

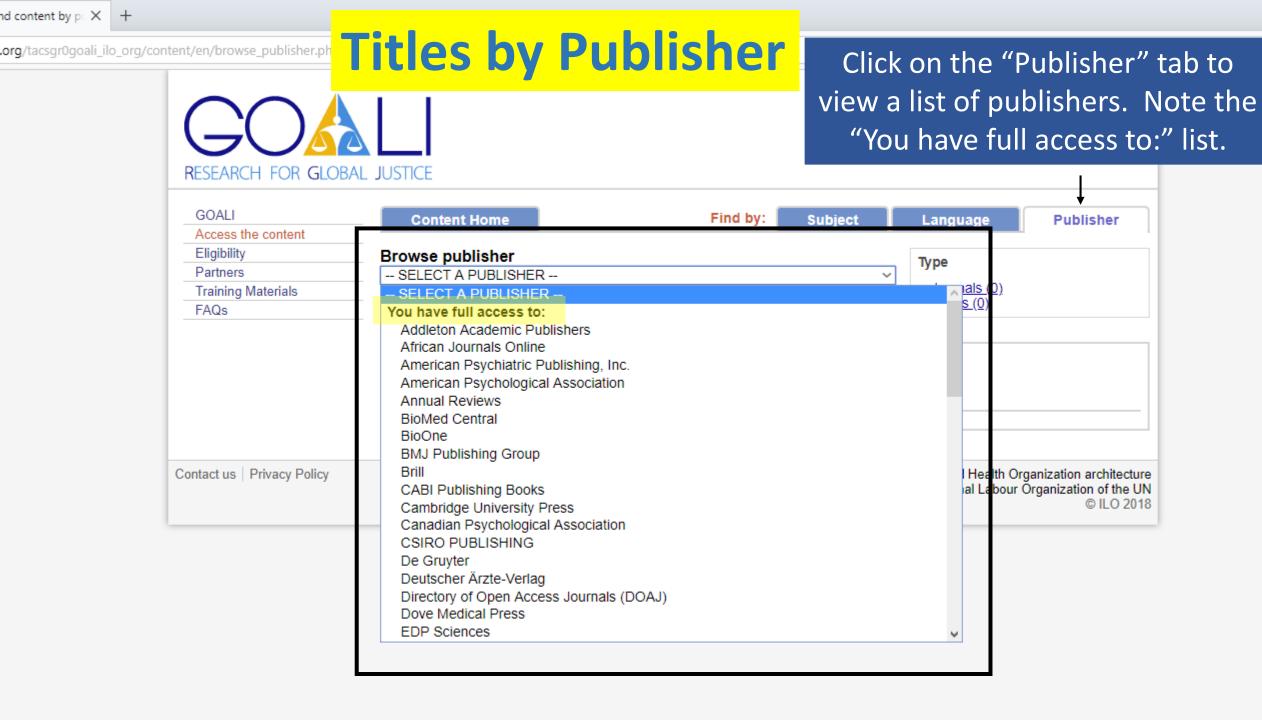
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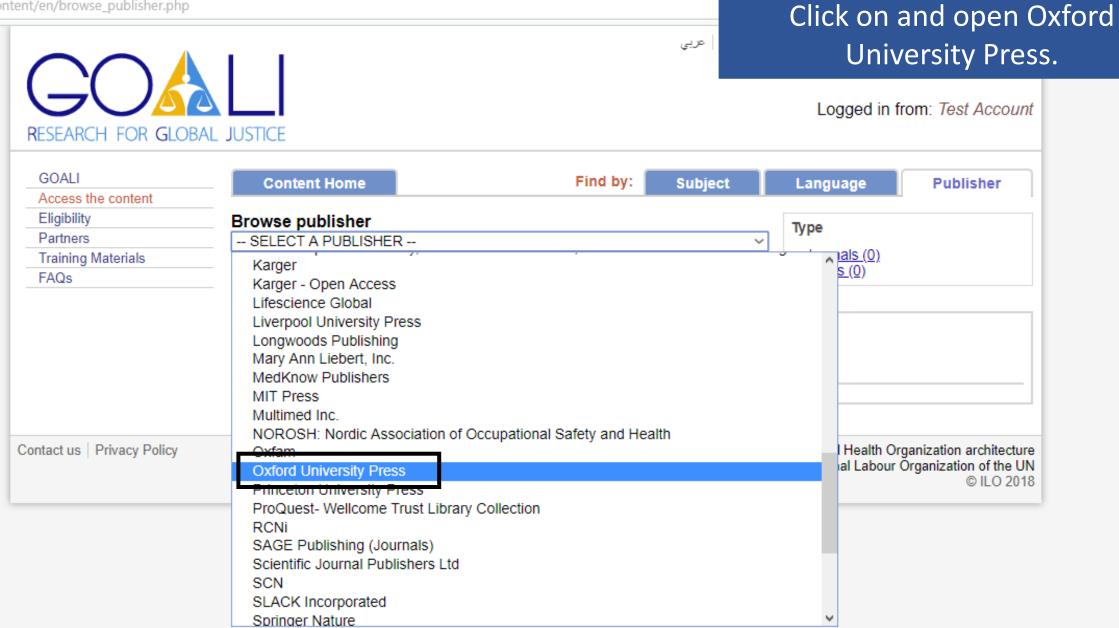
# Objectives

- Access publishers' websites
- Identify general features available on most publishers' websites
- Learn how to use these features to find and utilize articles, keep up with current literature, and aid in further research

# Accessing Publishers' Websites



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# Publishers' Websites Vary

All publishers' websites are slightly different and can even vary by journal within a publisher's site:

- Identical features might be accessed differently or will be in other places
- Journal coverage (PDF and / or HTML full-text) from 1997 onwards, generally
- Not all publishers offer the same features (for example, some have table of contents alerting, some do not)

## Navigating Publishers' Websites

### As with other electronic resources:

- Changes to the website may occur
- Technical difficulties occasionally arise
- Do not enter your GOALI login information again on the publisher's website

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### Elements of Publishers' Websites

### Usually at least four or five levels to publishers' websites

- Overarching homepage for the publisher
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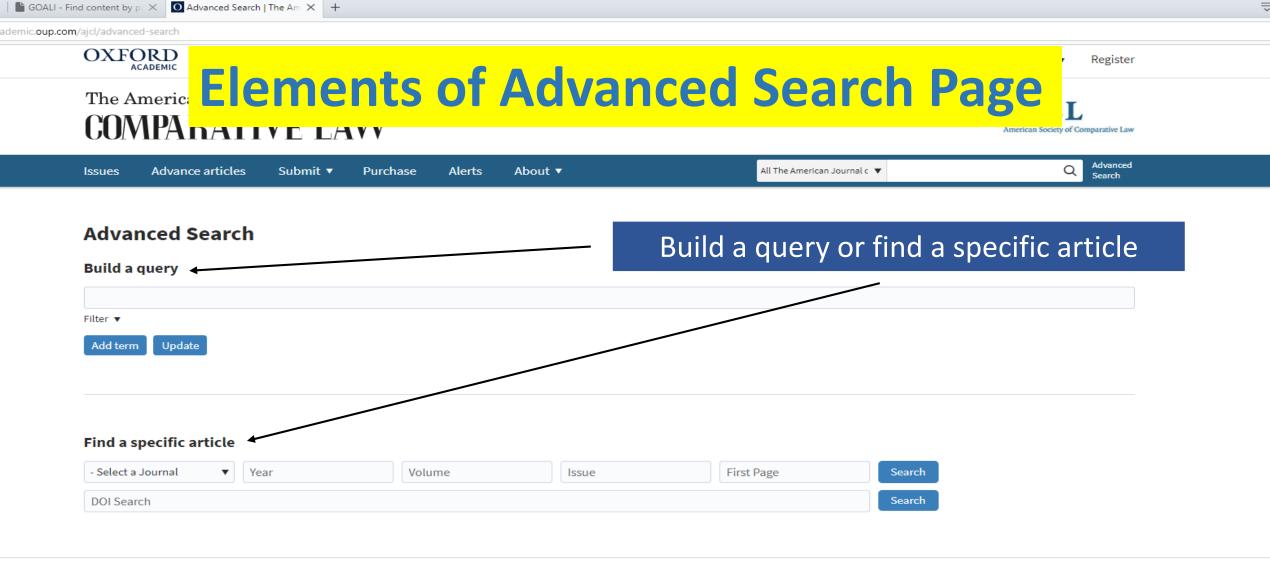
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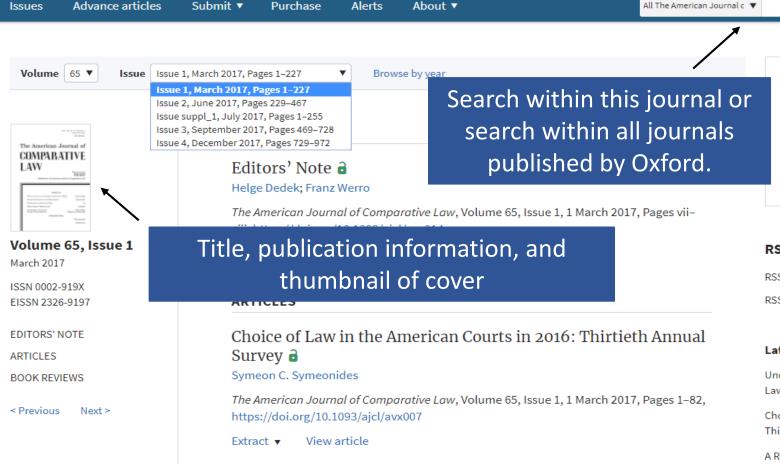
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### I. EXTRATERRITORIALITY (OR NON) OF FEDERAL STATUTES

• Cases involving recognition of foreign judgments from Abu Dhabi, France,

#### A. Civil RICO and RJR Nabisco

Hong Kong, Morocco, and Thailand.

Click on a hyperlinked number to see the In RJR Nabisco, Inc. v. European Community, the Supreme Court st presumption against extraterritoriality to the farthest extreme s requiring courts to apply the presumption separately for each sed statute. This case involved two sections of the Racketeer Influenced and Corrupt Organizations Act (RICO), sections 1962 and 1964(c). Section 1962 makes it a

crime to engage, participate in, or profit from, certain racketeering activities effecting interstate or foreign commerce, while section 1964(c) provides a private action to persons injured by the violation of section 1962. Section 1962 clearly applies extraterritorially because it encompasses certain predicate crimes committed outside the United States, such as money laundering and providing material support to foreign terrorist organizations. One would assume that, since 1962 applies extraterritorially, so would section 1964(c). This assumption would have been entirely plausible, if not inevitable, until the Court decided otherwise in RJR Nabisco.

The plaintiffs were the European Community (as the EU then was) and twenty six of its member states. They sued RJR Nabisco, a U.S.-based tobacco manufacturer, alleging that the defendant engaged in racketeering activities prohibited by section 1962 and asking for damages for their losses under section 1964(c). In a four to three opinion authored by Justice Alito, the Court agreed that, "based on RICO's text and context," the prohibitions of section 1962 applied extraterritorially. However, the Court continued, just because "Congress intended the[se] prohibitions . . . to apply extraterritorially" does not mean that that same Congress also intended the civil remedies of section 1964(c) to apply extraterritorially. Instead, the Court posited that one must "separately apply the presumption against extraterritoriality" 11 to section 40( t/-) The Country deute de control of the contro

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cases that meet these parameters, the Survey focuses on those cases that may contribute something new to the development or understanding of conflicts law —and, particularly, choice of law.

The total number of conflicts cases decided in 2016 and posted on Westlaw by January 31, 2017, was 5,324. <sup>5</sup>Table 1, below, breaks them down into categories. More than seventy percent of these cases have been decided by federal district courts and are not covered by this Survey.

#### Table 1.

CONFLICTS CASES, 2016.

U.S. Supreme Court	10	Appellate cases covered: 1,515
Federal Courts of Appeals	516	covered. 1,313
State supreme and intermediate courts	989	
Federal district and other federal lower courts	3,809	Not covered
All cases	5,324	
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The following are some of the cases discussed in this year's Survey:

- Three U.S. Supreme Court decisions, one holding that the civil part of RICO does not apply to foreign injuries, another forging a hybrid compromise in the ongoing sovereign immunity disputes between California and Nevada, and another reminding the Alabama Supreme Court of its elementary obligation to give full faith and credit to sister-state judgments;
- Five important Second Circuit decisions reaching the following results:

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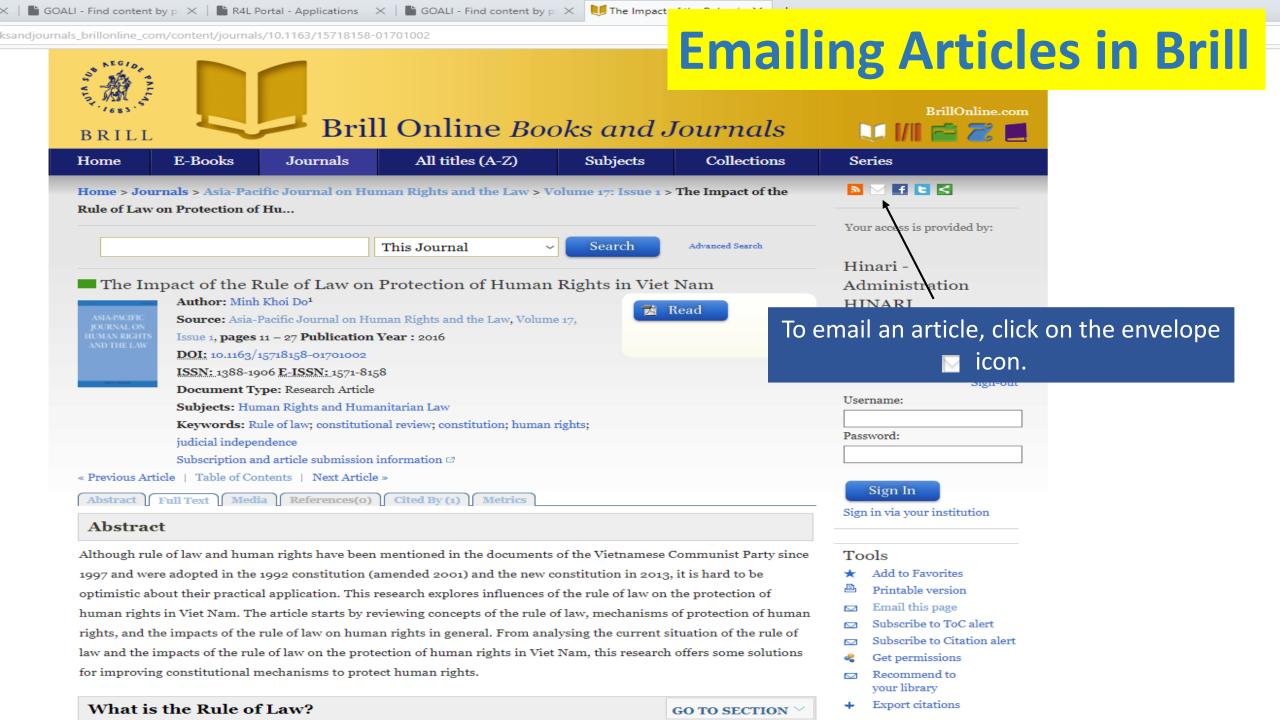
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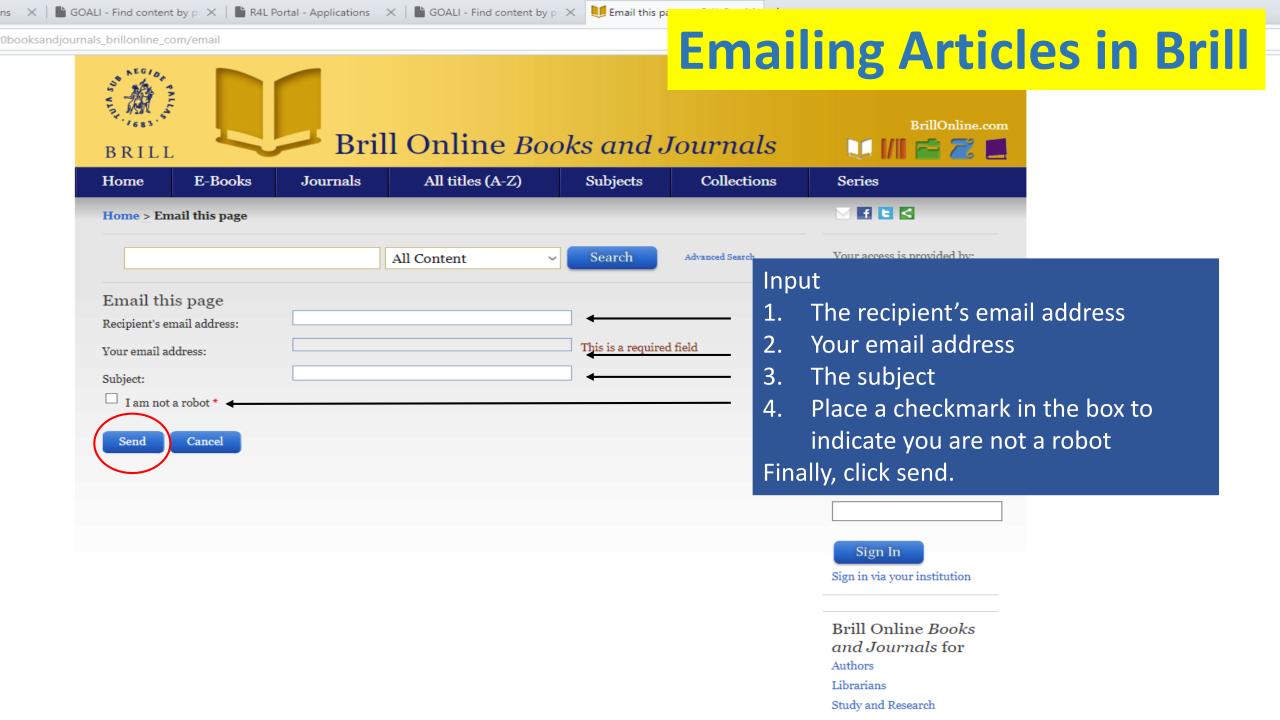
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#### NOTES

- 1 Wu Yaling, 'Chinese Translation of the Social Contract by Jean-Jacques Rousseau and its influences (Lusuo "shehui qiyue lun"de hanyi jiqi yingxiang)' (2009) 104(3) Modern Philosophy 84, 86.
- 2 Zhao Xiaobo, 'On the Evolution of the Concept of Civil Rights in Modern China: the Discussion on Conversion from Restoration to Revolution (Jindai Zhongguo "Minquan" Neihan Yanbian Kaolun: Cong Weixin Dao Geming de Huayu Zhuanhuan)' (2015) (2) The Juris 140, 140-141.
- 3 These documents chiefly include the Outline of the Constitution by Imperial Order (Qinding Xianfa Dagang) adop 27 August 1908; The Provisional Constitution of the Republic of China (Zhonghua Minguo Linshi Yuefa) adopted on March 1912; The 'Temple of Heaven' Draft Constitution (Tiantan Xianfa) adopted on 31 October 1913; The Constitution Republic of China (Zhonghua Minguo Xianfa) adopted on 10 October 1923; The Constitution of Republic of China (Zhonghua Minguo Xianfa) adopted on 25 December 1946, and so on.
- 4 Nicolae Pavel, 'Defining the Concept of Human Rights in the Light of Juridical Values Theory' (2012) 4 (1) Contemporary Readings in Law and Social Justice 502, 508.
- 5 Guo Daohui and Tao Wei, 'How Could the Exclusion Zone for Human Rights be Broken? On Significant Cases Occurring in the Field of Jurisprudence after the Foundation of the FRC (Renquan Jinqu Shi Zenyang Tupo de: Jianguo Yilai Faxuejie Zhongda Shijian Yanjiu)' (1999) 5 Law Science 2, 2.
- 6 In this sense, the cpc's political documents have already stated that, 'we should draw from the quintessence of Chinese legal culture, learn from beneficial experiences in the rule of law abroad, but we can absolutely not indiscriminately copy foreign rule of law concepts and models.' See 'The ccr Central Committee Decision Concerning Some Major Questions in Comprehensively Moving Government of the Country According to the Law Forward (hereinafter abbreviated to ccr-ccc) (Zhonggong Zhongyang Guanyu Quanmian Tuijin Yifa Zhiguo Ruogan Zhongda Wenti De Jueding)' (China Social Science Net, 29 October 2014) <a href="http://www.cssn.cn/fx/fx\_ttxw/201410/t20141030\_1381703.shtml">http://www.cssn.cn/fx/fx\_ttxw/201410/t20141030\_1381703.shtml</a> accessed 10 February 2016.
- 7 Randall Peerenhoom, 'Assessing Human Rights in China: Why the Double Standard?' (2005) 38 Cornell International Law Journal 71, 71.
- 8 Constitution of the People's Republic of China (Zhonghua Renmin Gongheguo Xianfa) 2004.

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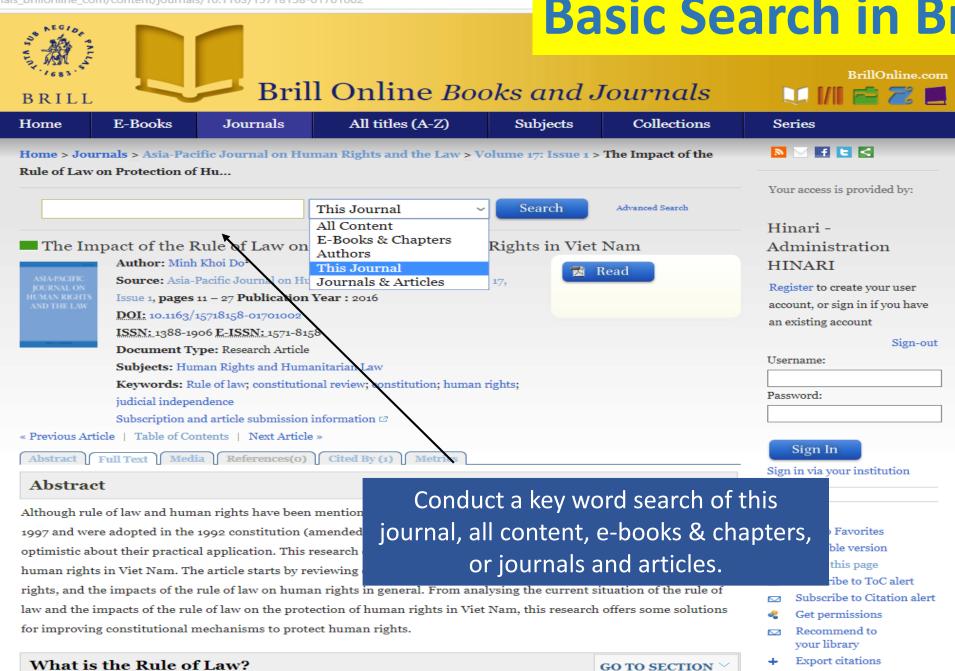






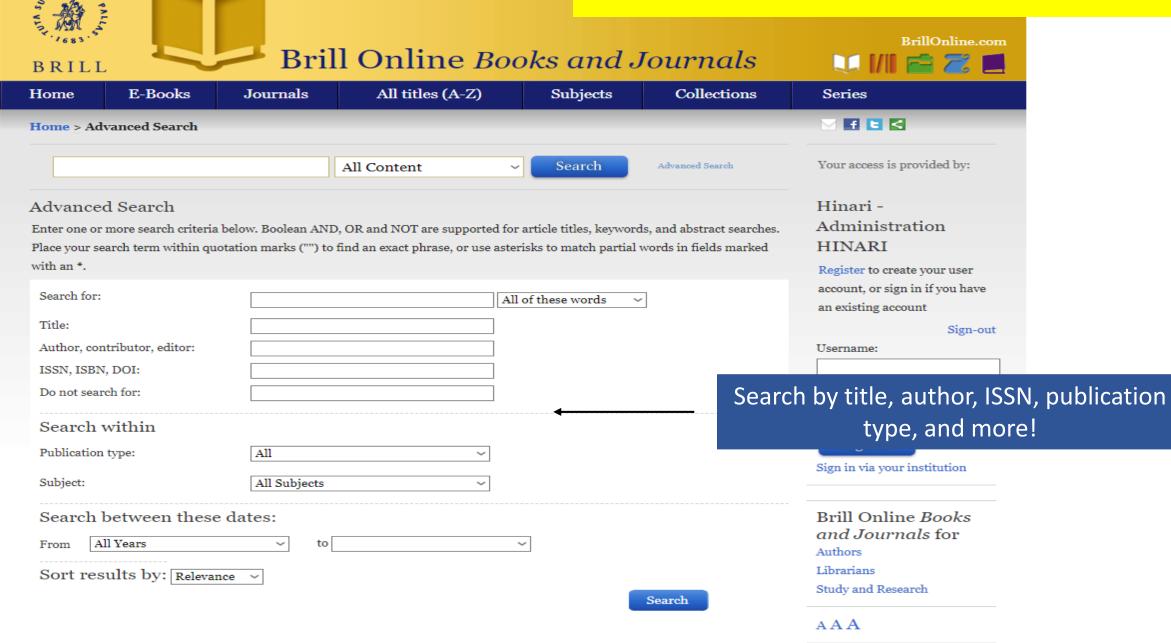
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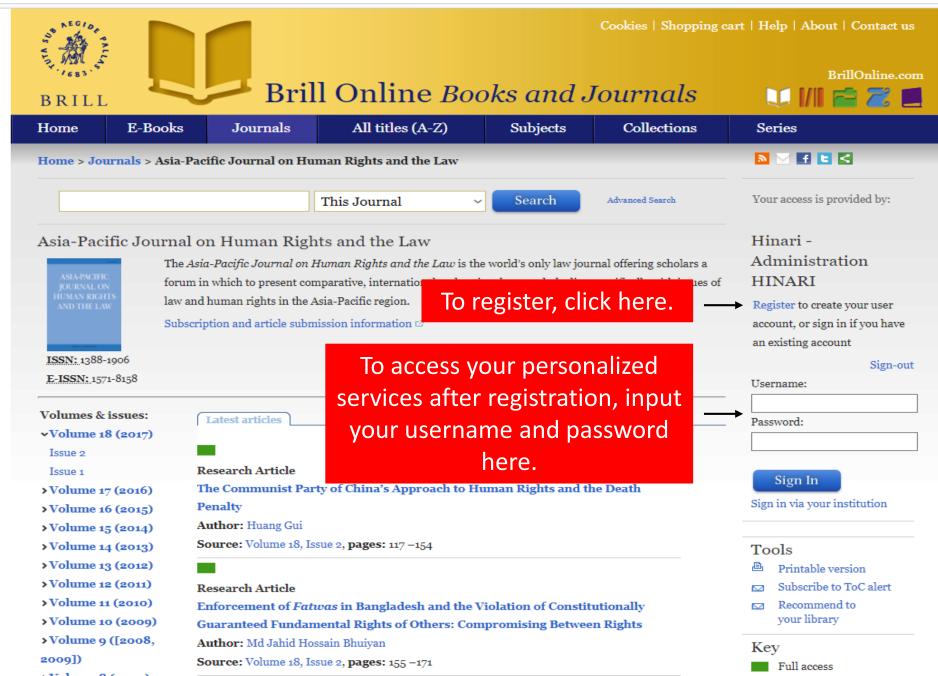
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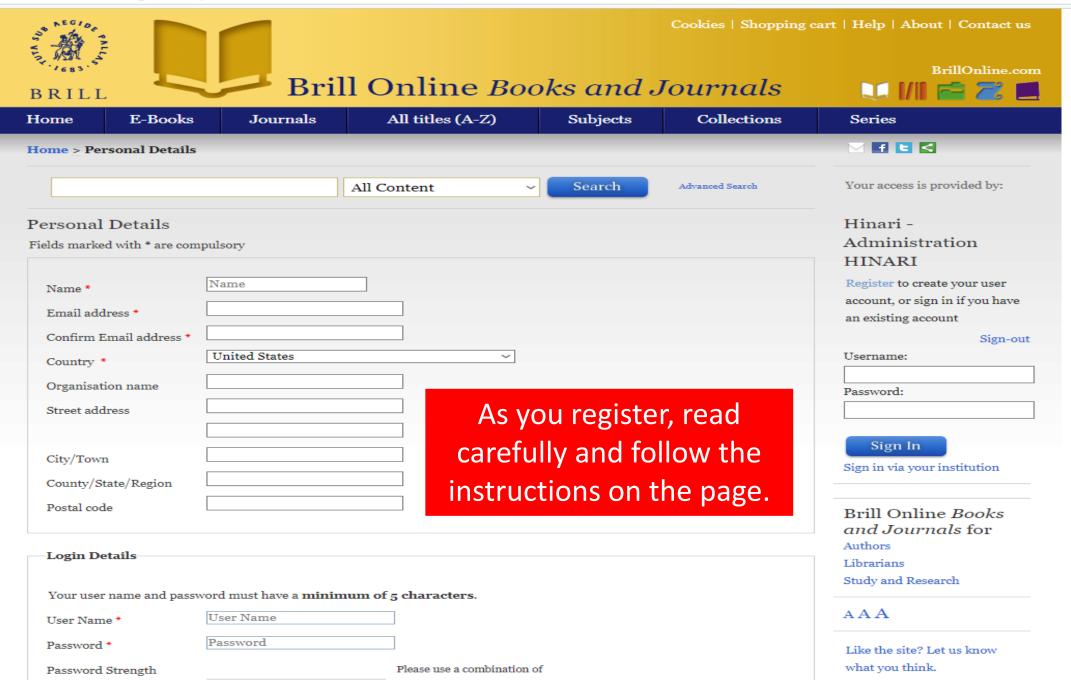
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## Summary

- Find publishers within GOALI by navigating to the Publisher tab.
- Many Publishers' websites have a standard set of features that includes downloading articles as PDF files, sharing articles by email, and receiving publication alerts.
- Registration with a publisher's website or journal may be used to find or utilize articles, keep up with current literature, and aid in further research

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