holding.⁴⁰ Professor Hoffheimer's discussion focuses on a number of problems with the majority opinion. For example, he discusses historical antecedents, cases under which jurisdiction would be proper in a case like *BMS*.⁴¹ He identified doctrines like pendent personal jurisdiction that have been

32. Andrew D. Bradt & D. Theodore Rave, *Aggregation on Defendants' Terms: Bristol-Myers Squibb and the Federalization of Mass-Tort Litigation*, 59 B.C. L. REV. 1251, 1277 (2018).

33. *Bristol-Myers Squibb Co. v. Superior Court (Bristol-Myers II)*, 377 P.3d 874, 888 (Cal. 2016).

34. *Bristol-Myers Squibb Co. v. Superior Court (Bristol-Myers III)*, 137 S. Ct. 1773, 1778–79 (2017).

35. Hoffheimer, *supra* note 1, at 518.

36. *Id.* at 519. Justice Alito did not hold that all claims must directly arise from the defendant's forum activity to satisfy due process in a specific jurisdiction case. But there is a strong hint to that effect. Despite a long line of cases stating that a claim must arise out of *or relate to* the defendant's forum activity, the Court may be willing to abandon such a requirement, again narrowing specific jurisdiction.

37. *Id.* at 520 (quoting *Bristol-Myers III*, 137 S. Ct. at 1783).

38. *Id.* at 523.

39. *Id.* at 521.

40. *Id.* at 524.

41. *Id.* at 527–29.

widely accepted as well as a much broader application of general jurisdiction principles.⁴² He also took the Court to task for failure to explain what additional facts would support a finding that the out-of-state plaintiffs' claims were sufficiently related to justify hearing those claims.⁴³

Not only did the *BMS* Court ignore precedent, it also created a "Narrative of Lower Court Intransigence."⁴⁴ Professor Hoffheimer argues that the Court has failed in *BMS* and elsewhere "to acknowledge the legal indeterminacy that lower courts face and, accordingly, fail[ed] to recognize the value of the lower courts' efforts to achieve just results. [Opinions like *BMS*] promote the view that the lower courts are failing to apply settled law."⁴⁵

Importantly, Professor Hoffheimer explored the costs of the Court's "stealth revolution."⁴⁶ The Court's reliance on its mantra that it is applying settled precedent may explain its failure to offer an explanation for its constriction of personal jurisdiction.⁴⁷ Beyond a need to understand the rationality of the Court's holdings, lower courts are also left with little guidance.⁴⁸

Towards the end of his article, Professor Hoffheimer addresses in passing concerns that the Court, at least the right wing of the Court, is restricting jurisdiction to advance a pro-corporate bias.⁴⁹ He ends his article with a call for greater transparency, in effect, to restore confidence in the Court's current jurisprudence.⁵⁰

The Stealth Revolution makes a compelling case against the Court's recent personal jurisdiction case law. The critique of *BMS* is especially sharp. But as I develop below, because of Professor Hoffheimer's important insights into the Court's due process jurisprudence, I wish that he had explored the Court's motivations more fully.

PART TWO: SOVEREIGNTY AND CORPORATE BIAS AND MORE

A. *Minimum Contacts and Sovereignty*

Professor Hoffheimer discusses Justice Alito's reliance on

42. *Id.* at 528.

43. *Id.* at 529. Professor Hoffheimer then addressed a series of specific "mysteries" about the majority opinion including missing cases, problematic precedent, missing methodology, and sister-state sovereign interests. *Id.* at 524.

44. *Id.* at 542.

45. *Id.*

46. *Id.* at 546–49.

47. *See id.*

48. *See id.* at 546–47.

49. *Id.* at 548.

50. *Id.* at 551–52.

sovereignty in passing.⁵¹ He might have explored the Court's willingness to rely on sovereignty in much more depth. It underscores his thesis in neon lights.

The role of sovereignty in due process analysis dates back to *Pennoyer v. Neff*.⁵² There, in explaining why a plaintiff beginning suit in personam must serve a non-consenting non-resident defendant in-hand and in-state, the Court discussed the relevance of the recently enacted Due Process Clause of the Fourteenth Amendment.⁵³ In dicta, the Court explained that a court should not honor a judgment if the original defendant's due process rights were violated in the earlier lawsuit.⁵⁴ The underlying theory was that the Fourteenth Amendment protected one sovereign state's power from overreaching by another state.⁵⁵

Pennoyer made no sense as an interpretation of the Fourteenth Amendment, which was a limitation on states' power and an assertion of individuals' rights against the state. The idea, post-Civil War, of the amendment reinforcing sovereign rights was just wrong.⁵⁶ Indeed, the Court would later call the idea a "shibboleth."⁵⁷

Modern due process cases eroded any theory of sovereignty until *World-Wide Volkswagen Corp. v. Woodson*.⁵⁸ There, while disclaiming adherence to *Pennoyer*, Justice White tried to explain why the assertion of jurisdiction over two of the defendants violated Due Process, without even considering the reasonableness of asserting jurisdiction in the forum state.⁵⁹ He explained that the threshold question was whether a defendant acted with purpose in creating a contact with the forum state.⁶⁰ The contacts analysis served federalism interests: i.e., sovereignty still mattered.⁶¹

That assertion hit the procedural world with a thud. Justice White's opinion raised a number of important questions. If the contacts part of the Court's due process analysis protects sovereign interests, how can a private litigant waive her due process challenge to the assertion of jurisdiction?⁶² How does the text of the Fourteenth Amendment, referring to an individual's liberty interest that can be denied only after the state provides due process, support a conclusion that the amendment has

51. *Id.* at 539–40.

52. 95 U.S. 714 (1877).

53. *Id.* at 733.

54. *Id.*

55. *Id.*

56. VITIELLO, *supra* note 3, at 22–23.

57. *World-Wide Volkswagen Corp. v. Woodson*, 444 U.S. 286, 293 (1980).

58. 444 U.S. 286 (1980). See VITIELLO, *supra* note 3, at 33–37.

59. See *World-Wide Volkswagen Corp.*, 444 U.S. at 292–95.

60. *Id.* at 297–98.

61. *Id.*

62. VITIELLO, *supra* note 3, at 35–36.

anything to do with supporting sovereign rights?⁶³

So obvious was the lack of support for Justice White's assertion that he did a mea culpa two years later. In *Insurance Corp. of Ireland, Ltd. v. Compagnie des Bauxites de Guinee*,⁶⁴ Justice White confessed his mistake: due process "protects an individual liberty interest. It represents a restriction on judicial power not as a matter of sovereignty, but as a matter of individual liberty."⁶⁵

Despite that recognition and quick repudiation of a theoretical justification for narrowing personal jurisdiction, Justice Alito blithely relied on sovereignty as relevant to the Court's due process analysis.⁶⁶ He did so for eight justices and did so without offering any new justification for relying on a theory soundly discredited.⁶⁷

Professor Hoffheimer had plenty of fodder to prove his overall thesis. Although the example that I have highlighted seems to be especially egregious. Indeed, as I develop below, I wish that Professor Hoffheimer had speculated why members of the Court, except for Justice Sotomayor, would not raise objections to Justice Alito's reliance on what the Court seems to have repudiated so resoundingly.

B. *Professor Hoffheimer's Next Article? Or So I Hope*

Towards the end of Professor Hoffheimer's article, he alludes to the criticisms offered by some of us that the right wing of the Court demonstrates a pro-corporate bias.⁶⁸ Indeed, elsewhere, he has developed ways in which the Court's new personal jurisdiction has provided benefits to defendants that cannot be explained by neutral principles.⁶⁹ Less clear are the principles animating the more liberal justices who have joined or written jurisdiction-narrowing opinions. Here, I pick up on those themes and examine a topic that I wish that he had addressed in more detail in *The Stealth Revolution*. Alternatively, I would urge him to explore the questions raised below when he next addresses the Court's due process analysis.

Consider modern commerce and travel. The ease of modern travel and communication, along with open borders, have increased the chances for Americans to become involved in disputes that cross state and

63. *Id.*

64. 456 U.S. 694 (1982).

65. *Id.* at 702.

66. Hoffheimer, *supra* note 1, at 539–40.

67. *See id.*

68. *Id.* at 548.

69. *See* Cornett & Hoffheimer, *supra* note 3, at 138; Hoffheimer, *After Goodyear*, *supra* note 3, at 583.

international borders.⁷⁰ A century ago, when interstate travel increased such disputes, the Court abandoned nineteenth century rigid rules, allowing plaintiffs the opportunity to litigate in a convenient forum.⁷¹ A unanimous Court in *McGee v. International Life Insurance Co.*⁷² recognized the trend unabashedly.⁷³ After reviewing its case law, which expanded states' jurisdictional reach, the Court explained why:

In part this is attributable to the fundamental transformation of our national economy over the years. Today many commercial transactions touch two or more States and may involve parties separated by the full continent. With this increasing nationalization of commerce has come a great increase in the amount of business conducted by mail across state lines. At the same time modern transportation and communication have made it much less burdensome for a party sued to defend himself in a State where he engages in economic activity.⁷⁴

In such a world, a defendant could hardly claim that responding to a suit was unduly burdensome.⁷⁵ Much of the Court's analysis equated due process with the fair notice and the opportunity to be heard.⁷⁶ State borders seemed to have little importance.⁷⁷

Fast-forward to the twenty-first century and you find the Court consistently closing the courthouse door.⁷⁸ As I have argued elsewhere, the right wing of the Court has demonstrated a pro-corporate defendant bias.⁷⁹ Professor Hoffheimer agrees with that conclusion, I believe.

70. See *Burnham v. Superior Court of Cal.*, 495 U.S. 604, 617 (1990) ("In the late 19th and early 20th centuries, changes in the technology of transportation and communication, and the tremendous growth of interstate business activity, led to an 'inevitable relaxation of the strict limits on state jurisdiction' over nonresident individuals and corporations." (quoting *Hanson v. Denckla*, 357 U.S. 235, 260 (1958) (Black, J., dissenting))).

71. See *id.*; see also *Hess v. Palowski*, 274 U.S. 352, 356–57 (1927); *Kane v. New Jersey*, 242 U.S. 160, 162 (1916).

72. 355 U.S. 220 (1957).

73. *Id.*

74. *Id.* at 219–20 (1957).

75. *Accord Bristol-Myers Squibb Co. v. Superior Court (Bristol-Myers II)*, 377 P.3d 874, 892 (Cal. 2016).

76. See *McGee*, 355 U.S. at 223–24.

77. See *id.*

78. See *Walden v. Fiore*, 571 U.S. 277, 291 (2014); *Daimler AG v. Bauman*, 571 U.S. 117, 142 (2014); *Goodyear Dunlop Tires Operations, S.A. v. Brown*, 564 U.S. 915, 929–30 (2011); *J. McIntyre Mach., Ltd. v. Nicastro*, 564 U.S. 873, 887 (2011); *Bristol-Myers Squibb Co. v. Superior Court (Bristol-Myers III)*, 137 S. Ct. 1773, 1783–84 (2017); *BNSF Ry. v. Tyrrell*, 137 S. Ct. 1549, 1559–60 (2017).

79. See VITIELLO, *supra* note 3, at 67–71; Michael Vitiello, *Limiting Access to US Courts: The Supreme Court's New Personal Jurisdiction Case Law*, 19 UC DAVIS J. INT'L L. & POL'Y 209, 267–68 (2015).

What remains is a more difficult question, one that I hope Professor Hoffheimer will address in the future: why is the more liberal wing of the Court, sans Justice Sotomayor, willing to join the right wing of the Court in narrowing access to justice?

Elsewhere, I have explored Justice Ginsburg's willingness to narrow general jurisdiction in ways that make it almost a dead letter.⁸⁰ I am critical of Justice Ginsburg for narrowing general jurisdiction without explaining the underlying policies for general jurisdiction. At the same time, while she and other members of the more liberal wing of the Court have voted consistently to narrow general jurisdiction, at least some of the Justices seem interested in expanding specific jurisdiction.⁸¹ That may leave some plaintiffs unable to join important parties; but specific jurisdiction is often the best forum, given that the place of an accident, for example, most often is the center of gravity of the litigation.

My theory that the more liberal wing of the Court was willing to narrow general jurisdiction in favor of expanding specific jurisdiction is open to question in light of Justices Ginsburg, Breyer, and Kagan's willingness to join Justice Alito's *BMS* opinion, and to do so, without concurring to raise any questions about its odd reliance, for example, on sovereignty.

As Professor Hoffheimer argues, finding that the California court's assertion of jurisdiction over *BMS* did not violate due process could have been premised on existing specific jurisdiction case law.⁸² Or even if the Court had not addressed this precise question in the past, extending jurisdiction would have been based on specific jurisdiction.⁸³ Thus, whatever commitment that Justices Ginsburg, Breyer and Kagan may have had to expanding specific jurisdiction, while narrowing general jurisdiction, is not that strong.

Two scholars have argued that *BMS* may best be understood as a case about forum-shopping. Professors Bradt and Rave argue in *Aggregation on Defendants' Terms: Bristol-Myers Squibb and the Federalization of Mass-Tort Litigation* that *BMS*'s lasting impact is likely to be on "the balance of power in complex litigation."⁸⁴ That may well be the case.

The various plaintiffs in *BMS* seemed to have outmaneuvered *BMS* with effective forum shopping.⁸⁵ By joining *BMS*'s California marketing firm, the plaintiffs prevented removal to federal court.⁸⁶ By filing

80. See VITIELLO, *supra* note 3, at 64–67.

81. See *id.*

82. Hoffheimer, *supra* note 1, at 503–04.

83. For example, the Justices might have adopted a liberal reading of "related to" the claim, suggested by Justice Brennan in his dissenting opinion in *Helicopteros Nacionales de Colombia, S.A. v. Hall*, 466 U.S. 408, 425 (1984) (Brennan, J., dissenting).

84. Bradt & Rave, *supra* note 32 at 1256.

85. See *id.*

86. *Id.* at 1275.

separately and moving to consolidate, the plaintiffs could try their cases together, a procedural step that avoided attempting class certification.⁸⁷ Had they joined in a class action, the defendants could have removed under the Class Action Fairness Act,⁸⁸ which allows removal even absent complete diversity and even if a defendant is an in-state defendant.⁸⁹

While the more liberal justices may have been concerned about forum shopping, they did not offer that as a rationale for joining Justice Alito's opinion. Further, they have not explained why forum shopping is sinful.⁹⁰ In a large federal system, some form of forum shopping is inevitable. If *BMS* and other jurisdiction-narrowing cases reflect a bias against plaintiffs' forum shopping, the justices should make an effort to explain the underlying principle. To date, they have not done so.

As indicated, *The Stealth Revolution* did not speculate about the kinds of policy questions posed here. My hope is that Professor Hoffheimer, expert in Civil Procedure and Conflicts of Law,⁹¹ will wade into that morass. Given his considerable contribution to the personal jurisdiction literature, his thoughts about possible policy explanations for the more liberal justices' acquiescence in *BMS* would be most welcome.

87. *Id.*

88. Pub. L. No. 109-2, 119 Stat. 4 (codified in scattered sections of 28 U.S.C.).

89. *Id.*

90. VITIELLO, *supra* note 3, at 66–67.

91. *See generally* MICHAEL H. HOFFHEIMER, CONFLICT OF LAWS: EXAMPLES AND EXPLANATIONS (3d ed. 2016); Michael H. Hoffheimer, *Conflicting Rules of Interpretation and Construction in Multi-Jurisdictional Disputes*, 63 RUTGERS L. REV. 599 (2011); Michael H. Hoffheimer, *Mississippi Conflict of Laws*, 67 MISS. L.J. 175 (1997).