

# **WESTERN STATE COLLEGE OF LAW**

## **REMEDIES – FALL 2025**

### **Syllabus and Policies**

#### **Professor Michi Kono**

Office: Virtual  
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Email: remediesWSU@yahoo.com  
Office hours: late afternoon and evening appointments available by phone or video

#### **Required Book**

Hasen, *Remedies* (5<sup>th</sup> Ed.), Examples and Explanations, Wolters Kluwer

#### **Recommended Books**

Tabb and Janutis, *Remedies in a Nutshell*. This book gives a very basic overview of remedies. Any edition will suffice.

#### **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.

#### **Course Methodology and Objectives**

The course methodology will focus on the use of hypothetical situations and explanations of how the various remedies work when applied to those hypothetical examples. The author of the textbook begins the discussion of each major concept by explaining the theory behind the remedy and discussing the major cases that shaped the legal theory. Examples of tort or contract claims are then provided, and the remedy is then applied to that case with an explanation of how the remedy is calculated. The examples are simple cases illustrating how a concept works. They should aid you in understanding the more complex issues that arise in the examples and problems that follow.

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 equitable remedies, damages, 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 using traditional IRAC format. The final, and perhaps most important, goal is to train the student to read a California Remedies Bar essay and write a competent, closed book, one hour Remedies analysis.

### **Examinations and Grading**

Remedies is a graded course. Your grade will be based on your performance on a timed, closed book final examination. The final will be essay only, structured to simulate a California Bar essay. There will be two in class practice essays which will be ungraded but will give you the opportunity to practice and get an idea of the type of essay you will encounter on the California Bar exam and the final exam.

### **PLEASE READ THE FOLLOWING INFORMATION CAREFULLY.**

#### **Attendance and 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 in the night section 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.** One class may be made up - after a showing of reasonable excuse for absence - by submitting written answers to the problems for the week, along with a written answer to a California Bar essay question which I will provide. Additional makeup class sessions may be offered during the semester. However, no makeup class sessions are guaranteed. You are responsible for keeping an accurate count of your absences.

Students will be awarded "participation points" for volunteering to discuss examples from the textbook, and demonstrating superior preparation and knowledge of the material. Similarly, students will be docked "participation points" if they are called upon and are unprepared. Participation points above expectation will be converted to additional grade points, up to 0.2.

#### **Promptness**

Classes will begin promptly at the scheduled time. I will usually be in the classroom 30 minutes prior to the start of class in order to write material on the board. This will be free time to ask questions or seek clarification on the subject matter. Please arrive on time. Students who arrive late disrupt the learning process for others.

### **Food and Drink**

Due to the starting time of evening classes, if you need to eat your dinner during class, please be mindful of any distractions to your classmates.

### **Commercial Study Aids**

You may use any source for your study materials including commercially available rule statements and guides. However, all examinations will be closed book.

### **Computer Use**

You may use a personal computer during class **for note taking or to research relevant class material**. You may not be on the Internet, check email, text, play games, etc.

### **Time Requirements for Class Preparation and the Study of Remedies**

ABA Standard 310 (b) (1) requires that students spend at least two hours of outside study time for every course credit hour. **This means you must devote *at least four hours each week to the study of remedies outside the classroom*.** Your class preparation should include the following:

- Carefully read every assigned chapter and examples/explanations in the text book.
- Be prepared to discuss the examples in class and be able to explain in your own words how the remedy works.
- Produce written essay answers to bar exam questions I may assign.
- Complete practice examinations that I will distribute before the final examination.
- Take the initiative to delve further into topics by doing outside study, especially on topics that interest you.
- Form study groups with classmates for the purpose of learning from one another.
- Visit the professor during office hours to discuss course materials, identify areas with which you are having difficulty, review practice examinations, etc.

### **Reading Assignments**

The following assignments are from the text book. You should read the entire week's assignment before class that week. **You must answer the assigned problems in writing.** I may assign additional problems that are not in the text book. Read the

corresponding sections in the recommended books to gain a fuller knowledge of the topics.

<u>Week</u>	<u>Topic and Assignment</u>
1 (August 14)	Introduction to the course <b>Review of Contracts</b> <b>Review of Torts</b> Chapter 1
2 (August 21)	<b>Remedy at Law: Damages</b> <b>Tort damages</b> Chapter 2-3
3 (August 28)	<b>Contract damages</b> Expectation damages Incidental and consequential damages Chapter 4
4 (September 4)	<b>Contract damages (cont)</b> Reliance damages Liquidated damages Chapter 5
5 (September 11)	<b>Limitations on damages</b> Foreseeability (chapter 4) Certainty and Avoidable consequences Collateral source rule Chapter 6
6 (September 18)	In class essay and review
7 (September 25)	<b>Remedy at Equity</b> <b>Injunction</b> Chapter 7
8 (October 2)	<b>Specific Performance</b> Chapter 7
9 (October 9)	<b>Temporary Restraining Order</b> <b>Preliminary Injunction</b> Chapter 9
10 (October 16)	<b>Equitable Defenses</b> <b>Rescission and reformation</b> Chapter 14 and 18
October 23	Fall break

11 (October 30)	In class essay and review
12 (November 6)	<b>Restitution:</b> Unjust enrichment Chapter 11
13 (November 13)	<b>Restitution:</b> Quasi-contract Chapter 12
14 (November 20)	<b>Restitution:</b> Constructive Trust and Equitable Lien Chapter 13
November 26 – December 3	Reading week
To be determined	Final Examination

## **Western State College of Law – Programmatic 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](mailto: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](mailto:mcianciarulo@wsulaw.edu) or (714) 459-1168. Complaints will be handled in accordance with the College of Law's "Policy against Discrimination and Harassment."