To: Team Remedies 2020

From: Professor Bard (Bard@uf.law.edu)

Re: Getting Started

Date: January 3, 2020

(cross posted in Module 1 on Canvas and Announcements on Canvas)

Dear Team Remedies-

This is an update of the email I sent you before the break to reflect the reality that the book order seems to be delayed and is not currently in the bookstore. The bookstore assures me it will be there in time for class, but for those of you who like to get an early start, I have shifted the first week’s assignment so that we can move ahead with or without the books.

In part, this involves you getting an early start registering for CALI-a website created by law professors that contains excellent materials for learning most law school subjects—including remedies. You will see below instructions for accessing a free CALI account and specifics on which CALI lessons we will be using the first two weeks.

I am really looking forward to meeting you and diving into what is a fascinating area of the law—identifying remedies. Remedies are what clients come to lawyers to get—and you will find it interesting how often the “obvious” choice of remedy can result in a cascade of unwanted consequences. When we are done, you will have the information you need to pass the bar exam, successfully practice law, and (if you want) engage in legal activities to make the world a better place (however you define that).

**Assigned Reading**

We have two books*: Experiencing Remedies* by Prof. George W. Kinney and the Remedies *Examples and Explanations* by Professor Richard Hansen. I chose these books after exhaustive review of all the options. My goal was to find the clearest and most up-to-date presentation of the material. E & E’s vary in quality and content (since they are by different authors) but you will find this one is excellent and as current as a print book can be. In addition, we will be reading Case Law-Florida and Federal. Finally, in practice, Remedies frequently refers back to the Restatement (2nd) of Remedies—and when we need to we will consult that online.

**Organization of Reading**

You will quickly notice that we are not marching through the book in sequence. Here’s why.

No two Remedies course are the same—and there is no predetermined order of topics or even agreement about which topics are the most important. Given my goal of preparing you for the bar and for practice, I have organized the class so that we start with Equitable remedies and then we spend the maximum time in the second half of the class on the most tested topics: Torts and Contracts remedies. We do this both so that it will be the most recent in the minds of bar takers and because it will help everyone to distinguish Torts and Contracts remedies from Equitable remedies.

**CALI**

We will be using CALI lessons as we go along (and not as a study aid for the end of the course) Each UF student has free access to the practice questions and on-line tutorials of CALI. We will be using these as part of our class. Please register for CALI by doing the following:

* Go to cali.org

* Go to and click on ‘Register’ on the top right

* This will take you to the registration page where you will need to enter the authorization code – FLORUVstu73

* You they will need to enter their name and email and create a username and password and click on ‘Create  New Account’

**Exam:**

I know that a visiting professor is an unknown quantity and I will do everything I can to make sure that you always know what to expect—in class and on the exam. Here’s my promise to you: Over twenty years of teaching I have maintained a “No surprises” exam policy. By the time you see the final exam, you will agree with me that it is exactly what you would have expected.

We will discuss this in more detail later, but I will provide you with an outline of the topics to be tested and you will many sample problems from the E & E, from CALI, and from in-class assessment questions that I draft . In fact, you will be so familiar with the questions that will be on the exam that you can (and will) be writing them yourself.

**Canvas**

I will be posting all future assignments on Canvas and will be communicating with you through the announcements feature of Canvas-so please make sure you have notifications turned on.

**Some Information on the Class Atmosphere**

It is important to the learning environment that you feel welcome and safe in this class; and that you are comfortable participating in class discussions and communicating with me on any issues related to the class.   I would like to acknowledge your preferred name, and pronouns that reflect your identity-and to do this as quickly as possible. I also look forward to getting to know you as individuals.

Here’s how this works--I do not call roll from a preprinted list, rather I will bring a blank sheet with me the first day and ask you to write your name and student ID number. I will also distribute an index cared for you to write your pronouns and anything else that you would like me to know about you.

Finally, I will distribute blank tent cards for you to write whatever you want me to call you in class. All of this plus the seating chart (once you’ve chosen seats) will help me learn your names quickly—and may help you learn the names of any students you happen not to know yet.

I welcome you to the class and look forward to a rewarding learning adventure together.

Although I don’t call roll from a list, I’d like to share with you some new information about making Canvas reflect your preferred name.

*“You may also change your “Display Name” in Canvas. Canvas uses the "Display Name" as set in myUFL.  The Display Name is what you want people to see in the UF Directory, such as "Ally" instead of "Allison."   To update your display name, go to one.ufl.edu, click on the dropdown at the top right, and select "Directory Profile." Click "Edit" on the right of the name panel, uncheck "Use my legal name" under "Display Name," update how you wish your name to be displayed, and click "Submit" at the bottom.  This change may take up to 24 hours to appear in Canvas.   This does not change your legal name for official UF records. “*

Please feel free to get in touch if you have any questions between now and when class starts—to repeat, I know the book isn’t in the bookstore, but a) it will be by the time the class starts and b) the CALI lessons below will give us plenty to discuss the first week even if the book arrives late.

Outline of course—specific reading assignments will be posted on CANVAS

All Chapter References are to our main text, Kinney, Experiencing Remedies

**First Week’s Reading**

## Week 1, January 14, 2020

Class 1

Please come to class with an example of a book, movie, or play with a surprising ending.

Complete CALI Exercise, History of Equity https://www.cali.org/lessonlink/665/REM04/6325/jq

|  |
| --- |
| *Animal Rights Foundation of Florida, Inc. v. Siegel*, 867 So.2d 451 (2004) |

If you are able to purchase the E & E before the first day of class, please read Chapter 1 of the E & E, pp. 1-8 and be prepared to work through the problems in class

**January 16, 2020**

Class 2

Please read E & E pp. 141-155 and be prepared to work though the examples in class.

Casebook, Chapter 13 pp.573-594 with the goal of defining a “preliminary injunction” and identifying the four factor test that courts use to determine a preliminary injunction

CALI Lesson Equitable Remedies-An Overview, https://www.cali.org/lessonlink/665/REM04/6325/jq

4.06 Injunctions (only)

## Week 2 January 21

Chapter 10,

Preventive Injunctions

CALI, Modifying Injunctions, https://www.cali.org/lessonlink/1087/REM37/6325/jq

## Week 3 January 28

Chapter 13 Interlocutory Injunctions

CALI Lesson Appealing Injunctions (Do not proceed to Injunction Bonds), https://www.cali.org/lessonlink/1186/REM42/6325/jq

## Week 4 February 4

Chapter 14, Contempt

CALI Contempt, <https://www.cali.org/lessonlink/821/REM19/6325/jq>

Criminal Contempt

Direct v. Indirect Criminal Contempt,

*Plank v. State*, 190 So.3d 594 (2016)

Civil Contempt

*Commodores Entertainment Corporation v. McCl*ary, 314 F.Supp.3d 1246 (2018)

## Week 5 February 11

Chapter 14, Structural Injunctions

Thursday, February 13th

In-Class Assessment

## Week 6 February 18

CALI Lesson   
Compensatory Damages: Terminology and Basic Concepts, https://www.cali.org/lessonlink/773/REM05/6325/jq

Chapter 4, Tort Damages

CALI, Damages for Personal Injuries, <https://www.cali.org/lessonlink/710/TRT41/6325/jq>

Nonecomic Damages, https://www.cali.org/lessonlink/785/REM20/6325/jq

## Week 7 February 25

Chapter 5, Limitations and Adjustments to Compensatory Damages

## Week 8 March 3

Spring Break!

## Week 9 March 10

Chapter 7, Punitive Damages

Thursday March 12th, In-Class assessment

## Week 10 March 17

Chapter 4 Contract Damages

## Week 11 March 24

CALI, UCC Remedies: An Introduction <https://www.cali.org/lessonlink/739/CON49/6325/jq>

CALI, UCC Remedies When a Buyer is in Breach <https://www.cali.org/lessonlink/738/CON48/6325/jq>

CALI, UCC Remedies When a Seller is in Breach https://www.cali.org/lessonlink/738/CON48/6325/jq

Chapter 4 Contract Damages

## Week 12 March 31

Chapter 11, Specific Performance

April 2, In-Class Assessment

## Week 13 March 7

Chapter 8, Restitution Unjust Enrichment and Related Concepts

CALI, https://www.cali.org/lessonlink/787/REM22/6325/jq

## Week 14 March 14

Chapter 9, Limitations on Restitutionary Remedies

Unclean Hands, <https://www.cali.org/lessonlink/865/REM07/6325/jq>

Right to Jury Trial, https://www.cali.org/lessonlink/1208/REM44/6325/jq

## Week 15 March 21 TBA

## Week 16 March 28 TBA

## Week 17 April 6th

No Class April 9th

## Week 18th April 13th

## Week 19 April 20th