

Cover Sheet: Request 10080

LAW6XXX Arbitration Law

Info

Process	Course New Ugrad/Pro
Status	Pending
Submitter	Dampier,Tanya tdampier@law.ufl.edu
Created	2/26/2015 11:48:14 AM
Updated	3/3/2015 9:56:35 AM
Description	This course covers the law governing arbitration from the 1925 enactment of the Federal Arbitration Act through the Supreme Court's key decision: AT&T Mobility v. Concepcion. It focuses on how courts treat arbitration, including their enforcement of arbitration agreements, policing of arbitration procedures, and review and enforcement of arbitral awards.

Actions

Step	Status	Group	User	Comment	Updated
Department	Approved	LAW - Juris Doctor	Inman, Rachel		3/3/2015
College	Approved	LAW - College of Law	Flournoy, Alyson Craig		3/3/2015
University Curriculum Committee	Pending	PV - University Curriculum Committee (UCC)			3/3/2015
Statewide Course Numbering System					
Office of the Registrar					
Student Academic Support System					
Catalog					
College Notified					

Department Name and Number _____

Recommended SCNS Course Identification

Prefix ____ Level ____ Course Number ____ Lab Code ____

Full Course Title _____

Transcript Title (please limit to 21 characters) _____

Effective Term and Year _____ Rotating Topic yes no

Amount of Credit ____ Contact Hour: Base ____ or Headcount ____ S/U Only yes no

Repeatable Credit yes no If yes, ____ total repeatable credit allowed

Variable Credit yes no If yes, ____ minimum and ____ maximum credits per semester

Course Description (50 words or less)

Prerequisites	Co-requisites
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Degree Type (mark all that apply) Baccalaureate Graduate Professional Other _____

Category of Instruction Introductory Intermediate Advanced

Rationale and place in curriculum

Department Contact	Name	Phone	Email
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College Contact	Name	Phone	Email
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All UCC1 forms and each UCC2 form that proposes a change in the course description or credit hours must include this checklist in addition to a complete syllabus. Check the box if the attached syllabus includes the indicated information.

Syllabus MUST contain the following information:

- Instructor contact information (and TA if applicable)
- Course objectives and/or goals
- A topical outline (at least tentative) of subjects to be covered
- Required and recommended textbooks
- Methods by which students will be evaluated and their grades determined
- Policy related to class attendance
- Policy related to make-up exams or other work
- Statement related to accommodations for students with disabilities
- Information on current UF grading policies for assigning grade points

It is recommended that syllabi contain the following information:

1. Critical dates for exams and other work
2. Class demeanor expected by the professor (e.g., tardiness, cell phone usage)
3. UF's honesty policy
4. Contact information for university counseling and mental health services

The University's complete Syllabus Policy can be found at:

<http://www.aa.ufl.edu/policy/SyllabiPolicy.pdf>

ARBITRATION LAW – SPRING 2013

Professor Roger Perlstadt
337 Holland Hall
352-273-0972
perlstadt@law.ufl.edu

Office Hours

Drop in or by appointment

Class Meeting Time

Thursday 10:00-10:50
Friday 10:00-11:50
Room 359

Course Objective

Given the ubiquity of arbitration agreements in modern commerce (including business transactions, employment agreements, and consumer contracts), the interaction between litigation and arbitration in resolving disputes plays a key role in the current practice of law. The goal of this course is to provide students with an understanding of how courts treat arbitration, specifically when and how courts require parties to arbitrate (rather than litigate) their disputes, and when and how courts review and enforce arbitrators' decisions. This will be done primarily through study of the Federal Arbitration Act and interpretive case law.

Required Texts

Stone and Bales, Arbitration Law (Foundation Press, 2d ed. 2010)
Additional required readings will be placed on TWEN

Course Grade

There will be an open book essay examination at the end of the semester that will determine your grade for the course.

Class Attendance and Participation

I expect you to attend class and to be prepared to discuss the assigned reading. If for some reason you are unable to attend any particular class, please notify me as early in advance as possible. Your attendance and participation in class is a basic requirement of this course, and I reserve the right to adjust final grades downward for particularly poor attendance or participation.

Law School Policies on Make-Up Exams, Grading, and Students with Disabilities

The law school policy on delay in taking exams can be found at: <http://www.law.ufl.edu/student-affairs/current-students/academic-policies#12/>

Information on UF Law grading policies

<u>Grade</u>	<u>Points</u>	<u>Grade</u>	<u>Point</u>	<u>Grade</u>	<u>Point</u>
A (Excellent)	4.0	C+	2.33	D-	0.67
A-	3.67	C (Satisfactory)	2.00	E (Failure)	0.0
B+	3.33	C-	1.67		
B (Good)	3.00	D+	1.33		
B-	2.67	D (Poor)	1.00		

Note: Per faculty policy, the mandatory mean grade for all course sections is 3.15-3.25, inclusive. If the mean GPA for students enrolled in the course section (determined as of the beginning of the semester) is above 3.2, the lower end of the range is 3.15 and the upper end of the range may be .05 higher than the mean GPA of the students enrolled in the course. If the mean GPA of the students enrolled in the course section (determined as of the beginning of the semester) is below 3.2, the lower end of the range may be .05 lower than the mean GPA of the students enrolled in the course and the upper end of the range shall be 3.25.

For courses in which there are 15 or fewer students enrolled in total in all sections of the course being offered in a given semester, the range is recommended rather than mandatory; in no event, however, may the mean grade exceed 3.6 except as follows: If the mean GPA for students enrolled in the course section (determined as of the beginning of the semester) is above 3.55, the mean grade for the course section may exceed 3.6, but may not exceed the mean GPA of the students enrolled in the course section plus .05.

Grades awarded to LL.M. students, exchange students, and graduate students, and grades of E are excluded from calculation of the mean grade.

The law school grading policy is available at: <http://www.law.ufl.edu/student-affairs/current-students/academic-policies#9>.

Policy on Students with Disabilities

The law school policy on exam accommodations for students with disabilities can be found at: <http://www.law.ufl.edu/student-affairs/current-students/academic-policies#11>. Students requesting classroom accommodation must first register with the Office of Disability Resources. The UF Office of Disability Resources will provide documentation to the student who must then provide this documentation to the Law School Office of Student Affairs when requesting accommodation.

Student Course Evaluations

Students can provide feedback on the quality of instruction in this course by completing online evaluations at <https://evaluations.ufl.edu>. Evaluations are typically open during the last two or three weeks of the semester, but students will receive notice of the specific times when they are open. Summary results of these assessments are available to students at <https://evaluations.ufl.edu/results/>.

Course Coverage and Assignments

Below are the assigned readings representing the material I expect to cover in this course. Time permitting, additional material may be covered. All page numbers refer to the Stone and Bales text. Case names in the parentheses beside page numbers are listed for convenience, not as a limitation. You are expected to read all materials in the assigned page range, not just cases, unless otherwise indicated. In addition, some assignments include cases or materials not reproduced in the book, which will be available on TWEN.

For the first class, please read Assignment #1. Subsequently, for Thursday classes you should generally plan to read the next unassigned reading, and for Friday classes you should generally plan to read the next two unassigned readings. I will let you know of any deviations to this general rule.

	Reading	Topic
1	15-23 (skip Questions on 20) 26-33 741-46	Intro
2	51-59 (<u>Bernhardt</u>) <u>Robert Lawrence</u> (abridged on TWEN) <u>Prima Paint</u> (abridged on TWEN)	Federalism Issues
3	59-71 (<u>Southland Keating</u>) (skip Stevens opinion) 83-95 (<u>Allied-Bruce</u>)	Federalism Issues cont.
4	42-51 (<u>Vaden</u>) <u>Northport Health Services</u> (abridged on TWEN)	Federal Jurisdiction
5	101-107 (<u>Dean Witter</u>) <u>AgGrow Oils</u> (abridged on TWEN) 74-82 (<u>Volt</u>)	Piecemeal Resolution and Freedom of Contract
6	95-101 (<u>Wilko</u>) 107-115 (<u>Scherk</u>)	Federal Statutory Claims
7	115-130 (<u>Mitsubishi Motors</u>)	Federal Statutory Claims cont.
8	145-161 (<u>Rodriguez and Gilmer</u>)	Federal Statutory Claims cont.
9	<u>CompuCredit</u> (abridged on TWEN) <u>Holmes</u> (abridged on TWEN)	Federal Statutory Claims cont.
10	342-351 (<u>Randolph, Phillips</u>) 355-360 (<u>Morrison</u>)	Effective Vindication: Arbitration Costs
11	668-672 (<u>Graham Oil</u>) 676-679 (<u>Morrison</u>) 229-233 (<u>PacifiCare</u>)	Effective Vindication: Contractual Limitations on Remedies
12	162-169 (<u>Textile Workers</u>) 363-370 (<u>Circuit City</u>) 183-190 (<u>14Penn Plaza</u>) (skip Part II.B, Part III, and dissents)	Employment Contracts and Unions

13	197-99 234-243 (<u>Specht</u>) 372-382 (<u>Melena</u>)	Assent
14	286-304 (<u>Graham</u> and <u>Armendariz</u>) (skip Part II.C of <u>Armendariz</u>)	Adhesion Contracts and Unconscionability
15	306-313 (<u>Broemmer</u>) 316-321 (<u>Agullard</u>)	Adhesion Contracts and Unconscionability cont.
16	323-339 (<u>Casarotto</u>) ABA Journal Article (on TWEN)	Arbitration-Specific State Law
17	215-220 (<u>First Options</u>) <u>Howsam</u> (abridged on TWEN)	Who Decides? Arbitrability and Separability
18	262-278 (<u>Erickson</u> and <u>Chastain</u>)	Arbitrability and Separability cont.
19	278-285 (<u>Party Yards</u> and <u>Buckeye</u>) 321-323 (Question 2)	Arbitrability and Separability cont.
20	<u>Rent-A-Center</u> (abridged on TWEN) 220-229 (<u>Bazzle</u>) (skip questions 305)	Arbitrability and Separability cont.
21	<u>Stolt-Nielsen</u> (abridged on TWEN) <u>Jock</u> (abridged on TWEN)	Class Arbitration
22	489-507 (<u>Johnson</u> , <u>Kristian</u> , and <u>Discover Bank</u>) (skip Questions on 507)	Class Arbitration cont.
23	<u>AT&T Mobility</u> (abridged on TWEN) <u>In re Amex Merchants</u> (abridged on TWEN)	Class Arbitration cont.
24	<u>Waffle House</u> (abridged on TWEN) 404-05 <u>Arthur Andersen</u> (abridged on TWEN) 405-410 (<u>Kaufman</u>)	Nonparties to Arbitration Agreement
25	410-425 (<u>J.A. Constuction</u> , <u>Parker</u> , and <u>Jackson</u>)	Nonparties cont.
26	558 557-580 (<u>Clemente</u>) 482-487 (<u>Bonar</u>) 510-514 (<u>Commonwealth Coatings</u>)	Vacatur: §§ 10(a)(1) and (a)(2)
27	516-532 (<u>Merit Insurance</u> and <u>Positive Software</u>)	§§ 10(a)(1) and (a)(2) cont.
28	437-440 (<u>Air Florida</u>) 580-583 (<u>Lunsford</u>) 474-478 (<u>Totem Marine</u>) 427-432 (<u>Gingiss</u> , <u>Amalgamated Cotton</u>) (through question 3)	Vacatur: §§ 10(a)(3) and (a)(4)
29	593-607 (<u>Halligan</u> , <u>Dawahare</u> , and <u>George Watts</u>)	Vacatur: Nonstatutory Grounds
30	584-591 (<u>Hall Street</u>) 608-615 (<u>Bacon</u>)	Nonstatutory Grounds cont.
31	615-618 (<u>Sobel</u>) 555-557 (<u>Legion Insurance</u>)	Evidence Supporting Award