

REMEDIES

Syllabus
Spring Semester 2009
Tuesday/Thursday -- 9:00 a.m. - 10:15 a.m.
Professor Bruce L. Ottley
Office: 635 O=Malley
Telephone: (312) 362 - 8145
E-mail: bottley@depaul.edu

REQUIRED CASEBOOK:

Laycock, **MODERN AMERICAN REMEDIES**: Cases and Materials (Aspen, 3rd ed. 2002) + 2008 Supplement

RECOMMENDED -- BUT NOT REQUIRED -- REFERENCES:

Dobbs, **HORNBOOK ON REMEDIES** (West Publishing Co., 2d ed. 1993)
Fischer, **UNDERSTANDING REMEDIES** (LexisNexis, 2d ed. 2006)

MATERIAL TO BE COVERED DURING THE SEMESTER:

The following topics will be covered during the semester. All chapter and page numbers refer to the Laycock casebook (3d edition). Students are expected to read and to be prepared to discuss the assigned pages in the casebook AND the corresponding material in the 2008 supplement. Students also are responsible for issues raised and discussed in class and for any materials distributed in class.

1. INTRODUCTION

Chapter 1 (pp. 1 - 10)

2. PAYING FOR HARM: COMPENSATORY DAMAGES

Chapter 2 (pp. 11 - 138; 146 - 162; 169 - 175; 181- 231)

3. PREVENTING HARM: THE MEASURE OF INJUNCTIVE RELIEF

Chapter 3 (pp. 233 - 276)

4. CHOOSING REMEDIES

Chapter 4 (pp. 363 - 476)

5. PREVENTING HARM WITHOUT COERCION: DECLARATORY REMEDIES

Chapter 5 (pp. 511 - 522)

6. BENEFIT TO DEFENDANT AS THE MEASURE OF RELIEF: RESTITUTION

Chapter 6 (pp. 565 - 611; 621 - 639; 659 – 682; 684-700)

7. PUNITIVE REMEDIES

Chapter 7 (pp. 719 – 741)

8. ANCILLARY REMEDIES

Chapter 8 (pp. 775 - 790; 794 - 802)

9. REMEDIAL DEFENSES

Chapter 9 (pp. 959 - 985, 995 - 1005)

METHOD OF EVALUATION:

The final grade for the course will be based upon an examination to be given during the regularly scheduled examination period in May 2009. The examination will consist of a number of fact situation problems. The criteria for grading the final examination will be:

- familiarity with the assigned material;
- analysis of the legal and factual issues presented;
- synthesis and organization of thought;
- accurate and appropriate use of legal terminology;
- clarity of style and persuasiveness of expression.

The examination will be **CLOSED BOOK**. Students may **NOT** bring any book or materials into the examination room. However, students may bring into the examination one 8 2 by 11 inch sheet of paper with notes on both sides.

EXPECTATIONS FOR CLASS

DO NOT register for this course unless you are prepared to meet the **three expectations** for **ALL** students for **EVERY** class:

- (1) You must have **READ** the assigned material in the casebook. Students who chronically are unprepared for class discussion will have their grade lowered by one letter grade.
- (2) You must have **THOUGHT** about the assigned material. What do the cases mean? How do they relate to material we previously have discussed?
- (3) You must be **PREPARED, ABLE AND WILLING** to discuss the material. *Remedies* is not

a lecture course. We use the Socratic method. I will call on students and ask questions and more questions. However, do not be afraid to ask me questions as well about the material. If you do not understand something in the cases or the class discussion, the chances are that other class members also are having difficulty with it. In addition, I expect students to volunteer to participate. Class discussion is not meant to embarrass or humiliate anyone. It is part of the training that you will need, as attorneys, to deal with clients, other attorneys and judges.

Two other important matters applicable to *Remedies* classes:

(1) **Laptop computers.** Most of you use laptop computers to take notes during class. While you may do so, I strongly **DO NOT** encourage it. Why? Law school classes are NOT exercises in dictation in which you write down every word your professor says, memorize it, and give it back on the final examination. Law school classes are meant to be Socratic exercises that help you to develop your analytical and reasoning abilities, not your typing skills. Take your class notes in long hand and type them into your computer **after class**. There are two benefits to this:
-- it will force you to review what we discussed in class; and
-- it will leave you free to participate in B and get MUCH more out of B the class discussions. If you do bring a laptop computer to class, it is to be used EXCLUSIVELY for taking notes. Students found to be using their laptops in class to surf the internet, to check sports scores, to order movie tickets, to send or to receive emails, or for other non-class related purposes will be required to leave the class and will not be permitted to return for the remainder of the class period.

(2) **Cell Phones.** Turn off your pagers and cell phones before class. An attorney in DuPage County recently was held in contempt of court and jailed for 24 hours when his cell phone rang in court. Unfortunately, I do not have the power to jail you if your cell phone rings during class. However, cell phones are VERY distracting to me and to the other students. If you cannot be away from your cell phone, do not come to class. If your cell-phone rings during class, you must leave class and may not return that day.