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Issue Editor's Preface

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Issue Editor's Preface

Conflicts of law is one of the most dynamic areas of law today, as some of the most influential states discard the rigid and easily applied *Restatement* rules. Recent decisions from California, New York, and the federal courts, while still in the minority, seem to point to a law of conflicts that relies heavily on the discretion of the forum to reach justice in the individual case. The United States, with its fifty-one jurisdictional entities, is the conflicts laboratory for the world. Our Anglo-American legal brethren may look with horror on a jumbled hodgepodge of inconsistent bodies of conflicts law; but they look with interest on the theories propounded and tested in this laboratory.

In this issue of the *Journal* Dean John A. Gorfinkel draws together the threads of divergent theories of conflicts; he notes the present trends and offers some caveats for a lawyer practicing in this age of conflicts flux. As always, changes in a developing field create some areas of uncertainty until they solidify and are accepted.

James B. Schnake and James Murad deal with torts—an area most productive of conflicts problems. The law of those jurisdictions which impinge with most frequency and importance on the practice of a California attorney is emphasized. These writers take an approach to torts conflicts that welcomes the trend away from the vested rights theories of the *Restatement*. Mr. Schnake's extensive experience in torts litigation gives a welcome practical flavor to the article.

To advise forum shopping is to recommend a course fraught with difficulty; but the attorney dealing with a potential migratory divorce faces ethical problems as well. Philip and Stephen Adams deal with this controversial area by analyzing the sometimes conflicting duties of a lawyer to his client and to his profession, when he advises the client of the realities of divorce law.

As a wild card for this issue on conflicts of law, the very timely article on the legal aspects of Proposition 14, by John G. Clancy and Howard N. Nemerovski, is included. This controversial referendum proposal will be before the electorate in a few weeks, and its determination may be of crucial importance to civil rights legislation everywhere. The article does not advocate; it clarifies the legal issues, and may be helpful in the weeks to come.

Student comments include work on the topics of interstate enforcement of local tax claims, the effect of the Uniform Divorce Recognition Act in California, and the further delineation of the concept of "doing business" as a basis for in personam jurisdiction. The student book reviews are also commended as timely and well done.

It is hoped that this issue of the *Hastings Law Journal* will do its part in helping illuminate a somewhat clouded area of the law. Thanks are due to the writers who contributed, and particularly to the 1964-1965 staff of the *Journal* which was thrown into the breach with little time and much to do.

SAMUEL I. FRIZELL
Issue Editor