

Spring 2024 Conflict of Laws
Syllabus and Course Information
Professor Elizabeth T. Lear
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Overview

This course explores difficulties that arise when litigating disputes that are connected to more than one state: These include federal/state conflicts (Erie issues), the interstate enforcement of judgements, and the various approaches that states use when deciding which state's law governs a particular aspect of an interstate dispute.

Office Hours and Appointments

My office hours are on Tuesday each week from 3:00-5:00. I'm in 312A in Holland Hall on the third floor. If you would like to make an individual appointment with me at another time, please email me at Lear@law.ufl.edu and we can set up a time to meet either virtually or in person. One caveat – *make sure that you include the "law" part of my email address*, otherwise you will email my brother who is a professor in Mechanical Engineering. Although he is always sympathetic to my students' woes, he is not particularly helpful.

Objectives & Student Learning Outcomes

After completing this course, students should be able to:

1. Describe the traditional and modern choice of law systems used by states in civil lawsuits.
2. Apply and manipulate state law choice of law systems as well as the Restatement (Second) of Conflict of Laws.
3. Demonstrate an understanding of the Constitutional limitations on Choice of Law.
4. Solve interstate recognition of judgments problems.
5. Explain and apply federal/state choice of law caselaw.

Required Course Materials & Workload

The required material for this course is: Kay, Kramer, Roosevelt and Franklin, *Conflict of Laws* (11th Edition West).

In accordance with Standard 310 of the American Bar Association's (ABA) standards for law schools, students are expected to devote 2 hours of out-of-class preparation for every 1 credit hour of in-class instruction.

Attendance

Attendance is mandatory and an essential part of the course. In accordance with ABA guidance, you are allowed six absences from class total, for any reason (including for illness, medical appointments, job interviews, school activities, work tasks, family issues, and the like).

Screen Policy

Laptops are banned in my classes. I know it's tough but taking notes by hand is proven to assist in recall and learning. Note further that you may not look at your phone during class. One of the critical characteristics of a good lawyer is the ability to listen and pay attention, even when horribly bored or uninterested! Student Affairs records all our classes. I have told Dean Inman that you are welcome to access these recordings at any time without special permission.

Preparing for and Participating in Class

While I expect you to come to every class and to come prepared, I recognize that exceptional circumstances may lead you to be unprepared on a particular day. If that occurs, I'd much rather you show up unprepared than not show up at all; I just ask that you let me know (by email) the night before class that you will not be prepared. If you do come unprepared without letting me know, I will subtract 5 points from your final exam score at the end of the term.

Final Exam/Final Grade

Regular attendance, preparation, and active participation in classroom discussion are required. Your course in the grade will be based primarily on a final exam. If your exam score puts you close to the "cutoff" point for a higher grade, and the mandatory grading rules allow me to award additional grades in that higher category, class participation will be used to break any "ties" among students with the same exam score. The final exam will be a take home. More information on the exam will be provided in class.

Make-up Exams

The law school policy regarding delaying or rescheduling exams is available at <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/forms-applications/exam-delays-accommodations-form>.

Additional Information about UF Levin College of Law Policies

Other information about UF Levin College of Law policies, including compliance with the UF Honor Code, Grading, Accommodations, Class Recordings, and Course Evaluations can be found at this link: <https://ufl.instructure.com/courses/427635/files/74674656?wrap=1>.

Class Schedule and Assignments

I. Traditional Approaches to Choice of Law

- A. Pp. 4-29
- B. Pp. 29-42
- C. Pp. 42-65
- D. Pp. 65-68; 74-89

II. Modern Approaches to Choice of Law

- A. Pp. 97-103 (skim); 103-130
- B. Pp. 130-151 (*make sure you can discuss the charts intelligently*)
- C. Pp. 151-170
- D. Pp. 170-186
- E. Pp. 186-208
- F. Pp. 208-224
- G. Pp. 224-246
- H. Pp. 246-266
- I. Pp. 291-318
- J. Pp. 318-342

III. The Constitution and Choice of Law

- A. Pp. 351-372
- B. Pp. 372-392
- C. Pp. 392-414
- D. Pp. 426-436

IV. Recognition of Judgments

- A. Pp. 557-578
- B. Pp. 578-597
- C. Pp. 597-617
- D. Pp. 617-635
- E. Pp. 635-656

V. Conflicts between Federal and State Law

- A. Pp. 828-847
- B. Pp. 847-862
- C. Pp. 862-879
- D. Pp. 880-888
- E. Pp. 888-895

VI. International Conflicts (and Forum Non Conveniens) -- TBA