

**HOFSTRA UNIVERSITY
SCHOOL OF LAW**

Selected Problems in New York Practice

Professor Knobel
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Spring 2017

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

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

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

January 12 **Subject Matter Jurisdiction**

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

**January 12,
29, 26** **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

**February 2
and 9**

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

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),
3012, 3024, 2005 320(b),(c); 302(c), 3211

February 16,
February 23

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

March 2, 9, 16

Limitations of Time

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

March 23

Disclosure

CB pgs. 593-650

CPLR 3101, 3106-3117, 3120, 3123, 3121, 3130-31

March 30,
April 6

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

April 20,
27

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.

Grades for the Course - Each student will be responsible for completing **two** take-home writing assignments which will be worth **30%** of your grade. Its 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; the remainder of the grade is class participation. You should make an effort to observe court proceedings before me.

Final Exam: The final exam will be open book and consist of essays and multiple choice questions. I will provide more information about the final later in the semester.

Take Home Writing Assignment : the writing style you need to adapt is in the form of a 3-5 page judicial opinion and bar exam essay answer, based upon a fact pattern that will require you to (1) grant or deny the particular motion or motions you are asked to decide, and (2) explain your determination after reciting the applicable principles of law.

Attendance Policy: The rules of the New York State Court of Appeals, the American Bar Association, and the Law School all require law students to be in good and regular attendance in the courses for which they are registered. To comply with these rules, you must attend at least 85% of your regularly scheduled classes.

I will provide sign-in sheets for each regularly scheduled class, which shall be the dispositive evidence regarding your absence from a given class. Each student is responsible for signing in. Falsification of sign-in sheets is a violation of the Code of Academic Conduct.

If you exceed the permitted absences by failing to sign in, you will be administratively withdrawn from the course. No prior notice may be given, and you will receive notification from the Office of Academic Records indicating the withdrawal. Any such withdrawal may have serious ramifications for your financial aid, academic standing, and date of graduation. If you are excessively absent from several classes, you may face additional sanctions, including but not limited to denial of certification of good and regular attendance to the New York State Board of Law Examiners, or other state bar examiners.

If you believe you must be absent from class for more than the permitted number of classes, you should contact the Office of Student Affairs as soon as possible. Accommodations will be made for students who must be absent for religious reasons and in cases of truly compelling hardship. Any request for an exception made to the Office of Student Affairs must be accompanied with appropriate documentation.

Lateness: Students are expected to be on time to class. However, it is better to come to class late than not at all. You may walk in late if you have a good reason, as long as you don't abuse this privilege.

“TWEN” (The West Education Network): I have set up a course page for this class on TWEN. TWEN gives me a quick way to reach all of you with any announcements, syllabus changes, handout materials, interesting links, etc. It also gives me a way to extend class discussion beyond the classroom hours. *You must register for this course on TWEN by January 16.*

Expected Student Workload: The American Bar Association requires that you spend at least six hours per week outside of class studying for this 3-credit course. This is an average amount of time required for out of class work per week over the course of the semester. The time you will spend throughout the semester reviewing the readings above, a field trip to the courthouse to observe procedure and hearings, as well as researching, drafting and revising the take-home writing assignment for this course, will satisfy (and likely exceed) that time commitment. This is in addition to the three hours of class time.

Computer Policy: Computers are to be used during class for taking notes and no other purpose. They are not to be used to “surf the net” or send email or instant messages. Violations of this rule may lead to you being prohibited from using a laptop during class.

Communications: The best way to communicate with me is by email. I will get back to you within 24 hours. While I do not maintain regular office hours, if you need to speak with me in person, we can set up an appointment either before or after class.

- *You are required to read Prof. Siegel’s treatise, New York Practice [5^h ed] in conjunction with the specific topics we will cover. You may also find helpful Prof. Oscar Chase, The CPLR Manual or David L.Ferstendig, New York Civil Litigation. 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!*

