Dear Students,

Welcome back to school. We missed you! We look forward to seeing you in person.

We hope for a semester that is as near to normal as possible, but we also recognize that we may have to make necessary adjustments as we go. We hope for your cooperation and welcome your feedback.

We will do our utmost to make your experience as painless and lively as possible, while maintaining the academic rigor dictated by our obligation to prepare you for a demanding profession.

I. COURSE OBJECTIVES

This course will 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 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 or arbitral tribunal? Should you also include or agree to a choice-of-law clause designating in advance the applicable law?

II. REQUIRED AND RECOMMENDED MATERIALS

1. Required Course Materials


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1 Instead of buying a hard copy of this book, you may want to consider the less expensive options of renting it or buying the electronic version. If you buy the electronic version, make sure it allows you to copy it onto your hard drive or to print it. All royalties from the sale of this book to WUCL students are donated to WUPILP.
(b) Oregon Statutory Supplement (available on WISE) containing all choice-of-law provisions in Oregon statutes. Please have it with you during class.

2. Strongly Recommended Materials


3. In-Depth Materials (if you want)

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

(1) S. Symeonides, Private International Law: U.S.A. (Wolters Kluwer 2015). This is a concise book, less than 500 pages, covering the whole course. You have free electronic access to this book through the Library's website at this link.


(3) P. Hay, P. Borchers, S. Symeonides & C. 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 30 annual surveys of American choice-of-law cases, posted on SSRN at this link.

IV. Office Hours

(1) 9:00–10 AM, Monday through Friday

(2) 4:00–5:00 PM, Monday through Friday, except Tuesday

(3) Any other time on Thursday or Friday upon request.

My email is symeon@willamette.edu

V. Class Attendance

1. Show up

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 you must attend a minimum of twenty (90-minute) classes (not 19 or 19.5) i.e., you are allowed a maximum of six absences.

2. Pay attention

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.

3. Class Recording

Although all of our classes will be held in person (I hope), I also plan to record them on Zoom and post the recordings on WISE. They will be available for viewing for three days after each class. They will be removed thereafter.

You may not record the class in any form, take screenshots of the PowerPoint slides, or download the recordings.

Viewing the recordings after class is not a substitute for attending class and will not count as such for purposes of the attendance policy.

VI. CLASS PREPARATION AND PARTICIPATION

1. Preparation

I expect each student to have read the assignments, mark the relevant information on the maps described in paragraph 3, below, 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” (“UP”) days for the semester, with no consequences and no need to give reasons.

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 reduce your final grade accordingly.

2. Participation

Although I do not like "cold" calling students, I feel obligated to do so. I do not expect you to have all the answers but, at a minimum, you must be able to recite the basic facts and issues so that we can begin an intelligent conversation.

I reserve the right to reduce the grade of students who are unprepared and to increase the grade of students who are well-prepared and volunteers who make constructive contributions to the class.

3. Maps

To facilitate your preparation and understanding of the cases, I post on WISE maps showing the states involved in each assigned case. Before each class, you must mark on each map the relevant contacts of each state (e.g., place of conduct, place of injury, domicile of the parties, etc.) and provide an abbreviated description of each state’s laws (e.g., contract valid vs. contract invalid). Failure to do so means you are unprepared.
4. Questions

I welcome your questions (the more the better) especially during class. I am always available outside class (see my office hours above), but I prefer that you ask your questions during class so other students can benefit from your question and our 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 not getting through.

5. 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). Second, even a “wrong” answer may be pedagogically helpful because it helps me identify and address existing gaps in your understanding.

6. PowerPoint

I use PowerPoint in all of my classes because it helps all students, not only the visual learners. My slides digest and distill the assigned text. In other words, they do what a well-prepared student must do before coming to class. For this reason, I will not give you the slides before class. However, you may view them again by watching the recordings on WISE.

Some students complain that the slides are too long or that I go too fast and they don’t have time to write down what is on the slides. Although I try to go slow, I don’t think this complaint is justified because:

(a) you should not try to write down everything;
(b) if you think this is necessary, you may do so when you watch the recordings on WISE; and
(c) as noted above, the slides simply reproduce in abbreviated from what is already in the assigned (and available) text. If something on the slides is not drawn from the text, you will not be accountable for it for exam purposes, unless I tell you otherwise, in which case I will go slowly.

7. 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 please correct me if I make a mistake or mispronounce your name).

VII. CLASS ASSIGNMENTS AND LENGTH OF MATERIALS

1. Course coverage

Our schedule comprises 26 ninety-minute classes. The syllabus envisions covering 717 pages from the Casebook and a nine-page statutory supplement (total 796). If we cover all pages, this will amount to 30.6 pages per 90-minute class, or 61 pages per week. If you add the 138 pages of two recommended law review articles, the total will be 934 pages, which will amount to 36 pages per 90-minute class.
I don’t think this is too much reading for an upper-level class. If you think otherwise, please read the next paragraph. In any event, it would be much easier for me, at my age, to go slow and cover much less; but it would be a disservice to you and a violation of my obligation to cover what I think you need to know before graduating.

2. 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
Course: Conflict of Laws – 3-credit course x 45 hours per credit = 135 hours

<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><strong>Total</strong></td>
<td></td>
<td></td>
<td><strong>135</strong></td>
</tr>
</tbody>
</table>

ABA req: 3 credit course x 45 hours = 135 hours Requirement MET

VIII. EXAMINATION

Your exam will be “open book.” You will have access to your computer’s hard drive but **no access to the internet** during the exam. If you buy an electronic version of the Casebook, make sure it allows you to copy it onto your hard drive or to print it.

You will have the opportunity to practice using one old exam, which we will discuss in class.

IX. ASSIGNMENTS FOR FIRST DAY OF CLASSES

For the first day of classes, please read this Syllabus. Please also read and be prepared to discuss pages 1–9, 17–18, and 23–37 of the Casebook. See Class # 1, below. I posted these pages on WISE.

Because some students may not be able to obtain a copy of the Casebook before classes begin, I have posted on WISE all pages we will cover in the first two weeks.
**X. CLASS SCHEDULE**

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Read pages 1-9, and 17-18.

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