* + 1. Tennessee Coal, Iron & RR Co v George (US 1914) - page 392
       1. Issue: when can a state make it impermissible for sister states to take its cause of actios.
       2. George injured in Alabama. Brought suit in Georgia. Sued under Alabama law, which limited that cause of action to only be heard by courts in the Alabama.
       3. Court held that Georgia court could take the case
       4. "There are many cases where right and remedy are so united that the right cannot be enforced except in the manner and before the tribunal designated by the act. For the rule is well settled that "where the provision for the liability is coupled with a provision for the special remedy, that remedy, that alone, must be employed." But that rule has no application to a case arising under the Alabama Code relating to suits for injuries caused by defective machinery. [I]t is … evident that the place of bringing the suit is not part of the cause of action -- the right and the remedy are not so inseparably united as to make the right dependent upon its being enforced in a particular tribunal. The cause of action is transitory, and, like any other transitory action, can be enforced 'in any court of competent jurisdiction within the State of Alabama. . . .'"
       5. The court held that Alabama cause of action was transitory and that a Georgia court could hear this cause of action.
       6. NOTE: Any state cause of action is vertically transitory, in the sense that a Federal Court has the power to take it under diversity. The court suggests that a state can make a statute not be transitory horizontally if the state stated a specific court in which the cause of action could be brought.
    2. Crider v Zurich Ins Co (US 1965) -
       1. Alabaman injured in Ala while working for Ga corporation
       2. Ala Ct awarded remedy under Ga workers comp statute even though Ga statute said action had to be brought before Ga Comp board. So the action must be brought before a particular administrative agency in Georgia. It is, in effect, bound up with the Georgia cause of action under Tennessee Coal
       3. But court says, the rule of Tennessee Coal “has been eroded by the line of cases beginning with Alaska Packers and Pacific Insurance.”
       4. The Supreme Court allowed Alabama to hear the case anyways.
       5. The appeal two Pacific Insurance suggests that Alabama has a sufficient interest to apply its own law instead of Georgia law. An Alabama Court is not bound by the Georgia law because it can replace it with an Alabama law.
       6. As long as the forum has a pacific employers interest in applying its own law, then it can displace the sister state rule that requires the case to be before a specific court or agency.
       7. The court carved out part of the Georgia law and replaced it with Alabama law so that the case could be brought in Alabama.
       8. So - A forum only needs to respect the sister state's requirement that a COA be brought in a specific location when the forum state does not have a Pacific Employers interest in the cause of action.
    3. Compare: Pearson v NE Airlines (2d Cir. 1962)
       1. NYer killed in place crash in Mass
       2. Flight from NY to Boston
       3. Fed Ct in NY used Mass law, but not Mass damage limitation
          1. Claimed PPE applied
          2. Also claimed issue was procedural
       4. but could court have said there was NY interest in NY law applying even though Mass law could apply otherwise? Yes. Here too it would be carving out a part of Massachusetts law and replacing it with New York law
       5. This is related to depecage – perhaps this is impermissible if the two parts of the law must be together?
       6. Or could we simply reinterpret this as the New York ct replacing all of Massachusetts law with New York law?

Privileges and Immunities

1) P and I: state cannot withhold from non-residents something important (something bearing on the vitality of the nation as a single entity), unless there is a substantial reason for discrimination and the means chosen (namely, state citizenship) bears a substantial relation to achieving that end.

E.g. Piper case: N.H. says that only N.H. domiciliaries can be members of its bar. Being a member of the bar is “something important,” and while there was arguably a substantial reason for limiting bar membership to N.H. citizens (encouraging pro bono work and ensuring attorneys having a working knowledge of state rules), the means did not bear a substantial relation to achieving that end.

2) There has been concern among many that interests analysis gives certain benefits to in-state domiciliaries and residents in violation of the P & I Clause.

a) CT has guest statute, New York does not. NY guest and host get into accident in CT. Guest sues host in CT court, which – using interest analysis – does not apply guest statute. Is the P&I Clause violated, because CT provides a protection to CT defendants that it does not provide to NY defendants?

1) Green: No, because CT is not really discriminating against New Yorkers; rather, it is simply deferring to NY and allowing NY to define the benefits afforded its own citizens. Such a move is actually in the spirit of the P&I Clause, b/c it fosters friendly relations between states (i.e., it allows NY to fulfill its own regulatory purposes). There is a substantial reason for the discrimination (deferring to NY’s regulatory interests), and the means chosen are the only ones that would allow this.

2) what if NY guest sues CT host in CT state ct for accident in CT? CT resolves true conflict by applying NY law. Any P&I violation? No: even though CT has an interest, it is allowing NY to fulfill its own regulatory purposes.

- Ct resolves true conflict by applying CT guest statute. Any P&I violation? No – because treating new Yorkers and CT’ers the same in this case.