

SYLLABUS  
**CONFLICT OF LAWS**  
SPRING 2022  
3 CREDIT HOURS

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**PART 1: COURSE DETAILS**

CONTACT INFORMATION

INSTRUCTOR

**Instructor:** Professor Gabriel Teninbaum

**Office Hours: By Request**

**E-mail:** [gteninbaum@suffolk.edu](mailto:gteninbaum@suffolk.edu)

**Best way to contact:** Email is the best way to contact me.

**Reply policy:** I will try and respond to emails within 24 hours. If you do not receive a reply to your email within a reasonable period of time, please send it again. Sometimes email is captured by SPAM filter, is addressed incorrectly, or just simply does not get sent.

TECH SUPPORT

For technical support, please contact the Helpdesk at:

**Phone:** 800-472-8899

**Email:** [support@lawstudentonline.com](mailto:support@lawstudentonline.com)

## COURSE DESCRIPTION

This course will examine the legal problems that arise when litigation involves people and events that span multiple state or national boundaries, with a focus on the challenge of determining the applicable law. The focus is on US court approaches that are applied in interstate and international cases, constitutional limitations on those approaches, and party efforts to contract for their own resolution to questions of jurisdiction and choice of law.

## COURSE LEARNING OUTCOMES

Upon completion of this course, students will be able to:

- Analyze a Choice of Law problem under all the approaches adopted by the U.S.
- Identify potential constitutional problems with how such approaches are applied in individual cases.
- Explain similarities and differences of international and interstate cases.
- Identify the international law bases for taking jurisdiction over cases with foreign elements.
- Interpret Supreme Court treatment of international cases over time.
- Identify how courts analyze private party efforts to determine matters of jurisdiction and choice of law.

## PART 2: MATERIALS AND COURSE REQUIREMENTS

### READINGS

#### REQUIRED TEXT

Brilmayer, R. L., Goldsmith, J.L, O'Hara O'Connor, E. O., and Vasquez, C.M. (2020). *Conflicts of Law: Cases and Materials* (8th ed.). New York, NY: Wolters Kluwer

- **ISBN: 978- 1- 4548- 9956- 3**

### TECHNOLOGY REQUIREMENTS

Students are expected to meet basic technology requirements to successfully participate in this online course. Failure to meet these requirements may cause problems accessing the course materials. It is the student's responsibility to ensure all requirements are met prior to the start of the course.

- Access to the Internet is required. While any browser can be used, Firefox and Chrome are recommended.
- Access to the LMS (Ex. D2L) and Online Office Hours Tool (Zoom). See [Part 4: Accessing the Course](#) for more details.
- You will need the capability to speak and hear so you can watch videos and participate in the live online office hours. Make sure that the device(s) you will be using have a microphone and speakers or that you have access to a headset. A webcam is optional but not required.

## PART 3: COURSE SCHEDULE

Any change related to the schedule will be communicated to students through an announcement or by modifying the schedule and notifying students.

### Assignments and Discussions

- **Assignments:** All assignments are due by 11:59 pm ET on Sunday of the assigned week.
- **Discussions:** Original discussion posts are due by 11:59 pm ET on Thursday of the assigned week. All discussion replies are due by 11:59 pm ET on Sunday of the assigned week.

Week	Module	Dates	Topics	Readings	Assignments Due
Week 1	Module 1	1/15-1/23	Overview Introduction to Traditional Approaches-Torts, Contracts and Domicile	Pp 1-63 (pdf provided)	M01 Discussions 1 & 2 <ul style="list-style-type: none"> <li>• Initial post due <b>1/20</b></li> <li>• Replies due <b>1/23</b></li> </ul> M01 Assignment 1&2 due <b>1/23</b>
Week 2	Module 2	1/22-1/30	Traditional Approaches-Marriage and Real Property	Pp 63-97 (pdf provided)	M02 Discussion 1 (2 parts) <ul style="list-style-type: none"> <li>• Initial post due <b>1/27</b></li> <li>• Replies due <b>1/30</b></li> </ul> M02 Assignment due <b>1/30</b>
Week 3	Module 3	1/29-2/6	Wrinkles in the Theory-Characterization and Renvoi Wrinkles in the Theory-Substance vs. Procedure and Statue of Limitations	Pp 108-146	M03 Answer Discussion 1 or 2 <ul style="list-style-type: none"> <li>• Initial post due <b>2/3</b></li> <li>• Replies due <b>2/6</b></li> </ul> M03 Assignment due <b>2/6</b>
Week 4	Module 4	2/5-2/13	Wrinkles in the Theory-Public Policy Wrinkles in the Theory-Penal Laws and Proof of Foreign Law Modern	Pp 146-169	M04 Discussion <ul style="list-style-type: none"> <li>• Initial post due <b>2/10</b></li> <li>• Replies due <b>2/13</b></li> </ul> M04 Assignment due <b>2/13</b>
Week 5	Module 5	2/12-2/20	Approaches to Choice of Law-Evolution of Modern Approach Modern Approaches to Choice of Law-Interest Analysis	Pp 171-203	M05 Discussion <ul style="list-style-type: none"> <li>• Initial post due <b>2/17</b></li> <li>• Replies due <b>2/20</b></li> </ul> M05 Assignment due <b>2/20</b>

Week	Module	Dates	Topics	Readings	Assignments Due
Week 6	Module 6	2/19-2/27	Modern Approaches to Choice of Law-Comparative Impairment Modern Approaches to Choice of Law - The "Better Rule"	Pp 203-227	M06 Discussion <ul style="list-style-type: none"> <li>Initial post due <b>2/24</b></li> <li>Replies due <b>2/27</b></li> </ul> M06 Assignment due <b>2/27</b>
Week 7	Module 7	2/26-3/6	Modern Approaches to Choice of Law-The Restatement Second Wrinkles in the Theory Part 1	Pp 227-261	M07 Discussion <ul style="list-style-type: none"> <li>Initial post due <b>3/3</b></li> <li>Replies due <b>3/6</b></li> </ul> M07 Assignment due <b>3/6</b>
Week 8	Module 8	3/5-3/13	Wrinkles in the Theory Part 2 Constitutional Limitations on Choice of Law Part 1	Pp 261-297	M08 Discussion <ul style="list-style-type: none"> <li>Initial post due <b>3/10</b></li> <li>Replies due <b>3/13</b></li> </ul> M08 Assignment due <b>3/13</b>
Week 9	Module 9	3/12-3/27* *Includes Spring Break	Constitutional Limitations on Choice of Law Part 2 The Obligation and the Right to Provide a Forum	Pp 297-338	M09 Discussion <ul style="list-style-type: none"> <li>Initial post due <b>3/24</b></li> <li>Replies due <b>3/27</b></li> </ul> M09 Assignment due <b>3/27</b>
Week 10	Module 10	3/26-4/3	"Extraterritorial" and "Inconsistent" Regulations International Scope of Federal Law-Extraterritoriality of Federal Statutes (Antitrust)	Pp 352-61, 575-606	M10 Discussion <ul style="list-style-type: none"> <li>Initial post due <b>3/31</b></li> <li>Replies due <b>4/3</b></li> </ul> M10 Assignment due <b>4/3</b>
Week 11	Module 11	4/2-4/10	International Scope of Federal Law-Presumption Against Extraterritoriality	pp 606-645	M11 Discussion <ul style="list-style-type: none"> <li>Initial post due <b>4/7</b></li> <li>Replies due <b>4/10</b></li> </ul> M11 Assignment due <b>4/10</b>
Week 12	Module 12	4/9-4/17	Choosing Legal Regimes-Contractual Choice of Law	Pp 647-676	M12 Discussion <ul style="list-style-type: none"> <li>Initial post due <b>4/14</b></li> <li>Replies due <b>4/17</b></li> </ul> M12 Assignment due <b>4/17</b>

Week	Module	Dates	Topics	Readings	Assignments Due
Week 13	Module 13	4/16-4/24	Choosing Legal Regimes- Choice-of-Court Clauses	Pp 677-706	M13 Discussion <ul style="list-style-type: none"> <li>• Initial post due <b>4/21</b></li> <li>• Replies due <b>4/24</b></li> </ul> M13 Assignment due <b>4/24</b>
<b>FINAL EXAM</b>	See the Final Exam module within your course.				

## PART 4: ACCESSING THE COURSE

### TIME ZONES

Please note that this course is setup to run in the Eastern Time zone. Check your **course schedule** for all assignment deadlines. Please be mindful of the time zone differences:

Eastern	Central	Mountain	Pacific
11:59pm	10:59pm	9:59pm	8:59pm

As a student in a distance education course, it is your responsibility to learn and observe the time deadlines for assignments. Late work will not be accepted due to time zone differences.

### COURSE SITE (D2L)

The course will be taught- entirely online in an asynchronous environment using the Learning Management System – Desire2Learn (D2L).

The course is designed to give students a dynamic online learning experience. Students will receive notice of a student orientation which will familiarize you with the basics of navigating this platform. Students will also receive their log in information (username and password) via email.

To access the course:

- Go to: <https://mycourses.lawonline.me>.
- Enter the username and password you have been provided.
- Locate and click on the course name under *My Courses*.  
If you have trouble logging in, please contact the Helpdesk at 800-472-8899 or via email [support@lawstudentonline.com](mailto:support@lawstudentonline.com)

### OFFICE HOURS VIA ZOOM

Online office hours will be available through Zoom. Students will have the opportunity to speak with the instructor during these office hours. Students can also choose to share their web cam or be given permission to share documents with the instructor via the online rooms.

## PART 5: COURSE STRUCTURE

### OVERVIEW

The course is organized around a weekly schedule that will begin each Saturday and end the following Sunday. Any assignments for a given topic will normally be due at the end of the weekly period unless otherwise indicated. **Please refer to the “Course Schedule” for due dates.**

### CONTENT DELIVERY

#### COURSE LECTURES

There will be course lecture videos to watch each week. These videos will be linked to from the course site.

#### READINGS

There may be readings from the text or supplemental readings linked out to from the course site.

### ASSIGNMENTS AND ACTIVITIES

#### ASSIGNMENTS

All assignments must be submitted within the course using the assignment dropbox tool. **Please reference the “Course Schedule” for deadlines.**

#### DISCUSSION BOARD

Discussion questions will be posted to the discussion board each week. You are expected to add at least **two** contributions to each discussion each week. One contribution must be in direct response to the question. The second contribution must be a direct response to a classmate’s contribution to a discussion question. Your answers should demonstrate a mastery of the material assigned at that point in the course. Review the grading criteria and “Discussion Board Guidelines” to ensure maximum credit. **Please reference the “Course Schedule” for deadlines.**

#### FINAL EXAM

The exam will consist of all essay questions and may be taken at your convenience during the exam period. Your final exam will be proctored through an automated online service that verifies your identity and records you taking your exam through your webcam. As your Final Exam approaches, additional details related to the Final Exam itself and exam administration will be available in the Final Exam Information Module.

## PART 6: STUDENT RESPONSIBILITIES

### MANAGING YOUR STUDIES

The following attributes will greatly contribute to your success in this course.

- *Be self-motivated.* You should be able to manage and direct your own learning environment and methods to fulfill course requirements and achieve individual academic success.
- *Be an independent learner.* Successful online students are self-starters. They work well with the flexibility that the 24/7 any time--any place format provides. You should be able to learn on your own and at an accelerated pace without direct supervision.
- *Have a minimum level of computer literacy.* Although it is not essential to have advanced

computer skills, you should possess a working knowledge of email, the Internet, as well as basic keyboarding skills.

- *Manage your time well.* You must be able to organize and plan your own best "time to learn." There is no one best time for everyone, but the key to success is to make the time to learn.
- *Acquire effective communication skills.* You must use email and discussions to communicate with your peers and me. The ability to read and to write clearly in order to communicate ideas and assignments is essential. Also, sharing reflections - of your own work as well as your course mates' - is a crucial component of a successful experience. This method provides you with rapid feedback as well as a means to inform me of any concerns or problems that you may be experiencing.
- *Be personally committed to successfully completing this online course.* Because of the flexibility in scheduling in this course, you must have a strong desire to learn and acquire knowledge and skills via online courses. Making a commitment to learn in this manner is a very personal decision and requires a strong desire to perform in order to achieve academic success.

## RESPECTING THE ACADEMIC COMMUNITY

Netiquette consists of the rules and guidelines for acceptable behavior in electronic communication.

Remember, while working in an online course you are in an academic setting and should conduct yourself accordingly.

All students are expected to follow netiquette guidelines as outlined below:

- You are not text messaging friends. This means text message acronyms (such as LOL, IMHO, BCNU, etc.) are not acceptable. Express yourself with proper spelling, grammar, and punctuation.
- Out of respect for your fellow course mates' and instructor's time, keep your communications as clear, straightforward, and concise as possible.
- Use appropriate mixed case text; avoid using all lowercase or all uppercase text (SHOUTING).
- You are your words. Your communication in an online course represents you. Always review and edit your communication before submitting.
- Give respect to your classmates. Be courteous, respectful of others' opinions, sensitive to diversity, and polite.
- Respect other people's privacy. Do not share other individual's personal information (i.e., e-mail addresses, phone numbers, etc.) without permission.
- It's okay to disagree with someone's opinion or constructively criticize an idea. It is never okay to personally attack another student. Debate the idea; do not attack the person.
- Free speech is not an absolute right in an online course.
- Obey copyright laws and cite others' work appropriately.

## INSTRUCTOR EXPECTATIONS OF STUDENTS

- Students are expected to keep up with the class, to read the required readings, to watch the required recordings, and to submit assignments and activities by due date. **Please reference the "Course Schedule" for deadlines.**
- Students should log on to D2L at least every other day to check for announcements, tests, and

the final exam.

- Students are expected to independently complete all activities, assignments, tests, and the final exam.
- Students are expected to read the required readings each week before reviewing the lectures and are encouraged to read the supplemental readings and to complete the assignments.
- To receive maximum points for questions, students need to follow the instructions carefully, follow word limits as instructed, and use Spell Check. There will be deductions if these guidelines are not followed.
- To be successful in this course, students need to complete all required assignments, tests, and the final exam.
- Assignments, quizzes, and exams are expected to be products of individual students. Students should not discuss any of the questions with each other before or during the actual assignments, activities, quizzes, and exams.

## PART 7: GRADES AND GRADING POLICIES

### GRADED COURSE ACTIVITIES

The following formula will be used to calculate your final grade:

Percent	Description
30%	Assignments
20%	Discussions
50%	Final Exam
100%	Total Percentage Possible

### GRADING SCALE

Your grade will conform to your school's grading policy as to whether +'s and -'s are given and to any applicable grading curve.

### GRADING POLICIES

Students are expected to submit assignments on time. Assignments submitted within 12 hours of the deadline will be penalized 10%. Assignments submitted within 24 hours of the deadline will be penalized 20%. No assignments will be accepted 24 hours beyond the deadline. Deductions will occur when directions are not followed. Discussion responses submitted after the weekly deadline **will not** receive credit.



## PART 8: OTHER COURSE POLICIES

**See school policies on matters of Academic Integrity and Student Conduct. Matters involving integrity or Honor Code issues will be transmitted to school administration.**

### ATTENDANCE

This course is delivered asynchronously to accommodate students' other life obligations. Students must access each lecture for an appropriate amount of time, participate substantively in the Case Problem Assignments, and complete the Final Exam by set due dates. Students' attendance responsibilities follow school policy. Any questions will be referred to school's administration.

### SPECIAL ACCOMMODATIONS

Contact school about requests for special accommodations and ask that they send granted accommodations to [support@lawstudentonline.com](mailto:support@lawstudentonline.com)

## PART 9: COURSE TOPICS

The following is a list of topics which will be covered in the course. Please refer to the course schedule for details on topics, assignments, and due dates. Any change related to the course schedule will be communicated to the students through an announcement to all students or by modifying the course syllabus and notifying students of the modified syllabus.

<b>Module</b>	<b>Topic</b>
<b>1</b>	Course Introduction; Traditional Approaches to Choice of Law: Torts, Contracts, and Domicile
<b>2</b>	Traditional Approaches to Choice of Law: Marriage and Property
<b>3</b>	Wrinkles in the Theory
<b>4</b>	Wrinkles in the Theory
<b>5</b>	Modern Approaches to Choice of Law
<b>6</b>	Modern Approaches to Choice of Law
<b>7</b>	Modern Approaches to Choice of Law/Wrinkles in the Theory
<b>8</b>	Wrinkles in the Theory/Constitutional Limitations on Choice of Law
<b>9</b>	Constitutional Limitations of Choice on Law/The Obligation and the Right to Provide a Forum
<b>10</b>	"Extraterritorial" and "Inconsistent" Regulations\International Scope of Federal Law
<b>11</b>	International Scope of Federal Law
<b>12</b>	Choosing Legal Regimes
<b>13</b>	Choosing Legal Regimes/Course Review
<b>FE</b>	Final Exam