1. Yarborough v Yarborough
   1. Yarboroughs – domiciled in Ga – get a divorce
   2. Ga allows for final determination of child-support oblig’s through a lump-sum payment
      1. Paid to trust, with grandfather as trustee
   3. Child in SC w/ grandfather
   4. sues in SC for more $ for education
   5. SC court gets PJ over D’s property in SC (also personally served)
      1. Refuses to give earlier Ga j full FF&C
   6. SCt reverses
      1. Various challenges rejected
         1. claimed that it was not a final decree even in Ga – but it was
            1. NOTE that it would be modifiable in SC if it were modifiable in Ga
         2. claimed not binding upon child bc she was not party to suit
            1. she was domiciled there
            2. and party by virtue suit for divorce
            3. even though no guardian ad litem
   7. But what about idea that child support could never really be final
      1. could argue that Ga j is in violation of due process
      2. and that she cannot be bound bc she really had no opportunity to challenge in Ga
      3. but then not valid in Ga too
      4. not really an exception to FF&C
   8. BUT if it is final in GA and that is const’l then is final in SC
   9. Q - is SC treating the Ga judgment any worse than its own js? NO
      1. Given Ga j the same precl effect SC j would get
      2. So why isn’t that enough under FF&C?
      3. Must give Ga j the same precl effect as Ga would
   10. stone’s dissent?
       1. Claims that this is an excessive imposition upon the domestic interests of SC
       2. Gives other examples of alleged exceptions to FF&C
          1. example of not bound by determination of sanity
             1. but that is because it is intrinsically not something that can be determined permanently
             2. true in rendering state too
          2. talks about exception for real property js made in state other than situs of property
             1. will talk about later
          3. js about crimes and penalties
             1. in fact wrt penalties things have now changed
2. notice that 2nd Rest suggests Stone’s approach, but little support in case law
3. what about giving *greater* effect than in rendering state
   1. assume state A has mutuality req for issue precl and state B does not
      1. D is found negl in state A
      2. in state A, a new P cannot take advantage of this b/c need mutuality
      3. can state B give it issue precl effect?
         1. due process worries – D could not haver anticipated…?
         2. BUT is it contrary to FF&C?
         3. unclear
4. what about giving *greater* effect than in j state
   * + 1. Georgia has mutuality requirement for issue preclusion
       2. Alabama does not
       3. P sues D in Georgia state court
       4. D is found negligent
       5. P2 sues D in Alabama state court concerning same accident
       6. May P2 issue preclude D from relitigating his negligence?
       7. could be contrary to non-m issue precl law of Alabama
       8. need fair opp to litigate which often means knowing about conseq
       9. also due process worries
       10. BUT is it contrary to FF&C?
       11. Has sometimes been allowed
5. Other grounds for challenging FF&C of j
   1. Fraud
      1. Basically available only if was available in sister state
   2. penal and gov’t claims
      1. now given FF&C
         1. penalties
         2. taxes etc.
6. Confusion wrought by Thomas v Wash Gas Light Co. (US 1980)
   1. DC domiciliary employed in DC
   2. Back injury while working in Virg
   3. Virg indus comm. allowed benefits
   4. The tried for more generous comp under DC act in DC
   5. Virg. law precluded any other recovery
   6. Admin law judge in DC allowed on ground that Va law precluded only other benefits under *Va law*
7. Two important cases
   1. Magnolia
      1. Basically holding that workers comp in one state has FF&C in another
         1. if says no other benefits, then no other benefits in any state
      2. Curtailed in McCartin
         1. settlement in Ill for accident in Wisc
            1. settlement said did not preclude workers comp under Wisc law
            2. suit brought in Wisc
            3. Wisc ct did not allow anyway bc of worries about FF&C
         2. SCt held Wisc must refuse only if “unmistakable language” by court or legisl in Ill that recovery in other state ct is precluded
            1. clearly was not unmistakable language in Ill j that there was preclusive effect
            2. indeed unmistakable language that there wasn’t
            3. and Ill statute had no such unmistakable language
   2. Stevens (w/ 3 others) – BUT Rehnquist and Marshall also accept
      1. McCartin rule misguided – as rule about FF&C
      2. Thus, in effect, by virtue of the full faith and credit obligations of the several States, a State is permitted to determine the extraterritorial effect of its judgments; but it may only do so indirectly, by prescribing the effect of its judgments within the State. The McCartin rule, however, focusing as it does on the extraterritorial intent of the rendering State, is fundamentally different. It authorizes a State, by drafting or construing its legislation in "unmistakable language," directly to determine the extraterritorial effect of its workmen's compensation awards…. It follows inescapably that the McCartin "unmistakable language" rule represents an unwarranted delegation to the States of this Court's responsibility for the final arbitration of full faith and credit questions. The Full Faith and "is one of the provisions incorporated into the Constitution by its framers for the purpose of transforming an aggregation of independent, sovereign States into a nation.“ To vest the power of determining the extraterritorial effect of a State's own laws and judgments in the State itself risks the very kind of parochial entrenchment on the interests of other States that it was the purpose of the Full Faith and Credit Clause and other provisions of Art. IV of the Constitution to prevent.
         1. whole point is to treat in other state the same way as it is treated within the state
            1. can preclude in other state only by doing so in own state
            2. so unmistakeable lang stuff is wrong

because assumes that a state has the power to give a j less preclusive effect in other states

* + - * 1. can’t identify effects in other states – becomes a limit on rendering ct
    1. BUT limits Magnolia on other grounds
       1. Speaks on interests of various states
       2. successive award does not frustrate Va’s purposes

claims that Va can’t have an interest in its law applying bc knows that case could have been brought in DC and DC law applied

appeals to Pac Empl

OK but that was choice of law

* + - * 1. what about VA interest in finality of js?

Rehnquist’s point

* + - * 1. Think about Fauntleroy

MO had no Pac Employers interest at all

but still had right to j respected

* + - 1. one aspect is that worker’s comp can involve an ongoing rehabilitation program – unlike simple damages
         1. can be reopened

BUT can it be reopened under VA law?

* + - 1. Stevens seems to rely on fact that VA ct could only determine rights under VA law
         1. had no power to make other determinations

so what?

Yarborough

could only apply Ga law, not SC law, but still could preclude SC

indeed, no court can apparently take jurisdiction of more than one state’s cause of action at the same time, but can preclude remedy under other state’s law

White’s criticism

As a matter of logic, the plurality's analysis would seemingly apply to many everyday tort actions. I see no difference, for full faith and credit purposes, between a statute which lays down a forum-favoring choice of law rule and a common law doctrine stating the same principle. Hence, when a court, having power in the abstract to apply the law of another State, determines by application of the forum's choice of law rules to apply the substantive law of the forum, I would think that, under the plurality's analysis, the judgment would not determine rights arising under the law of some other State. Suppose, for example, that, in a wrongful death action, the court enters judgment on liability against the defendant, and determines to apply the law of the forum, which sets a limit on the recovery allowed. The plurality's analysis would seem to permit the plaintiff to obtain a subsequent judgment in a second forum for damages exceeding the first forum's liability limit….One purpose of the Full Faith and Credit Clause is to bring an end to litigation….The plurality's opinion is at odds with this principle of finality.

* 1. White w/ 2 other justices
     1. Criticizes idea that fact that Va admin proc could apply only Va law would make a diff
     2. Simply keep McCartin on stare decisis grounds
  2. Rehnquist w/ Marshall
     1. Agrees that McCartin makes no sense (agrees with 4 justices in Stevens’s plurality)
     2. But thinks Magnolia is correct
        1. (agrees with white and 2 other justices)
     3. I tend to agree
     4. sounds like Magnolia w/o limitation and w/o McCartin is the better rule