

REMEDIES OVERVIEW
UNIVERSITY OF LA VERNE COLLEGE OF LAW
SPRING SEMESTER 2019

Professor:

Classroom:

Office:

Office Hours:

E-mail:

Phone:

Course webpage: The course webpage is accessible through TWEN:
<<http://lawschool.westlaw.com/twen/>>. You should download
course materials and upload assignments here.

COURSE DESCRIPTION:

Remedies—This course will cover the following: general scope of remedies; principles governing general use of equitable remedies; general scope of interpleader, declaratory relief (and related remedies), constructive trusts, and equitable liens; principles governing use of and defenses to specific performance and injunctions; equitable conversion; technical aspects of injunctions; and damages.

COURSE OBJECTIVES:

Upon completion of Remedies, students should attain competency in the following areas:

- ✓ Becoming familiar with basic and advanced remedies concepts
- ✓ Reviewing foundational legal concepts to develop a solid understanding of the principles underlying available remedies in law and equity
- ✓ Developing a working knowledge of the practical application of remedies available in specific substantive law areas.
- ✓ Engaging in thorough, deep and active case reading
- ✓ Briefing cases effectively
- ✓ Synthesizing case law into a cohesive and coherent body of rules
- ✓ Understanding how to apply a set of rules to available facts

COURSE PROCEDURES:

Professionalism: The entire 2015 Policy on Professionalism is hereby incorporated by reference.

Attendance and class participation: Class attendance is mandatory, and you will receive no credit for this course if you miss more than 20% of the class sessions; also, I reserve the right to mark you absent if you are late or unprepared for any class. You are responsible for finding out about announcements made in class and material covered during the class you missed. As a professional student, you are expected to come to class prepared (with the required texts and handouts), having completed the assigned readings for the class session. Class participation is strongly encouraged, and I welcome questions about the material.

Important: Important announcements, including those elaborating on or modifying assignments, are sometimes made in class and only in class—i.e., those announcements are sometimes not broadcast via email or TWEN or by any other means. Again, it is your responsibility to be aware of announcements made in class.

Electronics use policy: During class, you may use word processing software to type notes and may access websites related to the class, but you are not permitted to use technology for purposes unrelated to class. Unauthorized use of electronic devices may result in your being deemed absent from class, and I reserve the right to ban in-class use of these devices entirely if they distract other students.

Recording notice: Classrooms are equipped with cameras and microphones that can record video and audio from the entire room. From time to time, I may make use of this recording ability. I will always give you verbal notice before I begin recording.

Disability Accommodations Statement: Students with disabilities should refer to the policies described at the University of La Verne Disabled Student Services Handbook [as of September 13, 2017 located at <https://sites.laverne.edu/disabled-student-services/disabled-student-services-handbook/>, which can be found on the website of the University of La Verne Disabled Student Services website (<https://laverne.edu/dss/wp-content/uploads/sites/19/2018/01/University-of-La-Verne-DSS-Handbook.pdf>) or at their office. Temporary accommodations are offered on a case by case basis. All required documentation must be submitted by the student before any formal accommodations and should be made directly to the Director of Student Affairs.

Any student eligible for and requesting academic accommodations due to a documented disability (or a suspected disability) is asked to contact the College of Law Director of Student Affairs and Americans with Disability Act Compliance Officer, Akita Mungaray by email at amungaray@laverne.edu or by phone at (909) 460-2017. Her office is located on the first floor of the College of Law, Office # 107. You can also contact Cynthia Denne at the University of La Verne Disabled Student Services office at (909) 448-4441. The office is located at the La Verne campus Health Center. In order to be considered for

accommodations, disabilities must be documented and the proper medical evaluations must be submitted. The office is here to help you succeed in law school. Visit it online at <https://sites.laverne.edu/disabled-student-services/>.

COURSE TEXTS:

Douglas Laycock, *Modern American Remedies: Cases and Materials* (Aspen Casebook Series Concise 5th Ed. 2018).

GRADES:

Your grade will be based upon the following:

1. Midterm Exam (20%)
2. Final Exam (70%)
3. Class participation and completion of ungraded assignments (10%)

WEEKLY READING AND ASSIGNMENT SCHEDULE:

All readings are required, as they often cover background information that will not be reviewed in class. To ensure that you benefit from class instruction (which may include reading quizzes) you should complete the reading designated below before class. Note that the schedule of readings and assignment due dates may be modified, and supplementary exercises may be distributed in class or posted on TWEN as needed. Being prepared to fully engage with the course materials in each class is a significant component of your participation grade.

Date	Reading	Assignments
Week 1: Jan. 7-11 Introduction, Paying for Harm: Compensatory Damages, The Basic Principle: Restoring Plaintiff to Her Rightful Position, Value as the Measure of the Rightful Position, Reliance and Expectancy as Measures of the Rightful Position, Consequential Damages	Laycock: pp. 1-52	
Week 2: Jan. 14-18 Paying for Harm:	Laycock: pp. 53-107	

<p>Compensatory Damages, Limits on the Basic Principle, The Parties' Power to Specify the Remedy, Avoidable Consequences, Offsetting Benefits, and Collateral Sources, The Scope of Liability, The Certainty Requirement, Substantive Policy Goals</p>		
<p>Week 3: Jan. 21-25 Paying for Harm: Compensatory Damages, Damages Where Value Cannot Be Measured in Dollars, Personal Injuries and Death, Dignitary and Constitutional Harms, Taxes, Time, and the Value of Money</p>	<p>Laycock: pp. 108-121, 137-169</p> <p>No Class Jan. 21—Martin Luther King Day</p>	
<p>Week 4: Jan. 28-Feb. 1 Preventing Harm: The Measure of Injunctive Relief, The Scope of Injunctions, Preventing Wrongful Acts, Preventing Lawful Acts That Might Have Wrongful Consequences, Repairing Consequences of Past Wrongful Conduct, Ending Complex Violations, The Desegregation Cases</p>	<p>Laycock: pp. 207-257</p>	
<p>Week 5: Feb. 4-8</p>	<p>Laycock: pp. 257-295</p>	

Preventing Harm: The Measure of Injunctive Relief, The Scope of Injunctions, Ending Complex Violations, The Prison Cases, Modifying Injunctions, The Rights of Third Parties		
Week 6: Feb. 11-15 Choosing Remedies, Substitutionary or Specific Relief, Irreplaceable Losses, Injunctions, Specific Performance of Contracts, Burdens on Defendant or the Court, Other Persons	Laycock: pp. 297-350	
Week 7: Feb. 18-22 Choosing Remedies, Preliminary or Permanent Relief	Laycock: pp.350-372 Feb. 18--President's Day/No Remedies on Tuesday 2/19	.
Week 8: Feb. 25-Mar. 1 Preventing Harm Without Coercion: Declaratory Remedies, Declaratory Judgments, Quiet Title and the Like, Reformation, Declaratory Relief at Law	Laycock: pp. 453-488	Midterm Exam
Mar. 4-8	Spring Break	
Week 9: Mar. 11-15 Benefit to Defendant as the Measure of Relief: Restitution, Restitution From Innocent Defendants,	Laycock: pp. 489-538	

Recovering More Than Plaintiff Lost, Disgorging the Profits of Conscious Wrongdoers, Measuring the Profits		
Week 10: Mar. 18-22 Benefit to Defendant as the Measure of Relief: Restitution, Recovering More Than Plaintiff Lost, Breach of Contract, Restitutionary Rights in Specific Property, Constructive Trusts, Tracing, Equitable Liens and Subrogation	Laycock: pp. 539-587	
Week 11: Mar. 25-29 Benefit to Defendant as the Measure of Relief: Restitution, Defenses and Rights of Third Parties	Laycock: pp. 587-600	
Week 12: Apr. 1-5 Ancillary Remedies: Enforcing the Judgment, Enforcing Coercive Orders: The Contempt Power, The Three Kinds of Contempt, How Much Risk of Abuse to Overcome, How Much Defense? The Collateral Bar Rule, The Rights of Third Parties, Drafting Decrees	Laycock: pp. 601-654	
Week 13: Apr. 8-12	Laycock: pp. 689-702, 713-72	

More Ancillary Remedies: Attorneys' Fees, Fee-Shifting Statutes, Ethical Issues in Fee Awards		
Week 14: Apr. 15-19 Remedial Defenses, Unconscionability and the Equitable Contract Defenses, Unclean Hands and In Pari Delicto, Estoppel and Waiver, Laches, Statutes of Limitation	Laycock: pp. 727-766 No Class Apr. 19—Good Friday	
Make-up Days Apr. 22-24		
May 1-12	Final Exam period	

ATTENTION: I reserve the right to modify, add, or delete items from the readings schedule based on time considerations and learning progress.

AGREEMENT TO ABIDE BY COURSE POLICIES FOR REMEDIES OVERVIEW

I, _____, have read the syllabus for this course and understand the course requirements; I agree to abide by the course policies delineated in the syllabus.

Signed: _____

Dated: _____

This form should be detached, completed, and returned to your professor at the beginning of the second class held this semester.

APPENDIX OF MISSION, VALUES AND LEARNING OUTCOMES

University of La Verne Mission and Values

It is the mission of the University of La Verne to provide opportunities for students to achieve their educational goals and become contributing citizens to the global community.

The University of La Verne shares four core values that promote a positive and rewarding life for its students through fostering a genuine appreciation and respect for:

1. **Values Orientation.** The University affirms a philosophy of life that actively supports peace with justice, the health of the planet and its people. Therefore, in light of this affirmation, it encourages students to become reflective about personal, professional, and societal values. It also encourages values-based ethical behavior.
2. **Community and Diversity.** The University promotes the goal of community within a context of diversity. Therefore, it encourages students to understand and appreciate the diversity of cultures that exists locally, nationally, and internationally. It also seeks to promote appreciation and preservation of biodiversity by helping students understand the impact/dependence of human beings on their environment.
3. **Lifelong Learning.** The University commits itself to promoting education that facilitates lifelong learning. Therefore, it teaches students how to learn, to think critically, to do constructive research, and to access and integrate information in order to prepare them for continued personal and career growth.
4. **Community Service.** The University believes that personal service is a primary goal of the educated person. Therefore, it encourages students to experience the responsibilities and rewards of serving the human and ecological community.

University of La Verne College of Law Vision, Mission, and Values

VISION

La Verne Law is an incubator for innovation in legal education, thought, and advocacy for individuals passionate about serving their communities and promoting access and justice.

MISSION

The mission of La Verne Law is to guide our students in the discovery of law and self as they prepare for the practice of law or other professional careers. Our faculty of scholars and teachers is committed to creating an innovative, collaborative learning environment designed to develop the knowledge and skills relevant to achieving individual and professional success.

Our mission encompasses educating, as well as enhancing the professional lives of, the members of the local, regional, national, and international communities we encounter – students, faculty, staff, administrators, alumni, members of the bench and bar, and others who pursue social justice.

Our mission is grounded in the core values of the University of La Verne – life-long learning, ethical reasoning and decision-making, diversity & inclusivity, and community & civic engagement.

Difference-making is our legacy.

CORE VALUES

University Values: As a College within the University of La Verne we adopt and endorse the University core values of Lifelong Learning, Diversity and Inclusivity, Community Engagement, and Ethical Reasoning.

College of Law Core Principles and Values: As an institution dedicated to teaching and training the next generation of lawyers and leaders, we operate institutionally and individually on the principles of professionalism, innovation, ethics, student centeredness and community enhancement. In our actions and interactions, we are and seek to be affirming, respectful, humble, accountable, committed, inclusive, empathetic, responsive, passionate, and positive.

University of La Verne College of Law Program Objectives

- A. Upon completion of the program of legal education, students will possess the skills and knowledge to enable them to pass any bar examination of their choosing.
- B. Upon completion of the program of legal education, students will possess those skills to participate as respected members of the legal profession.
- C. Upon completion of the program of legal education, students will model ethical, responsible, and professional behavior.
- D. Upon completion of the program of legal education, students will embrace cultural differences and civic and community engagement.

American Bar Association Standard 302: LEARNING OUTCOMES

A law school shall establish learning outcomes that shall, at a minimum, include competency in the following:

- (a) Knowledge and understanding of substantive and procedural law;
- (b) Legal analysis and reasoning, legal research, problem-solving, and written and oral communication in the legal context;
- (c) Exercise of proper professional and ethical responsibilities to clients and the legal system; and
- (d) Other professional skills needed for competent and ethical participation as a member of the legal profession.

In compliance with ABA Standard 302, the University of La Verne College of Law has established the following.

University of La Verne College of Law Program Learning Outcomes

1. Students shall demonstrate knowledge and understanding of substantive and procedural law.
2. Students shall demonstrate competence in legal analysis and reasoning.
3. Students shall demonstrate competence in conducting legal research.
4. Students shall demonstrate competence in problem-solving.
5. Students shall demonstrate competence in written and oral communication.
6. Students shall be able and motivated to exercise proper professional and ethical responsibilities to clients, the legal system, and the wider community.
7. Students shall demonstrate competent litigation skills.
8. Students shall demonstrate competent transactional skills.
9. Students shall apply cultural competency while exercising their legal skills.
10. Students shall demonstrate competence in answering bar-style multiple-choice, essay, and performance test questions.