Conflict of Laws
Course Syllabus, Spring 2020 (Prof. Symeonides)
Willamette University College of Law

I. COURSE OBJECTIVES

This course is intended to teach you how to detect and handle legal disputes that implicate the laws of more than one state or country (multistate cases) and which, for this reason, present conflicts of laws. We will spend much of our time on intra-U.S. or interstate conflicts, because they are the most frequent and you will encounter them daily in your future practice. However, we will also cover international conflicts between U.S. state or federal laws and foreign-country laws.

In other courses, you have learned the law of judicial jurisdiction, namely which state’s courts may decide a multistate case. In this course, you will learn about legislative or prescriptive jurisdiction, namely which state’s or country’s law will govern the merits of a multistate case, and how a court or other decision-maker selects that law (choice of law).

You will also learn about the conditions and requirements for recognizing and enforcing a judgment in another state or country (judgment recognition).

Our work materials consist primarily of appellate judgments. This means that we will focus primarily on the work of the courts. You will learn how to prepare for court as an attorney for either side, or (why not) as a judge.

However, you will also learn how to be a good office lawyer, e.g., how to avoid litigation or make it more predictable. For example, when you draft a contract for a client, should you include or agree to a choice-of-forum clause assigning (exclusive or concurrent) jurisdiction to a specified court? Should you also include or agree to a choice-of-law clause designating in advance the governing law?

II. REQUIREMENTS

1. Required Course Materials


(b) OREGON STATUTORY SUPPLEMENT (available on WISE) containing all choice-of-law provisions in Oregon statutes. Please have it with you in class.

2. Strongly Recommended Materials


3. In-Depth Materials (if you want)

If you read your assignments, including the notes and questions, you should not need to do any additional reading. But if you would like to read any of my works, here is a partial list.

(2) S. SYMEONIDES, OXFORD COMMENTARIES ON AMERICAN LAW: CHOICE OF LAW (Oxford U.P. 2016) (800 pages, dealing only with choice of law).

(3) P. HAY, P. BORCHERS, S. SYMEONIDES & C.A. WHYTOCK, CONFLICT OF LAWS (West 6th ed. 2018). This is a standard hornbook, more than a thousand pages long.


You may also find several of my articles, including my annual surveys of American choice-of-law cases, posted on SSRN at https://papers.ssrn.com/sol3/cf_dev/AbsByAuth.cfm?per_id=109467 You don’t have to read any of them, but I don’t want you to think that I am hiding them either.

4. Office hours

- **From Tuesday to Friday: All day (9:00 am to 6:00 pm)**

  My office is in the Carnegie Building (at the corner of Winter and State streets). You don’t need an appointment, but to make sure I am free at your preferred time, please send me an email at symeon@willamette.edu

5. Class attendance

The school’s Class Attendance Policy requires you to attend a minimum of 75% of regularly scheduled classes in order to be allowed to take the exam. For this course, this means a minimum of **20 classes** (not 19.5 or 19) and a maximum of **6 absences**.

6. Preparation for, and participation in, class.

  **Preparation.** I expect each student to have read the assignments and come to class ready and willing to participate in the discussion. If on a given day you are not prepared, you must let me know by email at symeon@willamette.edu at least 15 minutes before class begins. Each student will be allowed two “unprepared” days (“UP”) for the semester, with no consequences (or questions asked).

  It is a violation of the Honor Code to come to class unprepared unless you inform me ahead of time, as provided in the preceding paragraph. In addition, I reserve the right to deduct a plus or minus increment from your final grade.

  **Participation.** Generally, I do not like calling on students “cold,” preferring instead to work with volunteers. However, I reserve the right to call on students at any time and I expect them to be prepared. I do not expect you to have all the answers, but I expect you to be able to at least recite the basic facts and issues so that we can begin an intelligent conversation.
Questions. I welcome your questions (the more the better) during class. I am always available outside class (see my office hours above), but I prefer that you ask your questions during class because I want the other students to think along with us and to hear the same answer. You should not hesitate to ask a question for fear that it might be “wrong,” “off base,” or worse, “stupid.” There is no such thing. You are here to learn. Moreover, even a “wrong” question can be helpful to me, if only to let me know if I am getting through.

Answers. For similar reasons, you should not hesitate to volunteer an answer for fear that it might be wrong. First of all, if it is wrong, we will correct it (that’s why we are here) and neither you nor your classmates will make the same mistake again (e.g., in court). And, second, even a “wrong” answer may be pedagogically helpful because it helps me identify and address existing gaps in your understanding.

7. Class assignments and length of materials

Our schedule consists of 26 ninety-minute classes. The syllabus envisions covering 815 pages from the Casebook and a nine-page statutory supplement (total 824). If we cover all pages, this will amount to 31.7 pages per 90-minute class, or 63.4 pages per week. If you add the 138 pages of two recommended law review articles, the total will be 962 pages, which will amount to 37 pages per 90-minute class. If you think this is too long, take a look at the next paragraph.

8. ABA Standard 310

ABA Standard 310 requires law schools to demonstrate that the students spend approximately 45 hours of work in order to justify the award of one credit hour. For a three-credit course like ours, this amounts to a total of 135 hours for the semester, including the time spent in class. To comply with this requirement, I submitted the following itemization to the ABA.

ABA Standard 310
Credit-Work Assignment – Prof. Symeonides

<table>
<thead>
<tr>
<th>Task</th>
<th>Actual time</th>
<th>Allotted time</th>
<th>Total working hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hours in Class—Professor led instruction</td>
<td>26 classes x 90 minutes = 2,340 minutes</td>
<td>26x100 min. = 2,600 min. or 43.3. hours</td>
<td>44</td>
</tr>
<tr>
<td>Reading casebook and preparing for class</td>
<td>815 pages covered</td>
<td>1 hour per 15 pages = 55 hours</td>
<td>55</td>
</tr>
<tr>
<td>Reading statutes</td>
<td>10 pages</td>
<td>4 hours</td>
<td>4</td>
</tr>
<tr>
<td>Reading recommended law review arts.</td>
<td>138 pages</td>
<td>1 hour per 20 pages = 7 hours</td>
<td>7</td>
</tr>
<tr>
<td>Preparation for mid-semester review</td>
<td>3 hours</td>
<td></td>
<td>3</td>
</tr>
<tr>
<td>Preparation for end-of-semester review</td>
<td>3 hours</td>
<td></td>
<td>3</td>
</tr>
<tr>
<td>Preparation for final exam</td>
<td>15 hours</td>
<td></td>
<td>15</td>
</tr>
<tr>
<td>Final exam</td>
<td>3 hours</td>
<td>4 hours</td>
<td>4</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td>135</td>
</tr>
</tbody>
</table>

ABA req: 3 credit course x 45 hours = **135 hours**
9. **PowerPoint**

I use PowerPoint in most of my classes. My slides are drawn from your Casebook and they digest and distill what is there. In other words, they do what a well-prepared student should do before coming to class. For this and other pedagogical reasons, I will **not make the slides available to you**.

Also, in presenting the slides, sometimes I go too fast and you may not have time to write down everything. That’s o.k. because what is on the slides is already in your Casebook. If something is not drawn from your Casebook, you will not be accountable for it for exams purposes, unless I tell you otherwise, in which case I will go slowly.

10. **Examination**

There will be a three-hour, in-class exam. You will be allowed to have with you an **unannotated** copy of the Statutory Supplement. You will have the opportunity to practice on an old exam before the end of the semester.

11. **Use of computers**

The school’s policy provides as follows:

“Students may use computers in class only for educational purposes, such as taking notes or accessing materials that are necessary for the particular class. The use of computers for other purposes, such as reading, composing, or sending email or instant messages, playing video or audio files or games, or displaying web pages not necessary for the class is prohibited.”

I expect you to abide by this policy.

12. **Preferred names**

If you prefer to be called by a name or surname different from what appears on the roster, please let me know. Please also let me know if you prefer a non-binary pronoun (and correct me if I make a mistake).

13. **Assignments for first day of classes**

Please read and be prepared to discuss in class pages 1-37 of the Casebook. See Class # 1, below.
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