

Cover Sheet: Request 15194

LAW 6XXX - Complex civil litigation

Info

Process	Course New Ugrad/Pro
Status	Pending at PV - University Curriculum Committee (UCC)
Submitter	Krista Vaught kfields@law.ufl.edu
Created	7/24/2020 1:41:22 PM
Updated	7/26/2020 2:43:59 PM
Description of request	Permanent approval request for complex civil litigation

Actions

Step	Status	Group	User	Comment	Updated
Department	Approved	LAW - Juris Doctor 012406001	Rachel Inman		7/26/2020
Syllabus - complex civil litigation.pdf					7/24/2020
Syllabus - complex civil litigation.pdf					7/24/2020
College	Approved	LAW - College of Law	Rachel Inman		7/26/2020
No document changes					
University Curriculum Committee	Pending	PV - University Curriculum Committee (UCC)			7/26/2020
No document changes					
Statewide Course Numbering System					
No document changes					
Office of the Registrar					
No document changes					
Student Academic Support System					
No document changes					
Catalog					
No document changes					
College Notified					
No document changes					

Course|New for request 15194

Info

Request: LAW 6XXX - Complex civil litigation

Description of request: Permanent approval request for complex civil litigation

Submitter: Krista Vaught kfields@law.ufl.edu

Created: 7/24/2020 1:26:56 PM

Form version: 1

Responses

Recommended Prefix LAW

Course Level 6

Course Number XXX

Category of Instruction Intermediate

Lab Code None

Course Title Complex Civil Litigation

Transcript Title Complex Civil Litigation

Degree Type Professional

Delivery Method(s) On-Campus

Co-Listing No

Effective Term Earliest Available

Effective Year 2020

Rotating Topic? No

Repeatable Credit? No

Amount of Credit 3

S/U Only? No

Contact Type Regularly Scheduled

Weekly Contact Hours 3

Course Description This course covers the formative debates over what has been called "public litigation" and explores the dynamics of federal cases involving extensive harms and damages, broad and important social issues, numerous parties, complicated and challenging legal issues, and case management issues. The course covers federal joinder, consolidated and multi-party litigation, multi-district litigation, and class action litigation.

Prerequisites None

Co-requisites None

Rationale and Placement in Curriculum The College of Law is reviewing and updating our curriculum and courses. This course has been offered multiple times in previous years under the special topics course number LAW 6930. This request is part of a broader, ongoing effort to move to permanent course numbers.

Course Objectives Module 1: Why Would We Ever Want Litigation to Vindicate Broad Social Goods? Complex Civil Litigation as Public Litigation: An Overview

After completion of this module you will be able to:

?Understand the social policies of "public litigation"

?Understand the tension between public good v. private gains endemic to complex litigation

?Assess management issues associated with complex litigation

?Understanding social benefits and costs of aggregate litigation

?Understanding the drawbacks to aggregate litigation

?Understanding the ethical issues raised by aggregate litigation

Module 2: Why Would A Plaintiff Want to Bring Claims Against Different Parties in the Same Litigation?

After completion of this module you will be able to:

- ?Understand the requirements of permissive party joinder
- ?Understand the requirements of compulsory required party joinder
- ?Understanding Interpleader
- ?Articulate multiparty litigation joinder strategies

Module 3: Why and How Would Anyone want to Become Part of an Ongoing Litigation?

After completion of this module you will be able to:

- ?Assess the benefits and risks of case intervention
- ?Determine when intervention if a viable strategy and weigh other potential strategies.
- ?Understanding consolidation, transfer, and removal

Module 4: How Should We Coordinate Lawsuits in Different federal and State Jurisdictions Involving Similar or Identical Parties and Similar or Identical Issues?

After completion of this module you will be able to:

- ?Seeking stays, transfers, and injunctions
- ?Avoiding issue preclusion

Module 5: Should Cases from Around the Nation be Consolidated into a Single Case before One Judge?

After completion of this module you will be able to:

- ?Understand the role of the multidistrict panel
- ?Assess the factors bearing on the transfer decision
- ?Invoking and utilizing powers of the transferee court

Module 6: Can the Multidistrict Court Preserve the Rights of all the Parties and Still Get Fair Results?

After completion of this module you will be able to:

- ?Evaluate the twin goals of efficiency and fairness in MDL proceeding
- ?Assess whether public policy should bear on MDL proceedings
- ?Manage coordination between dual federal state proceedings through abstention, stays, and injunctions

Module 7: How Can We Handle Legal Wrongs Not Worth Litigating Individually?

After completion of this module you will be able to:

- ?Understand the class action elements and the rationale for class actions
- ?Assess and implement an appropriate class definition and establish numerosity

Module 8: Should Some Cases Be Excluded from Class Treatment?

After completion of this module you will be able to:

- ?Identify the commonality requirements of class certification
- ?Defend and challenge the adequacy of class representation
- ?Identify the kinds of class actions that can be maintained

Module 9: What Class Action Types and Remedies are Available?

After completion of this module you will be able to:

- ?Understand Injunctive relief and when injunctive relief is appropriate and the correct strategic choice
- ?When to seek declaratory relief and its benefits
- ?Understand jurisdictional issues related to class actions

Module 10: Once a Class Action Starts Can It Be Settled Short of Full litigation?

After completion of this module you will be able to:

- ?Understand the settlement negotiation process
- ?Articulate the elements of a settlement
- ?Implement the conditional settlement process
- ?Avoid the challenges to a conditional settlement

Module 11: How Can Courts Manage All the Conflicting Claims and Interests? What if I Want to go it Alone?

After completion of this module you will be able to:

- Direct class action motion practice, hearings, and experts
- ?Understand the scope of class action subject matter jurisdiction
- ?Manage class notices, opt-out, and class communications
- ?Selecting class counsel
- ?Group representation ethical issues

Module 12: Who Says A Class Action Settlement is Fair and What Happens When Not Everyone is Happy with a Proposed Settlement?

After completion of this module you will be able to:

- Understand the basic principles of fairness in class action approvals, objectors, and fairness hearings
- Handle settlement funds distribution and negotiations
- Determine appropriate fees and costs for class counsel Determine settlement subclasses and relief
- Implement or resist settlement objectors

Module 13: Alternative Approaches to Resolve Mass Litigation

After completion of this module you will be able to:

- ?Utilize bankruptcy procedures for resolving mass disputes
- ?Conduct Parens Patriae actions
- ?Evaluate the arbitration process

Course Textbook(s) and/or Other Assigned Reading Complex Litigation and Its Alternatives (Concepts and Insights) 2nd

Edition, Jay Tidmarsh and Roger Transgrud (2018).

Complex Litigation: Cases and Materials on Advanced Civil Procedure, 6th Edition, Marcus, Sherman, & Erichson, West Academic Publications (2015)

Manual For Complex Litigation, Fourth, Federal Judicial Center 2004, <https://public.resource.org/scribd/8763868.pdf>.

- Coordinating Multijurisdiction Litigation, A Pocket Guide for Judges, Federal Judicial Center and National Center for State Courts, 2013, <http://ncsc.contentdm.oclc.org/cdm/ref/collection/civil/id/116>.

- The Judicial Panel on Multidistrict Litigation <http://www.jpml.uscourts.gov/>

Weekly Schedule of Topics Module 1: Why Would We Ever Want Litigation to Vindicate Broad Social Goods? Complex Civil Litigation as Public Litigation: An Overview

After completion of this module you will be able to:

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- ?Understand the tension between public good v. private gains endemic to complex litigation
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- ?Utilize bankruptcy procedures for resolving mass disputes
- ?Conduct Parens Patriae actions
- ?Evaluate the arbitration process

Grading Scheme Grade points:

1. Final examination: 200 points

There will be a 3-hour take-home, open-book examination composed of 4 questions and fact patterns. The final exam may be taken at any time during the finals period. There are no “breaks” or timeouts” after you start the examination. The Student Honor Code applies.

The final examination will be graded on the following rubric:

- (1) 20%: Identification of the issues presented by the scenario
- (2) 20%: Analysis of the issues presented by the scenario
- (3) 20%: Application of case law to the issues presented by the scenario
- (4) 20%: Resolution of the issues presented by the scenario
- (5) 20%: Felicity, conciseness, and richness of the written expression

2. Three In-Class Check-up Quizzes: 20 points each quiz (total quiz points: 60)

There will be 3- short check-up quizzes spaced evenly through the semester. The goal of the check-up quizzes is to help cement the course basic principles and to provide a quick glance at your comprehension. The quizzes are 20 minutes in length and composed of multiple choices questions. We will discuss each quiz in class after its completion.

2. Class Attendance and Participation: 4 points each class (total class points: 160)

The purpose of class participation is to attain a depth of understanding through probing responses and answers. Each class is worth 4 points. Class participation will be evaluated on the following rubric:

- (1) Asking and answering questions that illuminate the issues,
- (2) Asking and answering questions that enrich the class dialogue and advance the classes understanding of the issues,
- (3) Participating in the class dialogue and discussions,

- (4) Participation team debates and mock exercises.
- (5) Demonstrating class preparation.

Instructor(s) William Hamilton

Attendance & Make-up Yes

Accommodations Yes

UF Grading Policies for assigning Grade Points Yes

Course Evaluation Policy Yes

UNIVERSITY OF FLORIDA
COLLEGE OF LAW

COMPLEX CIVIL LITIGATION
PRE-TRIAL PRACTICE
FALL 2019

LAW 6930-15915
MTUW 11:00 AM – 11:55 AM
HOLLAND HALL 360

COURSE SYLLABUS

Why Should I Take This Course?

Complex civil litigation shapes today's body politic. Complex civil litigation challenges governmental actions and law; complex civil litigation vindicates human and civil rights; complex civil litigation remedies collective wrongs, mass torts, and violations of statutory rights. Complex litigation involves employment rights, consumer rights, political rights, financial rights, constitutional rights, and environment rights. Complex litigation structures our everyday life.



In this course you will enter the formative debates over what has been called “public litigation” and explore the dynamics of cases involving extensive harms and damages, broad and important social issues, numerous parties, due process, complicated and challenging legal issues, and significant financial resources. We will explore the parameters, edges, and reach of public litigation. You will unpack the dynamics, and apparent mysteries, of complex litigation. How will you steer your litigation cases and navigate the shoals, safe harbors, and rewards of complex civil litigation? This course is your guide to this exciting world from the perspectives of plaintiffs and defendants.

Who Is Your Professor?



I joined the UF Law faculty as a Legal Skills Professor in 2017 after 30+ years of practicing complex civil litigation with Holland & Knight in Miami (1983 – 2000) and Tampa (2000 – 2010) and Quarles & Brady (2010 – 2016) in Tampa. Before leaving the practice of law, I was a UF adjunct professor for 10 years and established the UF E-Discovery Project and the UF Law E-Discovery Conference, now in its 8th year.

Here are a few links where you can learn more about me.

<https://www.law.ufl.edu/faculty/william-hamilton>

<https://www.law.ufl.edu/areas-of-study/institutes/icair>

<https://www.linkedin.com/in/williamfhamilton>

<http://www.quarles.com/william-bill-hamilton/>

I have a son who graduated from the University of West Florida and is now a commissioned as an Army officer. I have another son who is an RN at Lakeland Regional Hospital in the Emergency Room. My daughter just graduated from UF with a degree in criminology.



How Can You Contact Me?

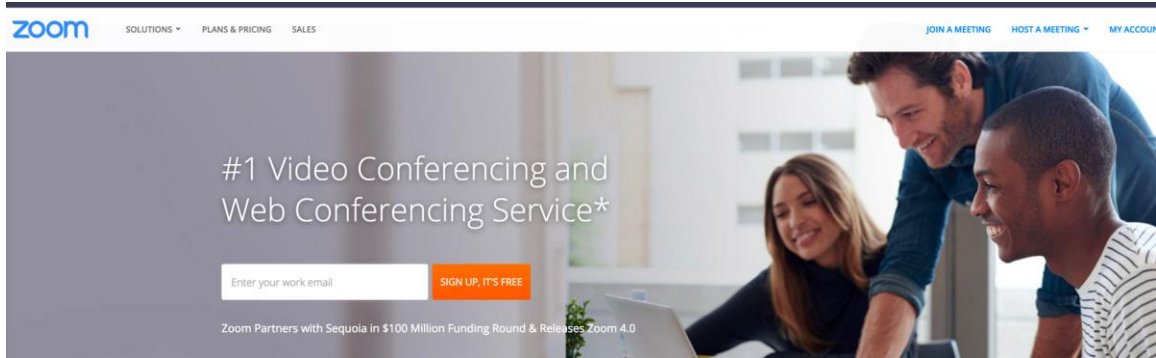
I like to hear from students by email, phone, or text. Please let me know if you have something to share with me – an inspiration, a new thought, a frustration, or concern. Let's have a coffee together in the new commons.



Email	Telephone	Text	Office
hamiltonw@law.ufl.edu	480.993.8777	480.993.8777	342 Holland: Tuesdays 1-3

Zoom	SKYPE
https://zoom.us/j/5410389684	william.hamilton.1120

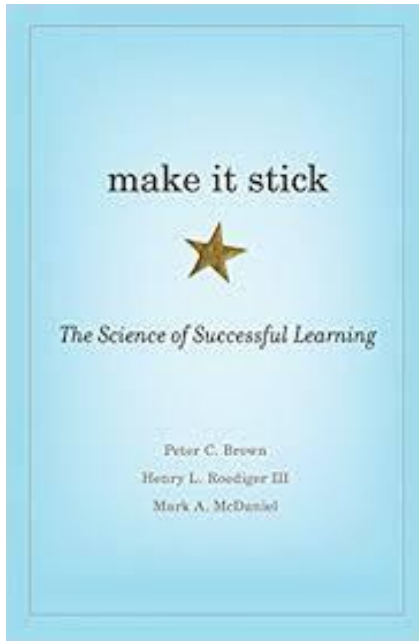
Zoom is my favorite videoconferencing platform. We can have a face-to-face conference **any time** (even on tablets and smartphones). I am also available in my office generally from 3:00 - 4:00 M-W.



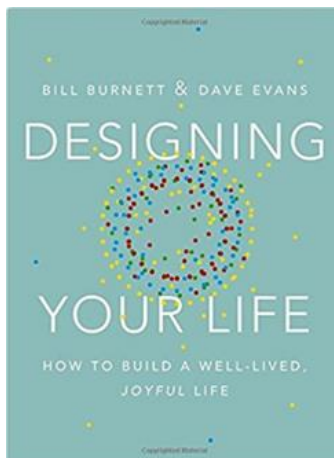
How You Can Do Well in this Course. It's Simple!

You will want to be engaged in this class. This is not a lecture-based course. At the beginning of each class, I will present the class with a problem that you will work on with your classmates based on what you have gleaned from the readings. Then we go over your suggested solutions together in class. Finally, I may summarize the lesson and outline the key take-aways. We will have three scheduled multiple choice “low stakes” check-up quizzes designed to help you absorb and remember the course materials. We will also discuss current events and some of the many complex litigation cases now in the courts.

My teaching practices are reflected in [*Make It Stick: The Science of Successful Learning*](#) by Peter C. Brown.



This course will introduce you to a litigation career path. You will want to see if it fits your interests and passions. I recommend the book ***“Designing Your Life: How to Build a Well-Lived Joyful Life,”*** by Burnett and Evans, Alfred A. Knopf (2016), for helpful strategies to find career directions that may work for you.



Attendance: You are expected to attend all the class sessions. Approximately every four weeks there will be an in-class 20-minute check-up quiz to give you and me some feedback on how you are doing. I am required to take attendance

for every class.

Examination and Grading Policy: The total points that may be earned in the class are 1090. While the course grade distribution usually reflects the usual structure of A = 100 – 90%, B = 89% - 80%, etc., you should keep in mind that your final grade will reflect your class rank. For example, a numerical grade average of 92% earned on various exercises and assignment during the course may not translate the final grade of A- when combined with the score earned on the final examination. Early assignment scores should not establish an expectation of a similar final grade. This is because most students do well on the early check-up quizzes and the assignments and exercises are usually completed properly for full points.

How Will I be Graded?

Here is how your final grade will be determined.

Grade points:

1. Final examination: 200 points

There will be a 3-hour take-home, open-book examination composed of 4 questions and fact patterns. The final exam may be taken at any time during the finals period. There are no “breaks” or timeouts” after you start the examination. The Student Honor Code applies.

The final examination will be graded on the following rubric:

- (1) 20%: Identification of the issues presented by the scenario
- (2) 20%: Analysis of the issues presented by the scenario
- (3) 20%: Application of case law to the issues presented by the scenario
- (4) 20%: Resolution of the issues presented by the scenario
- (5) 20%: Felicity, conciseness, and richness of the written expression

2. Three In-Class Check-up Quizzes: 20 points each quiz (total quiz points: 60)

There will be 3- short check-up quizzes spaced evenly through the semester. The goal of the check-up quizzes is to help cement the course basic principles and to provide a quick glance at your comprehension. The quizzes are 20 minutes in length and composed of multiple choices questions. We will discuss each quiz in class after its completion.

2. Class Attendance and Participation: 4 points each class (total class points: 160)

The purpose of class participation is to attain a depth of understanding through probing responses and answers. Each class is worth 4 points. Class participation will be evaluated on the following rubric:

- (1) Asking and answering questions that illuminate the issues,
- (2) Asking and answering questions that enrich the class dialogue and advance the classes understanding of the issues,
- (3) Participating in the class dialogue and discussions,
- (4) Participation team debates and mock exercises.
- (5) Demonstrating class preparation.

You may miss any three classes without loss of any points. I will take attendance each class session.

Is this Course Graded on a Curve?

I am provided a curved grade range by the Registrar and my class grade average must be within that range. In past semesters my grade point average has been around 3.25.

Please keep in mind that your scores earned on individual quizzes and class attendance may not predict your final grade in the class, especially when combined with the score earned on the final examination. Early course grades (where the average class grade is frequently higher than curve requirements) should not create an expectation of a similar final grade.

Are Laptops Permitted in the Classroom?

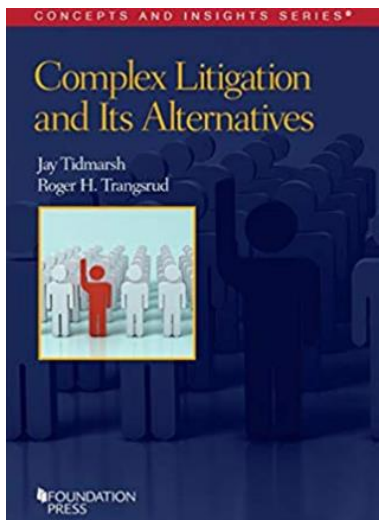
You may use laptops in class to take notes. I will turn my phone off when I come to class. Please do the same. Please restrict the use of your laptop to taking notes, and **not visiting social media websites, texting, or emailing**. I expect your attention in class. Nothing life changing will happen while you are offline in class.

What Notes Should I Take in Class?

I recommended that you do not take word-for-word literal notes. This is not a court reporting class! Instead, think about what is happening in class and record the key ideas. Handwriting your notes is better for you than typing notes. Check out this article: ***Note-Taking: Writing vs. Typing Notes.*** <https://studyskills.com/students/note-taking/>].

What are the assigned texts?

1. **Complex Litigation and Its Alternatives (Concepts and Insights) 2nd Edition**, Jay Tidmarsh and Roger Transgrud (2018).



2. Complex Litigation: Cases and Materials on Advanced Civil Procedure, 6th Edition, Marcus, Sherman, & Erichson, West Academic Publications (2015)



We will also be referring the following free resources:

- **Manual For Complex Litigation, Fourth**, Federal Judicial Center 2004, <https://public.resource.org/scribd/8763868.pdf>.
- **Coordinating Multijurisdiction Litigation, A Pocket Guide for Judges**, Federal Judicial Center and National Center for State Courts, 2013, <http://ncsc.contentdm.oclc.org/cdm/ref/collection/civil/id/116>.
- **The Judicial Panel on Multidistrict Litigation** <http://www.jpml.uscourts.gov/>

What Will We Be Doing Each Week?

The course's Canvas webpage includes our weekly topic, readings, resources, recorded lectures, assignments, and other reference materials. The Canvas web page is our "official" course home.

How Much Reading Will I Have?

Law schools are accredited by the American Bar Association. The ABA requires courses to have readings exceeding 15 pages, but not more than 30 pages, per credit hour. This means you will have between 45 and 90 pages to read each week.

Here is the outline of what we will cover in each weekly module:

Module 1: Why Would We Ever Want Litigation to Vindicate Broad Social Goods? Complex Civil Litigation as Public Litigation: An Overview

After completion of this module you will be able to:

- Understand the social policies of “public litigation”
- Understand the tension between public good v. private gains endemic to complex litigation
- Assess management issues associated with complex litigation
- Understanding social benefits and costs of aggregate litigation
- Understanding the drawbacks to aggregate litigation
- Understanding the ethical issues raised by aggregate litigation

Complex Litigation, Tidmarsh & Trangsrud, pp. 1-38
Complex Litigation, Markus et al., pp. 1-14

Module 2: Why Would A Plaintiff Want to Bring Claims Against Different Parties in the Same Litigation?

After completion of this module you will be able to:

- Understand the requirements of permissive party joinder
- Understand the requirements of compulsory required party joinder
- Understanding Interpleader
- Articulate multiparty litigation joinder strategies

Complex Litigation, Tidmarsh & Trangsrud, pp. 39 – 74.

Complex Litigation, Markus et al.

Mosley v. General Motors, pp. 15 – 19

In Re Stand’N Seal Products, pp. 24-28

Stanford v. Tennessee Valley, pp. 28-31

Hall v, E.I. Du Point, pp. 33-37

Eldredge v. Carpenters Northern, pp. 40-43

Module 3: Why and How Would Anyone want to Become Part of an Ongoing Litigation?

After completion of this module you will be able to:

- Assess the benefits and risks of case intervention
- Determine when intervention if a viable strategy and weigh other potential strategies.
- Understanding consolidation, transfer, and removal.

Complex Litigation, Tidmarsh & Trangsrud, pp. 75 – 82

Complex Litigation, Markus et al.

Animal Protection Institute v. Merriam, pp. 57-61

Martin v. Wilks, pp. 68- 81

Module 4: How Should We Coordinate Lawsuits in Different federal and State Jurisdictions Involving Similar or Identical Parties and Similar or Identical Issues?

After completion of this module you will be able to:

- Seeking stays, transfers, and injunctions
- Avoiding issue preclusion

Complex Litigation, Tidmarsh & Trangsrud, pp. 101 – 138

Complex Litigation, Markus et al.

William Gluckkb & Co. v. International Playtex, pp. 88-93

Semmes Motors v. Ford Motor, pp. 93-99

Katz v. Realty Equities Corp., pp. 101-109

Ginsey Industries, Inc. v. L.T.K. Plastics, pp. 112-114

Module 5: Should Cases from Around the Nation be Consolidated into a Single Case before One Judge?

After completion of this module you will be able to:

- Understand the role of the multidistrict panel
- Assess the factors bearing on the transfer decision
- Invoking and utilizing powers of the transferee court

Complex Litigation, Tidmarsh & Trangsrud, pp. 83 – 92.

Complex Litigation, Markus et al.

In Re Shoulder Pain Pump, pp. 136 – 137

In Re Aviation Products, pp.137-143

Stanley A. Weigel, article, pp. 147- 148

In Re Factor VIII, pp.148-151

In Re Vioxx Products, pp. 163 – 167

BP Oil Spill Litigation, article, pp. 171 -175

Module 6: Can the Multidistrict Court Preserve the Rights of all the Parties and Still Get Fair Results?

After completion of this module you will be able to:

- Evaluate the twin goals of efficiency and fairness in MDL proceeding
- Assess whether public policy should bear on MDL proceedings
- Manage coordination between dual federal state proceedings through abstention, stays, and injunctions

Complex Litigation, Markus et al., pp. 158 – 197

Abstention, pp 176-178

Burford Abstention, pp. 178 – 179

Younger Abstention, pp. 179-181

Life-Link International v. Lalla, pp. 181-183

Module 7: How Can We Handle Legal Wrongs Not Worth Litigating Individually?

After completion of this module you will be able to:

- Understand the class action elements and the rationale for class actions
- Assess and implement an appropriate class definition and establish numerosity

Complex Litigation, Tidmarsh & Trangsrud, pp. 139 – 170

Complex Litigation, Markus et al.

Hansberry v. Lee, pp. 202 -205

Kline v. Coldwell, Banker & Co., pp. 205 -208

Simer v. Rios, pp. 214 -219

Oplchenski v. Parfums Givenchy, Inc., pp 223 -231

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- Identify the commonality requirements of class certification
- Defend and challenge the adequacy of class representation
- Identify the kinds of class actions that can be maintained

Complex Litigation, Tidmarsh & Trangsrud, pp. 170 – 199

Complex Litigation, Markus et al., pp. 236 – 266

Wal-Mart Stores v. Dukes, pp. 236 – 247

Peil v. National Semiconductor Corp. pp. 256 – 258

Rodriguez v. West Publishing Corp., pp. 258 – 261

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- Understand Injunctive relief and when injunctive relief is appropriate and the correct strategic choice
- When to seek declaratory relief and its benefits
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Complex Litigation, Tidmarsh & Trangsrud, pp. 199 – 212

Complex Litigation, Markus et al., pp. 266 – 299

Ortiz v. Fibreboard Corp., pp. 267 – 279

Parsons v. Ryan, pp. 286 – 290

Wal-Mart Stores, Inc. v. Dukes, pp. 290 – 295

Amgen Inc. v. Connecticut Retirement, pp. 302 – 311

Smilow v. Southwestern Bell, pp. 316 – 322

Castano v. The American Tobacco Co., pp. 330 – 343

In Re Nassau County Strip Search Cases, pp. 348 - 356

Module 10: Once a Class Action Starts Can It Be Settled Short of Full litigation?

After completion of this module you will be able to:

- Understand the settlement negotiation process
- Articulate the elements of a settlement
- Implement the conditional settlement process
- Avoid the challenges to a conditional settlement

Complex Litigation, Tidmarsh & Trangsrud, pp. 212 – 215

Complex Litigation, Markus et al.

Amchem Products, Inc. v. Windsor, pp. 363 - 378

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After completion of this module you will be able to:

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- Understand the scope of class action subject matter jurisdiction
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- Selecting class counsel
- Group representation ethical issues

Complex Litigation, Tidmarsh & Trangsrud, pp. 291-313

Complex Litigation, Markus et al.,

In Re Hydrogen Peroxide Antitrust Lit., pp. 383 – 394

Notice, Opt-Out and Class Communications, pp. 454- 460

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- Implement or resist settlement objectors

Complex Litigation, Tidmarsh & Trangsrud, pp. 215 – 225

Complex Litigation, Markus et al.

Parker v. Anderson, pp. 610 -613

In Re Prudential Insurance Co., pp. 615 -629

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- Utilize bankruptcy procedures for resolving mass disputes
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Complex Litigation, Tidmarsh & Trangsrud, pp. 227 – 256

Module 14: Course Review and Final Exam Preparation

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A-	<u>3.67</u>
B+	<u>3.33</u>

<u>B</u>	<u>3.0</u>
<u>B-</u>	<u>2.67</u>
<u>C+</u>	<u>2.33</u>
<u>C (Satisfactory)</u>	<u>2.0</u>
<u>C-</u>	<u>1.67</u>
<u>D+</u>	<u>1.33</u>
<u>D (Poor)</u>	<u>1.0</u>
<u>D-</u>	<u>0.67</u>
<u>E (Failure)</u>	<u>0.0</u>

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UNIVERSITY OF FLORIDA
COLLEGE OF LAW

COMPLEX CIVIL LITIGATION
PRE-TRIAL PRACTICE
FALL 2019

LAW 6930-15915
MTUW 11:00 AM – 11:55 AM
HOLLAND HALL 360

COURSE SYLLABUS

Why Should I Take This Course?

Complex civil litigation shapes today's body politic. Complex civil litigation challenges governmental actions and law; complex civil litigation vindicates human and civil rights; complex civil litigation remedies collective wrongs, mass torts, and violations of statutory rights. Complex litigation involves employment rights, consumer rights, political rights, financial rights, constitutional rights, and environment rights. Complex litigation structures our everyday life.



In this course you will enter the formative debates over what has been called “public litigation” and explore the dynamics of cases involving extensive harms and damages, broad and important social issues, numerous parties, due process, complicated and challenging legal issues, and significant financial resources. We will explore the parameters, edges, and reach of public litigation. You will unpack the dynamics, and apparent mysteries, of complex litigation. How will you steer your litigation cases and navigate the shoals, safe harbors, and rewards of complex civil litigation? This course is your guide to this exciting world from the perspectives of plaintiffs and defendants.

Who Is Your Professor?



I joined the UF Law faculty as a Legal Skills Professor in 2017 after 30+ years of practicing complex civil litigation with Holland & Knight in Miami (1983 – 2000) and Tampa (2000 – 2010) and Quarles & Brady (2010 – 2016) in Tampa. Before leaving the practice of law, I was a UF adjunct professor for 10 years and established the UF E-Discovery Project and the UF Law E-Discovery Conference, now in its 8th year.

Here are a few links where you can learn more about me.

<https://www.law.ufl.edu/faculty/william-hamilton>
<https://www.law.ufl.edu/areas-of-study/institutes/icair>
<https://www.linkedin.com/in/williamfhamilton>
<http://www.quarles.com/william-bill-hamilton/>

I have a son who graduated from the University of West Florida and is now a commissioned as an Army officer. I have another son who is an RN at Lakeland Regional Hospital in the Emergency Room. My daughter just graduated from UF with a degree in criminology.



How Can You Contact Me?

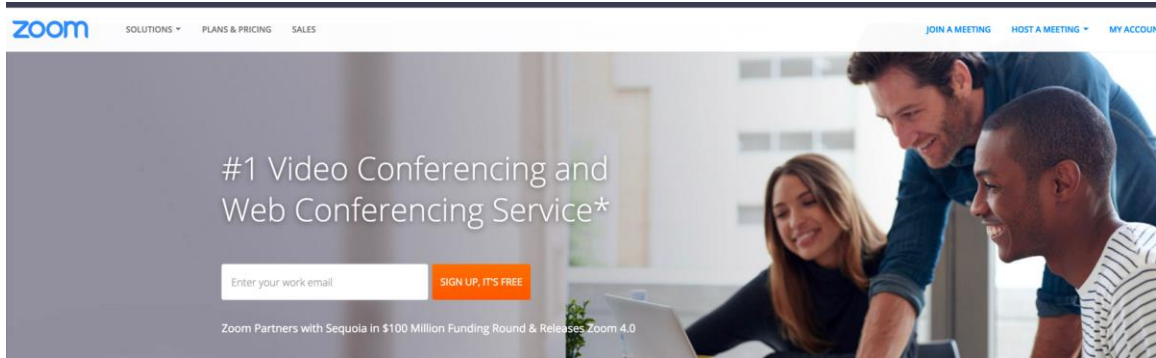
I like to hear from students by email, phone, or text. Please let me know if you have something to share with me – an inspiration, a new thought, a frustration, or concern. Let's have a coffee together in the new commons.



Email	Telephone	Text	Office
hamiltonw@law.ufl.edu	480.993.8777	480.993.8777	342 Holland: Tuesdays 1-3

Zoom	SKYPE
https://zoom.us/j/5410389684	william.hamilton.1120

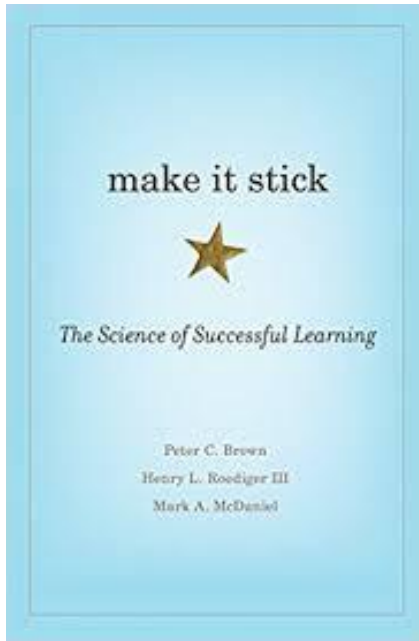
Zoom is my favorite videoconferencing platform. We can have a face-to-face conference **any time** (even on tablets and smartphones). I am also available in my office generally from 3:00 - 4:00 M-W.



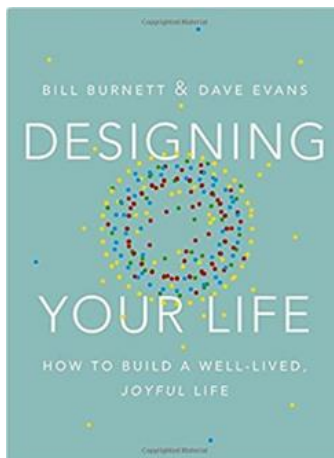
How You Can Do Well in this Course. It's Simple!

You will want to be engaged in this class. This is not a lecture-based course. At the beginning of each class, I will present the class with a problem that you will work on with your classmates based on what you have gleaned from the readings. Then we go over your suggested solutions together in class. Finally, I may summarize the lesson and outline the key take-aways. We will have three scheduled multiple choice “low stakes” check-up quizzes designed to help you absorb and remember the course materials. We will also discuss current events and some of the many complex litigation cases now in the courts.

My teaching practices are reflected in [*Make It Stick: The Science of Successful Learning*](#) by Peter C. Brown.



This course will introduce you to a litigation career path. You will want to see if it fits your interests and passions. I recommend the book ***“Designing Your Life: How to Build a Well-Lived Joyful Life,”*** by Burnett and Evans, Alfred A. Knopf (2016), for helpful strategies to find career directions that may work for you.



Attendance: You are expected to attend all the class sessions. Approximately every four weeks there will be an in-class 20-minute check-up quiz to give you and me some feedback on how you are doing. I am required to take attendance

for every class.

Examination and Grading Policy: The total points that may be earned in the class are 1090. While the course grade distribution usually reflects the usual structure of A = 100 – 90%, B = 89% - 80%, etc., you should keep in mind that your final grade will reflect your class rank. For example, a numerical grade average of 92% earned on various exercises and assignment during the course may not translate the final grade of A- when combined with the score earned on the final examination. Early assignment scores should not establish an expectation of a similar final grade. This is because most students do well on the early check-up quizzes and the assignments and exercises are usually completed properly for full points.

How Will I be Graded?

Here is how your final grade will be determined.

Grade points:

1. Final examination: 200 points

There will be a 3-hour take-home, open-book examination composed of 4 questions and fact patterns. The final exam may be taken at any time during the finals period. There are no “breaks” or timeouts” after you start the examination. The Student Honor Code applies.

The final examination will be graded on the following rubric:

- (1) 20%: Identification of the issues presented by the scenario
- (2) 20%: Analysis of the issues presented by the scenario
- (3) 20%: Application of case law to the issues presented by the scenario
- (4) 20%: Resolution of the issues presented by the scenario
- (5) 20%: Felicity, conciseness, and richness of the written expression

2. Three In-Class Check-up Quizzes: 20 points each quiz (total quiz points: 60)

There will be 3- short check-up quizzes spaced evenly through the semester. The goal of the check-up quizzes is to help cement the course basic principles and to provide a quick glance at your comprehension. The quizzes are 20 minutes in length and composed of multiple choices questions. We will discuss each quiz in class after its completion.

2. Class Attendance and Participation: 4 points each class (total class points: 160)

The purpose of class participation is to attain a depth of understanding through probing responses and answers. Each class is worth 4 points. Class participation will be evaluated on the following rubric:

- (1) Asking and answering questions that illuminate the issues,
- (2) Asking and answering questions that enrich the class dialogue and advance the classes understanding of the issues,
- (3) Participating in the class dialogue and discussions,
- (4) Participation team debates and mock exercises.
- (5) Demonstrating class preparation.

You may miss any three classes without loss of any points. I will take attendance each class session.

Is this Course Graded on a Curve?

I am provided a curved grade range by the Registrar and my class grade average must be within that range. In past semesters my grade point average has been around 3.25.

Please keep in mind that your scores earned on individual quizzes and class attendance may not predict your final grade in the class, especially when combined with the score earned on the final examination. Early course grades (where the average class grade is frequently higher than curve requirements) should not create an expectation of a similar final grade.

Are Laptops Permitted in the Classroom?

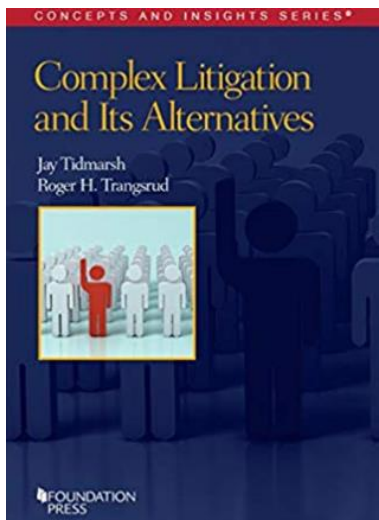
You may use laptops in class to take notes. I will turn my phone off when I come to class. Please do the same. Please restrict the use of your laptop to taking notes, and **not visiting social media websites, texting, or emailing**. I expect your attention in class. Nothing life changing will happen while you are offline in class.

What Notes Should I Take in Class?

I recommended that you do not take word-for-word literal notes. This is not a court reporting class! Instead, think about what is happening in class and record the key ideas. Handwriting your notes is better for you than typing notes. Check out this article: ***Note-Taking: Writing vs. Typing Notes.*** <https://studyskills.com/students/note-taking/>].

What are the assigned texts?

1. **Complex Litigation and Its Alternatives (Concepts and Insights) 2nd Edition**, Jay Tidmarsh and Roger Transgrud (2018).



2. Complex Litigation: Cases and Materials on Advanced Civil Procedure, 6th Edition, Marcus, Sherman, & Erichson, West Academic Publications (2015)



We will also be referring the following free resources:

- ***Manual For Complex Litigation, Fourth***, Federal Judicial Center 2004, <https://public.resource.org/scribd/8763868.pdf>.
- ***Coordinating Multijurisdiction Litigation, A Pocket Guide for Judges***, Federal Judicial Center and National Center for State Courts, 2013, <http://ncsc.contentdm.oclc.org/cdm/ref/collection/civil/id/116>.
- ***The Judicial Panel on Multidistrict Litigation***
<http://www.jpml.uscourts.gov/>

What Will We Be Doing Each Week?

The course's Canvas webpage includes our weekly topic, readings, resources, recorded lectures, assignments, and other reference materials. The Canvas webpage is our "official" course home.

How Much Reading Will I Have?

Law schools are accredited by the American Bar Association. The ABA requires courses to have readings exceeding 15 pages, but not more than 30 pages, per credit hour. This means you will have between 45 and 90 pages to read each week.

Here is the outline of what we will cover in each weekly module:

Module 1: Why Would We Ever Want Litigation to Vindicate Broad Social Goods? Complex Civil Litigation as Public Litigation: An Overview

After completion of this module you will be able to:

- Understand the social policies of “public litigation”
- Understand the tension between public good v. private gains endemic to complex litigation
- Assess management issues associated with complex litigation
- Understanding social benefits and costs of aggregate litigation
- Understanding the drawbacks to aggregate litigation
- Understanding the ethical issues raised by aggregate litigation

Complex Litigation, Tidmarsh & Trangsrud, pp. 1-38
Complex Litigation, Markus et al., pp. 1-14

Module 2: Why Would A Plaintiff Want to Bring Claims Against Different Parties in the Same Litigation?

After completion of this module you will be able to:

- Understand the requirements of permissive party joinder
- Understand the requirements of compulsory required party joinder
- Understanding Interpleader
- Articulate multiparty litigation joinder strategies

Complex Litigation, Tidmarsh & Trangsrud, pp. 39 – 74.

Complex Litigation, Markus et al.

Mosley v. General Motors, pp. 15 – 19

In Re Stand’N Seal Products, pp. 24-28

Stanford v. Tennessee Valley, pp. 28-31

Hall v, E.I. Du Point, pp. 33-37

Eldredge v. Carpenters Northern, pp. 40-43

Module 3: Why and How Would Anyone want to Become Part of an Ongoing Litigation?

After completion of this module you will be able to:

- Assess the benefits and risks of case intervention
- Determine when intervention if a viable strategy and weigh other potential strategies.
- Understanding consolidation, transfer, and removal.

Complex Litigation, Tidmarsh & Trangsrud, pp. 75 – 82

Complex Litigation, Markus et al.

Animal Protection Institute v. Merriam, pp. 57-61

Martin v. Wilks, pp. 68- 81

Module 4: How Should We Coordinate Lawsuits in Different federal and State Jurisdictions Involving Similar or Identical Parties and Similar or Identical Issues?

After completion of this module you will be able to:

- Seeking stays, transfers, and injunctions
- Avoiding issue preclusion

Complex Litigation, Tidmarsh & Trangsrud, pp. 101 – 138

Complex Litigation, Markus et al.

William Gluckkb & Co. v. International Playtex, pp. 88-93

Semmes Motors v. Ford Motor, pp. 93-99

Katz v. Realty Equities Corp., pp. 101-109

Ginsey Industries, Inc. v. L.T.K. Plastics, pp. 112-114

Module 5: Should Cases from Around the Nation be Consolidated into a Single Case before One Judge?

After completion of this module you will be able to:

- Understand the role of the multidistrict panel
- Assess the factors bearing on the transfer decision
- Invoking and utilizing powers of the transferee court

Complex Litigation, Tidmarsh & Trangsrud, pp. 83 – 92.

Complex Litigation, Markus et al.

In Re Shoulder Pain Pump, pp. 136 – 137

In Re Aviation Products, pp.137-143

Stanley A. Weigel, article, pp. 147- 148

In Re Factor VIII, pp.148-151

In Re Vioxx Products, pp. 163 – 167

BP Oil Spill Litigation, article, pp. 171 -175

Module 6: Can the Multidistrict Court Preserve the Rights of all the Parties and Still Get Fair Results?

After completion of this module you will be able to:

- Evaluate the twin goals of efficiency and fairness in MDL proceeding
- Assess whether public policy should bear on MDL proceedings
- Manage coordination between dual federal state proceedings through abstention, stays, and injunctions

Complex Litigation, Markus et al., pp. 158 – 197

Abstention, pp 176-178

Burford Abstention, pp. 178 – 179

Younger Abstention, pp. 179-181

Life-Link International v. Lalla, pp. 181-183

Module 7: How Can We Handle Legal Wrongs Not Worth Litigating Individually?

After completion of this module you will be able to:

- Understand the class action elements and the rationale for class actions
- Assess and implement an appropriate class definition and establish numerosity

Complex Litigation, Tidmarsh & Trangsrud, pp. 139 – 170

Complex Litigation, Markus et al.

Hansberry v. Lee, pp. 202 -205

Kline v. Coldwell, Banker & Co., pp. 205 -208

Simer v. Rios, pp. 214 -219

Oplchenski v. Parfums Givenchy, Inc., pp 223 -231

Module 8: Should Some Cases Be Excluded from Class Treatment?

After completion of this module you will be able to:

- Identify the commonality requirements of class certification
- Defend and challenge the adequacy of class representation
- Identify the kinds of class actions that can be maintained

Complex Litigation, Tidmarsh & Trangsrud, pp. 170 – 199

Complex Litigation, Markus et al., pp. 236 – 266

Wal-Mart Stores v. Dukes, pp. 236 – 247

Peil v. National Semiconductor Corp. pp. 256 – 258

Rodriguez v. West Publishing Corp., pp. 258 – 261

Module 9: What Class Action Types and Remedies are Available?

After completion of this module you will be able to:

- Understand Injunctive relief and when injunctive relief is appropriate and the correct strategic choice
- When to seek declaratory relief and its benefits
- Understand jurisdictional issues related to class actions

Complex Litigation, Tidmarsh & Trangsrud, pp. 199 – 212

Complex Litigation, Markus et al., pp. 266 – 299

Ortiz v. Fibreboard Corp., pp. 267 – 279

Parsons v. Ryan, pp. 286 – 290

Wal-Mart Stores, Inc. v. Dukes, pp. 290 – 295

Amgen Inc. v. Connecticut Retirement, pp. 302 – 311

Smilow v. Southwestern Bell, pp. 316 – 322

Castano v. The American Tobacco Co., pp. 330 – 343

In Re Nassau County Strip Search Cases, pp. 348 - 356

Module 10: Once a Class Action Starts Can It Be Settled Short of Full litigation?

After completion of this module you will be able to:

- Understand the settlement negotiation process
- Articulate the elements of a settlement
- Implement the conditional settlement process
- Avoid the challenges to a conditional settlement

Complex Litigation, Tidmarsh & Trangsrud, pp. 212 – 215

Complex Litigation, Markus et al.

Amchem Products, Inc. v. Windsor, pp. 363 - 378

Module 11: How Can Courts Manage All the Conflicting Claims and Interests? What if I Want to go it Alone?

After completion of this module you will be able to:

- Direct class action motion practice, hearings, and experts
- Understand the scope of class action subject matter jurisdiction
- Manage class notices, opt-out, and class communications
- Selecting class counsel
- Group representation ethical issues

Complex Litigation, Tidmarsh & Trangsrud, pp. 291-313

Complex Litigation, Markus et al.,

In Re Hydrogen Peroxide Antitrust Lit., pp. 383 – 394

Notice, Opt-Out and Class Communications, pp. 454- 460

Module 12: Who Says A Class Action Settlement is Fair and What Happens When Not Everyone is Happy with a Proposed Settlement?

After completion of this module you will be able to:

- Understand the basic principles of fairness in class action approvals, objectors, and fairness hearings
- Handle settlement funds distribution and negotiations
- Determine appropriate fees and costs for class counsel Determine settlement subclasses and relief
- Implement or resist settlement objectors

Complex Litigation, Tidmarsh & Trangsrud, pp. 215 – 225

Complex Litigation, Markus et al.

Parker v. Anderson, pp. 610 -613

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