

SYLLABUS

- COURSE NAME:** **REMEDIES**
- COURSE NUMBER:** **F410.3/S410.2**
- TOTAL HOURS/UNITS;** 75 hours – 5 units; Fall semester: 45 hours – 3 units
Spring semester: 30 hours – 2 units
Remedies is a five-unit course, requiring one semester class hour per unit. Hence, class will meet for three hours once a week in fall and two hours once a week in spring.
- PROFESSOR:** Joseph C. Tinney; contact by phone or email
(707) 762-6631 or j.tinney@sbcglobal.net
- PREREQUISITES:** Completion of first, second, and third year courses.
- SEMESTER:** Fall 2011/Spring 2012
- DAY/TIME:** Tuesday, 6:00 – 9:00 p.m. (fall semester)
6:00 – 8:00 p.m. (spring semester)
- REQUIRED TEXT:** **Cases and Materials on Remedies**, Re and Re, University Casebook Series, 6th edition. ISBN# 1-58778-901-9.
Remedies In A Nutshell, Tabb and Schoben/West ISBN # 0-314-14604-0.
- COURSE DESCRIPTION:** This is an excellent review course, in that it touches on most of the required substantive courses. The specific purpose of this course, however, is to develop a solid understanding of the legal principles underlying remedies at law and in equity and to develop a working knowledge of these principles and the available remedies in specific substantive areas.
- CLASS ATTENDANCE:** Regular and punctual attendance is essential for the successful completion of law school. Students should plan to attend every class. Students must attend a **minimum of 80% (12 of 15 classes)** of the class sessions during each semester to be eligible to pass this class. Roll will be taken at each class.

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CLASS PREPARATION: Students are expected to be fully prepared on each case in the assignment for each session of class. Canned briefs are not permitted in class.

GRADING POLICIES

Grade Scale

| | | |
|------------|---|----------------|
| 90% - 100% | A | Outstanding |
| 80% - 89% | B | Superior |
| 70% - 79% | C | Satisfactory |
| 65% - 69% | D | Unsatisfactory |
| Below 65% | F | No Credit |

GRADE

DETERMINATION:

The course grade will be determined by an essay format mid-term exam (weighted at 15%), a final exam (weighted at 75%) and class participation (weighted at 10%). Both the quantity and quality of the student's participation will be considered. The midterm exam will cover Chapters 1 through 9. The final examination will cover the entire text.

You will be expected to identify all issues raised by the question and to demonstrate an understanding of the applicable law by applying the law to the specific facts of the essay question. It will not be sufficient merely to identify the issues or to generally discuss any relevant legal tests.

CLASS ASSIGNMENTS – Fall 2011

SCHEDULE OF ANTICIPATED CLASS ASSIGNMENTS – 54 pages per class

- WEEK 1: **INTRODUCTION TO REMEDIES**
THE PROBLEM OF INDIVIDUALIZED JUSTICE
THE HISTORY OF EQUITY:
The Origins of Equity; Equity in America; The Merger of
Law and Equity.
Read pages 1 - 56, Re. Prepare cases and notes.
- WEEK 2: **THE POWERS OF COURTS OF EQUITY:**
Read Pages 56 – 119, Re. Prepare cases and notes.
- WEEK 3: **THE POWERS OF COURTS OF EQUITY**, continued.
Read pages 120 – 173, Re. Prepare cases and notes.
- WEEK 4: **INJUNCTIONS AGAINST FOREIGN SUITS**, continued
Read pages 173 – 230, Re. Prepare cases and notes.
- WEEK 5: **THE POWERS OF COURTS OF EQUITY**, continued.
THE INJUNCTION: Read pages 231 – 288, Re. Prepare
cases and notes.
- WEEK 6: **THE INJUNCTION**, continued.
THE DECLARATORY JUDGMENT: Read pages 289–
342, Re. Prepare cases and notes.
- WEEK 7: **THE DECLARATORY JUDGMENT**, continued.
SPECIFIC PERFORMANCE OF CONTRACTS: Read
pages 343 – 398, Re. Prepare cases and notes.
- WEEK 8: **SPECIFIC PERFORMANCE OF CONTRACTS**,
continued. Read pages 398 – 456, Re. Prepare cases and
notes.
- WEEK 9: **EQUITABLE RELIEF AGAINST TORTS:** Read pages
456 – 512, Re. Prepare cases and notes.
- WEEK 10: **EQUITABLE DEFENSES**
RESCISSION & REFORMATION: Read pages 513 –
567.

CLASS ASSIGNMENTS – Fall 2011
(continued)

- WEEK 11: **EQUITABLE DEFENSES**
RESCISSION, REFORMATION: Read pages 567 –
621, Re. Prepare cases and notes.
- WEEK 12: **EQUITABLE DEFENSES**
STATUTE OF FRAUDS, PLAINTIFF’S DEFAULT,
QUASI CONTRACTS: Read pages 621 – 680, Re.
Prepare cases and notes
- WEEK 13: **QUASI CONTRACTS**
CONSTRUCTIVE TRUSTS: Read pages 680 – 740, Re.
Prepare cases and notes.
- WEEK 14: **MEASURE OF DAMAGES:** Read pages 740 – 762, Re.
Prepare cases and notes.
- WEEK 15: **MIDTERM EXAM.**

ADDITIONAL READINGS OR ASSIGNMENTS MAY BE GIVEN.

CLASS ASSIGNMENTS – Spring 2012

SCHEDULE OF ANTICIPATED CLASS ASSIGNMENTS – 42 PAGES PER CLASS

- WEEK 1: **DAMAGES FOR BREACH OF CONTRACT:**
Read pages 762 – 798, Re. Prepare cases and notes.
- WEEK 2: **DAMAGES FOR BREACH OF CONTRACT, TORT:**
Read pages 798 – 842, Re. Prepare cases and notes.
- WEEK 3: **DAMAGES FOR TORT:**
Read pages 842 – 888, Re. Prepare cases and notes.
- WEEK 4: **DAMAGES FOR TORT:**
Read pages 888 – 943, Re. Prepare cases and notes.
- WEEK 5: **TORT, PUNITIVE DAMAGES:**
Read pages 943 – 985, Re. Prepare cases and notes.
- WEEK 6: **PUNITIVE DAMAGES:** Read pages 985 – 1034, Re.
Prepare cases and notes.
- WEEK 7: **DAMAGES IN ADDITION TO EQUITABLE RELIEF;
REMEDIES AND PUBLIC LAW:** Read pages 1034 –
1082, Re. Prepare cases and notes.
- WEEK 8: **REMEDIES AND PUBLIC LAW:** Read pages 1082 –
1124, Re. Prepare cases and notes.
- WEEK 9: **INVASION OF PERSONAL INTERESTS:**
Read pages 1124 – 1166, Re. Prepare cases and notes.
- WEEK 10: **PERSONAL INTERESTS:** Read pages 1166 – 1209,
Re. Prepare cases and notes.

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CLASS ASSIGNMENTS – SPRING 2012
(Continued)

- WEEK 11: **PERSONAL INTERESTS:**
Read pages 1209 – 1256, Re. Prepare cases and notes.
- WEEK 12: **ATTORNEY FEES:**
Read pages 1256 – 1302, Re. Prepare cases and notes
- WEEK 13: **ATTORNEY FEES; PREJUDGMENT INTEREST:**
continued .Read pages 1302 – 1353. Re. Prepare cases and notes.
- WEEK 14: **PREJUDGMENT INTEREST; FOREIGN
CURRENCY JUDGEMENTS:** Read page 1353 to end,
Re.
- WEEK 15: **FINAL EXAM.**

ADDITIONAL READINGS OR ASSIGNMENTS MAY BE GIVEN.