

**WESTERN STATE UNIVERSITY
COLLEGE OF LAW**

REMEDIES SECTION 303A – SPRING 2013

Syllabus and Policies

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Texts

Required:
Shoben, Tabb, and Janutis, *Remedies: Cases and Problems* (5th ed.)

Recommended:
Tabb and Shoben, *Remedies in a Nutshell*

Course Coverage

Remedies is a three-credit required course. It introduces students to remedies in civil cases. The course will provide an overview of three major types of remedies: damages, equitable remedies (the injunction and specific performance), and restitution. In most cases, we will discuss remedies in the context of a tort or a breach of contract lawsuit. You will learn the range of remedies available in specific cases and how to select the remedy or remedies that best serve a client's interests.

Course Methodology and Objectives

The course methodology will include the use of cases and problems. The authors of the casebook begin the discussion of each major concept with a "model case." The model cases are simple examples illustrating how a concept works. They should aid you in understanding the more complex issues that arise in the cases and problems that follow. In addition, almost every week, we will use past California Bar Examinations as vehicles for understanding the material.

The Remedies course has a number of major objectives. The first goal is to provide the student with a firm grounding in the law of remedies. You will learn the fundamentals of damages, equitable remedies, and restitution. These are important concepts that attorneys working on the civil side encounter in everyday practice. A second goal is to enhance the student's ability to apply the remedies in specific fact

situations. The third goal is to enable the student to make a written assessment of remedial choices in a coherent, organized way.

Examinations and Grading

Each student will receive a numeric grade based upon (1) class participation, (2) a closed-book midterm examination, and (3) a closed-book three-hour final examination given at the end of the semester. The final examination will consist of both multiple-choice and essay questions.

Attendance and Participation

Please read the following information very carefully.

Students must attend class regularly, and participate in discussions. When past California Bar examinations are used as the basis of discussion, you should prepare in advance a written response. **Your course grade will be reduced for each time you are not prepared and you are considered to be absent for that class.** There is no “free pass” policy for this course.

A student can be absent no more than **three** class sessions. **A student who exceeds the limit will be dropped from the course and receive a failing grade.** You are responsible for keeping an accurate count of your absences.

Promptness

Classes will begin promptly at the scheduled time. Please be in your seat for the start of the class. Students who arrive late disrupt the learning process for others. If you are unavoidably late, please enter quietly through the rear entrance and take a seat in the back of the room. Once class begins, please do not leave the room except for emergencies or medical reasons.

Cell Phones and Pagers

Disable cell phones and pagers and store them before class begins.

Food and Drinks

Do not bring food into the classroom. You may have drinks in covered containers.

Commercial Outlines

You may not recite from commercial outlines, briefs, or other commercial study aids. If you bring these materials into the classroom, they must be closed at all times.

Computer Use

You may use a personal computer during class **for note taking only**. You may not be on the Internet, check email, play games, etc. In the event that students violate this rule, I reserve the right to prohibit computer use in class. If you use your computer for case briefing, please have the document open before we begin discussing the case so as not to waste time bringing it up.

Seating Chart

I will distribute a seating chart early in the semester. Please print your name legibly in the seat of your choosing. This will be your permanent seat. I strongly encourage you to choose a seat near the front of the room. Educational studies show that students who sit near the front benefit most from the classroom experience. Because I randomly select student to recite, your seat choice will not enhance or reduce the likelihood of your being chosen to recite.

Reading Assignments

The following assignments are from the casebook. **You must have all reading assignments for the week prepared in advance of the first class meeting for that week.** Generally, we will review the reading assignments and applicable law in the first class meeting. Almost every week, I will assign old bar examinations (or old law school examinations) as additional problems for class discussion in the second class meeting. Read the corresponding sections in *Remedies in a Nutshell* to gain a fuller knowledge of the topics. **Note: Class coverage of reading assignments is fluid, i.e., we will not always cover all of the assigned material during the scheduled class periods. Often, particularly at the beginning of the semester, we will carry over the assignments to the next week. It is your responsibility to keep track of how far we have gone in each class and make sure you are prepared for the next class. Always review the current assignment before coming to class. IN ADDITION, review the Study Guide, posted in the Web Course, for more specific information about the upcoming classes.**

Week**Topic and Assignment**

1	Introduction to the course; introduction to remedies; v-vii; 2-6; Contract damages: 392-406; Sale of Goods contracts, 407-419, 427-429, 432-445, 454-5, 463-466, 468-471; Land sales contracts, 471-486
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