

WESTERN STATE UNIVERSITY COLLEGE OF LAW
At Westcliff University

REMEDIES SECTION 303A
SYLLABUS AND COURSE POLICIES – Fall 2025

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Class Meetings: Thursdays; 10am-11:50am

Office hours: TBD

COURSE COVERAGE

Remedies is a two-credit required course. It introduces students to remedies in civil cases. The course will provide an overview of three major types of remedies: equitable remedies (the injunction and specific performance), damages, 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.

REQUIRED TEXT

1. Tabb, Janutis, and Main, Remedies: Cases and Problems ("Tabb"), 8th ed. University Casebook Series, Foundation Press.

Western State College of Law – Program Level (JD Program) Learning Outcomes:

Western State College of Law's curriculum is designed so that every student achieves a level of competency prior to graduation in each of the eight Programmatic Learning Outcomes listed below:

(1) Doctrinal Knowledge

Students will demonstrate knowledge of substantive and procedural law in the core curriculum subjects, including Contracts, Criminal Law, Criminal Procedure, Torts, Real Property, Business Association, Evidence, Civil Procedures, Constitutional Law, Estates, Community Property, Remedies, and Professional Responsibility.

(2) Practice Skills

Students will demonstrate the development of other law practice skills. Each student's chosen outcomes within this category will be varied based on the student's particular interests, coursework and work experiences. They may include, but are not limited to, the following topics: oral presentation and advocacy; interviewing; counseling; client service and business development; negotiations, mediation, arbitration, or other alternate dispute resolution methods; advanced legal research and writing (excluding purely

academic papers and the first four units earned in introductory first-year legal research and writing class); applied legal writing such as drafting contracts, pleadings, other legal instruments; law practice management or the use of technology in law practice; cultural competency; collaboration or project management; financial analysis, such as accounting, budgeting project management, and valuation; cost benefit analysis in administrative agencies; use of technology, data analyses, or predictive coding; business strategy and behavior; pre-trial preparation, fact investigation, such as discovery, e-discovery, motion practice, assessing evidence, or utilizing experts; trial practice; professional civility and applied ethics; a law clinic that includes a classroom component; or a legal externship that includes a classroom component.

(3) Legal Analysis

Students will demonstrate the ability to identify the factual and legal issues implicated by a fact pattern and to appropriately use cases (including identifying the salient features of an appropriate precedent case, identifying legally significant similarities or differences between the precedent case and a fact pattern and explaining why those are legally significant) and rules (including the ability to connect legally significant facts in a fact pattern to the rule) to predict how a court would decide the issue. Students will also demonstrate the ability to identify and evaluate the public policies of a precedent case or rule, and be able to evaluate how public policy can impact the application of a rule to the legal issue.

(4) Legal Research

Students will demonstrate the ability to locate relevant legal authority using a variety of book and electronic resources, and to properly cite to such legal authority.

(5) Communication

Students will demonstrate the ability to communicate both orally and in writing in a manner appropriate to a particular task to effectively convey the author or speaker's ideas. This includes audience sensitivity in written and oral communication (the ability to adopt a tone, style and level of detail appropriate to the needs, knowledge and expertise of the audience); and written communication basic proficiency (the ability to use the conventions of grammar, spelling, punctuation, diction and usage appropriate to the task and sufficient to convey effectively the author's ideas).

(6) Advocacy of Legal Argument

Students will demonstrate the ability, in both oral and written formats, to evaluate the legal, economic and social strengths and weaknesses of a case and use case and statutory authority as well as public policy to persuade others. Making policy-based arguments includes the ability to identify and evaluate the public policies of a precedent case or rule and their implications, and be able to assert such appropriate arguments to support a particular application or distinction of a precedent case to a legal controversy or a particular resolution of the application of a rule to the legal controversy.

(7) Client Sensitivity and Cultural Competency

Students will demonstrate an awareness of clients' needs and goals, including a sensitivity to clients' background and circumstances (including, but not limited to, socio-economic, gender, race, ethnicity, educational, disability and/or religious background(s)), the ability to make decisions that reflect an appropriate focus on those needs and goals, and awareness that cultural issues may affect the relevance of facts and application of the law.

(8) Legal Ethics

Students will demonstrate the ability to identify ethical issues in law practice contexts and make appropriate decisions to resolve such issues.

DISABILITY SERVICES STATEMENT:

Western State College of Law provides accommodations to qualified students with disabilities. The Disabilities Services Office assists qualified students with disabilities in acquiring reasonable and appropriate accommodations and in supporting equal access to services, programs, and activities at Western State College of Law.

To seek reasonable accommodations, a student must contact Senior Assistant Dean Donna Espinoza, Student Services Director and Disabilities Services Coordinator, whose office is in the Library Building, Room 275-B. Dean Espinoza's phone number and email address are: (714) 459-1117; despinoza@wsulaw.edu. When seeking accommodations, a student should notify Dean Espinoza of her or his specific limitations and, if known, her or his specific requested accommodations. Students who seek accommodations will be asked to supply medical documentation of the need for accommodation. Classroom accommodations are not retroactive, but are effective only upon the student sharing approved accommodations with the instructor or professor. Therefore, students are encouraged to request accommodations as early as feasible with Dean Espinoza to allow for time to gather necessary documentation. If you have a concern or complaint in this regard, please notify Dean Espinoza; or please notify Dean Marisa Cianciarulo at mcianciarulo@wsulaw.edu or (714) 459-1168. Complaints will be handled in accordance with the College of Law's "Policy against Discrimination and Harassment."

EXPECTATIONS FOR OUTSIDE CLASS PREPARATION

While the amount of time you need to set aside for class preparation will vary with the degree of difficulty of the materials we will be discussing, I would anticipate that you should be devoting a **minimum of four hours of outside of class study time for each week this class meets (2 hours of class a week)**, and often more than that. I include in "preparation time" reading the assigned materials, group study, case briefing and outline preparation, going through the exercises and assignments assigned during and after class, taking practice tests, completing MCQ U World assignments, reviewing the PowerPoints from in class, and any other study methods or materials you are utilizing to learning the materials.

EXAMS AND GRADING

There will be a graded mid-term exam and a final exam. The mid-term exam will consist of one (one-hour) bar-like essay question. The final exam will contain two (one-hour) bar-like essay questions and some multiple-choice questions. The final course grade will be based on a 20% weighting of the mid-term exam, 70% weighting of the final examination, and 10% for class participation.

CLASSROOM PARTICIPATION

Students must attend class regularly, prepare written case briefs and/or written answers to problems, and participate in discussions. **A student who is not prepared will be considered absent for that class.** There is no “free pass” policy for this course.

A student can be absent no more than **two** 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.

ATTENDANCE, DECORUM, AND NOTE TAKING IN CLASS

I will take attendance at the beginning of each class by asking you to sign in for the class on a roll sheet. If you are not signed in, you are absent. In accordance with the school rules, **if you miss more than two classes, you will be academically dismissed from the course.**

You should be in your seat at the commencement of class to be counted as present for the class. Similarly, you should not leave until the end of class. If you have an emergency that causes you to have to leave during the class, please do so unobtrusively. If you have a disability which prevents you from remaining in your seat during the class, please contact the Academic Dean.

I expect that smart phones and the like will not be seen, heard or used in the classroom. You may use your laptop computer, but it should be open only to course related materials. I know that many students use their laptops to take notes in class. I want to make you aware that studies have shown that students do better on exams when they take notes by hand (the old-fashioned way). Remember that technology is a tool. It cannot replace the wonderful learning tool that is your mind. Do everything you can to make sure that your mind is fully engaged during class, and that even when you are not directly participating in class discussion that you are actively listening and thinking.

VIDEO AND AUDIO RECORDINGS

Students are expressly prohibited from recording any part of this course without prior express permission from me (this includes use of AI technology that records for you – having a machine take notes for you will not aid in your memorization or learning). Meetings of this course might be recorded by me. Any recordings will be available to students registered for this class as they are intended to supplement the classroom experience. Students are expected to follow appropriate Western State College of Law policies and maintain the security of passwords used

to access recorded lectures. Recordings may not be reproduced, shared with those not in the class, or uploaded to other online environments.

USE OF ARTIFICIAL INTELLIGENCE

It is a violation of the Western State College of Law Honor Code to misrepresent work or ideas that you submit or exchange with your instructor by characterizing them as your own, such as presenting work or ideas that do not acknowledge the use of generative AI tools (e.g., but not limited to, ChatGTP, DALL-E). Students shall give credit to AI tools whenever used, even if only to generate ideas. Please feel free to reach out to me with any questions you may have about the use of generative AI tools before submitting any content that has been informed by these tools.

SEATING CHART

A seating chart will be distributed during one of the beginning classes. Please print your full name legibly in the seat you choose for your permanent seat. If you wish to change your seat later, please notify me so that I can make the appropriate change on the chart.

OFFICE HOURS

I am delighted to talk with students almost any time. I am happy to have office hours both in person and/or online via Zoom. Since your schedules all vary, please email me directly to set up an office hour appointment and I will be sure to meet with you at a time convenient for you. I will also set up some office hours through the course page weekly as well.

READING ASSIGNMENTS (subject to modification)

You do not need to do any “Problems” in the book you come across during the reading. If we do the problems, we will do them together in class.

	To do BEFORE Class	Topics Covered In Class
Class 1 8/14/25	<ul style="list-style-type: none">• Tabb pp. 3- 38• Tabb pp. 589-628 (skip all problems but read the notes at the end of the cases)	<ul style="list-style-type: none">▪ Introduction to the course▪ Introduction to Remedies▪ Remedies Overview
Class 2 8/21/25	<ul style="list-style-type: none">• Tabb pp. 628-681• Tabb pp.689-715 (skip all problems but read the notes at the end of the cases)	<ul style="list-style-type: none">▪ Tort Damages<ul style="list-style-type: none">▪ Harm to Personal Property▪ Harm to Real Property▪ Personal Injury Damages▪ Damages for Injuries Resulting in Death

Class 3 8/28/25	<ul style="list-style-type: none"> • Tabb pp. 485 – 498 • Tabb pp. 504-526 • Tabb pp. 533-545 • Tabb pp. 555-562 • Tabb pp. 572-581 	<ul style="list-style-type: none"> ▪ Contract Damages <ul style="list-style-type: none"> ▪ Expectation Damages ▪ Consequential Damages ▪ Reliance Damages ▪ Incidental Damages ▪ Liquidated Damages
Class 4 9/4/25	<ul style="list-style-type: none"> • TBD 	<ul style="list-style-type: none"> ▪ Adjustments to Compensatory Damages ▪ Limitations on Compensatory Damages ▪ Collateral Source Rule
Class 5 9/11/25	<ul style="list-style-type: none"> • TBD 	<ul style="list-style-type: none"> ▪ Distress Damages ▪ Economic Loss Damages ▪ Punitive Damages ▪ Practice Essays
Class 6 9/18/25	<ul style="list-style-type: none"> • TBD 	<ul style="list-style-type: none"> ▪ Restitutionary Remedies <ul style="list-style-type: none"> ▪ Unjust Enrichment ▪ Torts & Contracts <ul style="list-style-type: none"> ▪ Money Restitution ▪ Replevin
Class 7 9/25/25	<ul style="list-style-type: none"> • TBD 	<ul style="list-style-type: none"> ▪ Restitutionary Remedies (Equitable) <ul style="list-style-type: none"> ▪ Constructive Trust ▪ Equitable Lien ▪ Tracing ▪ Rescission ▪ Reformation
Class 8 10/2/25	<ul style="list-style-type: none"> • TBD 	<ul style="list-style-type: none"> ▪ Interlocutory Injunctions ▪ TRO ▪ Preliminary Injunction ▪ Preventative Injunctions ▪ Permanent Injunction
Class 9 10/9/25	<ul style="list-style-type: none"> • Catch up/Midterm review 	
Class 10 10/16/25	Midterm	
Class 11 10/30/25	<ul style="list-style-type: none"> • TBD 	<ul style="list-style-type: none"> ▪ Specific Performance ▪ Real Property Remedies ▪ Review Remedies bar

		exam essays
Class 12 11/6/25	• TBD	<ul style="list-style-type: none"> ▪ Defenses <ul style="list-style-type: none"> ▪ Latches & Estoppel ▪ Unclean Hands ▪ Unconscionability ▪ Election of Remedies
Class 13 11/13/25	• TBD	<ul style="list-style-type: none"> ▪ Contempt <ul style="list-style-type: none"> ▪ Criminal Contempt ▪ Civil Contempt ▪ Remedies MCQs
Class 14 11/20/25	• TBD	<ul style="list-style-type: none"> ▪ Jury Trial ▪ Attorney Fees ▪ Nominal Damages ▪ Declaratory Judgments ▪ Final Exam Review