COURSE NAME: Conflict of Laws

COURSE NUMBER: 8702

PROFESSOR: Allen Rostron

ESSENTIAL PREREQUISITES: None

DESIRABLE PREREQUISITES: None. Some of the things covered in Conflict of Laws are closely related to issues covered in the Civil Procedure II course, but it doesn’t matter if you take Civil Procedure II before Conflicts or not. Students in the past have told me that they liked taking Conflict of Laws at the same time as Civil Procedure II, because the material fit together well and each one reinforced their understanding of the other. And on the other hand, if you take Civil Procedure II first, and then Conflicts, that is absolutely fine too, and Conflicts will give you a little refresher on some of what you learned in Civil Procedure II.

COURSE BOOKS: We will not use a traditional textbook in this course. We will use Understanding Conflict of Laws, which is a LexisNexis “hornbook” explanation of the subject, and we will supplement that by reading a package of cases that I have selected and edited. They are principally Missouri and Kansas cases.

METHOD OF GRADING & APPRAISAL OF STUDENT FOR GRADE: The grade will be based entirely (or at least almost entirely) on a final exam. My tentative plan is that the exam will consist of 30 multiple choice questions and four short essay questions. There might be some other little assignments or quizzes of some sort during the semester, but they would count for only a very small portion of the grade, if there are any at all.

DESCRIPTION OF COURSE: Conflict of laws provides solutions to dilemmas posed by the fact that different political entities (like Missouri and Kansas, or the United States and France) have different legal systems. If a legal dispute touches more than one state or nation in some way, conflict of laws determines which courts can decide the matter and whose law they will use. Here are just a few exciting examples of “conflicts” issues:

- You live in Kansas, you work in Missouri, you enter into a business agreement with a company that is incorporated in Missouri but has its main office in Kansas, and you make the deal while talking on your cell phone while driving down State Line Road. If the deal goes sour, will your lawsuit be governed by Missouri or Kansas contract law?

- An airliner carrying Canadian, Chinese, and American passengers takes off from Seattle, bound for China, and collides with a Russian jet in the air over Japan. Where can lawsuits be brought, and which nation’s tort law applies?
California’s legislature passes a law allowing same-sex marriages. If two men from Missouri get married while vacationing in Los Angeles, will Missouri treat it as a valid marriage?

Conflict of laws has acquired a very bad reputation over the years. It has been called a “dismal swamp,” a “veritable jungle,” and a “confusing morass.” In this course, we are going to change all that. We are going to drain the swamp, tame the jungle, and do whatever it is you do to a morass.

RELEVANCY OF COURSE FOR CAREER PURPOSES: This course is relevant for any student expecting to deal with clients, transactions, events, or products that cross state or international borders. Lawyers practicing in the Kansas City metropolitan area, which straddles a state border, are particularly likely to encounter conflict of laws issues frequently. We will be focusing heavily on Missouri and Kansas rules and cases in this course.

RELEVANCY OF COURSE FOR BAR EXAM PREPARATION: Conflict of laws is one of the subjects tested on the essay portion of the Missouri and Kansas bar exams. This course will be heavily oriented toward Missouri and Kansas law, so it should prepare you very well for the exam in either state.