

**HOFSTRA UNIVERSITY
SCHOOL OF LAW**

Selected Problems in New York Practice

Professor Knobel
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Fall 2015

**Assignment & Class Schedule
(subject to modification)**

Textbook: Chase & Barker (“CB”) Civil Litigation in New York [6th ed.]

Treatise: Siegel, New York Practice [5th ed]

August 25 **Subject Matter Jurisdiction**

Pages viii--x, 122-154 ; problem A
CPLR 325

**September 1
& 8** **The Summons, The Complaint; The Answer, Counterclaims
Amendments, The Bill of Particulars, Venue**

CB Pgs. 175-180; 531-578; 579-592; 155-164

CPLR 101-107, 304, 305, 2101 (c),(d),(f), 1024; 3011, 3013-3017,
3020, 3024, 3211(a)(7); 3012-a(a); 3018, 3019, 3017,(a), 3025(c), 3026, 3025;
3041 - 3044; 501-503, 507-510, 513

**September 25
and 29**

Commencement of Action, Service of Process, Defendant’s Response

CB Pgs. 165-174; 180-212; 213-236; Siegel’s Prac. Rev. 1 (available on
Westlaw); *Goldenberg v. Westchester County Health Care Corp.*, 16 NY3d
323; *MacLeod v. County of Nassau*, 75 AD3d 57; *United Services Auto. Ass’n
v. Kungel*, 72 A.D.3d 517;

CPLR 304, 305, 306, 306-a, 306-b, 308, 312-a, 309, 315, 3215(g)(3), 311,
311-a; 313; Business Corporation Law 306, 307; CPLR 320 (a), 3211 (e),
(f), 3012, 3024, 2005 320(b),(c); 302(c), 3211 (f)

Sept. 25 -

Tentative date First Writing Assignment will be distributed

**September 29,
October 6**

Personal Jurisdiction

CB Pgs. 1-122; *Daimler AG v. Bauman*, 134 S.Ct. 746 (2014); *Goodyear Dunlop v. Brown*, 131 S.Ct. 2846 (2011); *Walden v. Fiore*, 134 S.Ct. 1115 (2014); *Paterno v. Laser Spine Institute*, 24 NY3d 370

CPLR 301, 302(a), 303, 304, 310, 313, 318, 1025, 1051, 1052, 5201(b), 302(a)(4); 314(2)(3); 105(p), 302(b), 314(1); CPLR 302(b); CPLR 327

October 6, 13, 20

Limitations of Time

CB pgs. 2239-346; 950-954
CPLR 201-218

October 27 -

Tentative date Second Writing Assignment will be distributed

**October 27
November 3**

Disclosure

CB pgs. 593-650

CPLR 3101, 3106-3117, 3120, 3123, 3121, 3130-3133.

**November 10
and 17**

Service of Papers; Motion Practice; Motions for Accelerated Judgment

CB Pgs. 475-490; 653-694

CPLR 2001, 2004, 2005, 2103, 2104, 2211-2215, 2218, 2219, 2221, 3211, 3212, 3213, 3215

**November 24
December 1**

Provisional Remedies (Attachment, Injunction)

CB, Pgs.491-529

CPLR 6201, 6210-6212, 6301-6313

Article 78 and Article 75 (Arbitration)

Your mastery of New York Civil Procedure and your ability to effectively communicate this knowledge in writing will be a great benefit to you in your preparation for the challenges presented by the Bar examination and the practice of law. At the very least, you will know where to file a small claims action on behalf of a friend or relative!

I can be reached directly by e-mail at lawgfk@hofstra.edu or gknobel@nycourts.gov. *I prefer to be contacted at my court email address.* My telephone number at work is 516-493-3156. You can also text me by cell in an emergency at 516-510-8355; my secretary Betty is in Room 216C and can be reached at Betty.j.Black@hofstra.edu or 493-5928.

- Each student will be responsible for completing **two** take home writing assignments that must be completed in a week; they will each be worth **25%** of your grade. Their purpose is to assess and hone your legal writing skills as you apply the principles we will be studying. The final exam will constitute 40% of your grade.
- **Attendance and Class Participation:** Students who fail to attend more than 20% of regularly scheduled class, and do not have an acceptable excuse, e.g., religious holiday, illness, for missing more than 20% of those regularly scheduled classes, will have their final grade diminished by at least a half letter grade.

The grade for this course will take class participation and attendance into account (10% of the grade) in calculating your final grade for the course. If there is poor participation, students may be assigned particular topics to be responsible for to discuss in class.

- The final examination will be taken in school and will not be open book; this is for your benefit, not mine, in view of the looming bar exam; *most likely* (but subject to change and notice), the final exam will be a mixture of essays (either two or three), short answers and short multiple choice questions.
- You are required to read Prof. Siegel's treatise, NEW YORK PRACTICE [5^h ed]. You may also find helpful Prof. Oscar Chase, THE CPLR MANUAL or David L.Ferstendig, NEW YORK CIVIL LITIGATION, in conjunction with the specific topics we will cover. Their explanations will illuminate and assist in understanding these areas. Students will also need a current edition of the New York Civil Practice Law and Rules ("CPLR"). It is important that you bring the casebook and the CPLR to every class
*** Supplemental cases will be provided throughout the course for you to read; *your failure to do so will be at your own personal and academic peril.*
- The decisions of the New York State Court of Appeals, and the Appellate Division give an excellent recitation, in a concise fashion, of every area of the law, civil and criminal. The writing style of these courts, and the legal principles contained in their decisions, are what you should be striving to incorporate when completing assignments for me, your employer, as well as the Bar examiners!

