**Spring 2021 Remdies Syllabus and Course Information**

**Professor Elizabeth T. Lear**

**Required Course Materials & Workload**

Required Textbook: Douglas Laycock & Richard Hazen, Modern American Remedies: Cases and Materials **Concise** 5th Edition

Optional: Richard L. Hazen, Remedies – Examples and Explanations (Wolters Kluwer 4th ed. 2017)

You are expected to read and be prepared to discuss all the assigned reading each class, including all the “Notes” assigned. Also, in accordance with Standard 310 of the American Bar Association’s (ABA) standards for law schools, students are expected to devote 2 hours of out-of-class preparation for every 1 credit hour of in-class instruction.

**Office Hours and Appointments**

Unfortunately, we will need to meet for office hours and conduct any private appointments by zoom. I will set up an open “Zoom Chat Room” on Wednesdays from 3:30 to 5:30. Please drop in – it will be nice to see your faces! If you would like to talk with me individually, please email me at Lear@law.ufl.edu and we can set up a time to meet virtually. One caveat – make sure that you include the “law” part of my email address, otherwise you will email my brother who is a professor in Mechanical Engineering. Although he is always sympathetic to my students’ woes, he is not particularly helpful!

**Course Objectives & Student Learning Outcomes**

The objective of this course is for you to develop a greater understanding of (1) remedies that have already been introduced to you in other courses and (2) remedies you have not yet encountered or only touched upon briefly. We will cover equitable remedies (including injunctions), enforcement of equitable decrees, restitution, declaratory remedies, and damages.

After completing this course, students should be able to:

1. Differentiate among various remedies in litigation;
2. Apply caselaw and statutory authority regarding the available remedies in a law suit;
3. Understand the scope and limitations of injunctions and damages as remedies in civil actions.

**Attendance**

Attendance is mandatory and an essential part of the course. In accordance with ABA guidance, you are allowed six absences from class total, for any reason (including for illness, medical appointments, job interviews, school activities, work tasks, family issues, and the like).

**Screen Policy**

I typically ban laptops in my class; however, this semester is a bit different since some of you will be joining us virtually. I know it’s tough but taking notes by hand is proven to assist in recall and learning, so I encourage you to give it a try. *You may not look at your phone during class.* Also, surfing the internet on your laptop (should you choose to use one) is prohibited. It not only distracts those around you, it’s disrespectful.

**Preparing for and Participating in Class**

While I expect you to come to every class and to come prepared, I recognize that exceptional circumstances may lead to be unprepared on a particular day. If that occurs, I’d much rather you show up unprepared than not show up at all; I just ask that you let me know (by email) the night before class that you will not be prepared. If you do come unprepared without letting me know, your grade may suffer.

**Grading Information and Grading Scale**

The law school grading policy is available at <http://www.law.ufl.edu/student-affairs/current-students/academic-policies#9>. The following chart describes the specific letter grade/grade point equivalent in place:

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| --- | --- |
| Letter Grade | Point Equivalent |
| A (Excellent) | 4.0 |
| A- | 3.67 |
| B+ | 3.33 |
| B | 3.0 |
| B- | 2.67 |
| C+ | 2.33 |
| C (Satisfactory) | 2.0 |
| C- | 1.67 |
| D+ | 1.33 |
| D (Poor) | 1.0 |
| D- | 0.67 |
| E (Failure) | 0.0  |

**Final Exam/Final Grade**

Regular attendance, preparation, and active participation in classroom discussion are required. Your course in the grade will be based on a final exam, with potential adjustment based on your attendance and participation. The final exam will be an open book take home. More information on the exam will be provided in class.

**Make-up Exams**

The law school policy regarding delaying or rescheduling exams is available at [http://www.law.ufl.edu/student-affairs/current-students/academic-policies - 12](http://www.law.ufl.edu/student-affairs/current-students/academic-policies#12).

**Accommodations**

Students requesting accommodation for disabilities must first register with the UF Disability Resources Center, <https://drc.dso.ufl.edu/>. The Center will provide documentation to the student, who must then provide this documentation to the Law School Office of Student Affairs when requesting accommodation.

**Student course evaluations**

Students can provide feedback on the quality of instruction in this course by completing online evaluations at <https://evaluations.ufl.edu>. Evaluations are typically open during the last two or three weeks of the semester, but students will receive notice of the specific times when they are open. Summary results of these assessments are available to students at <https://evaluations.ufl.edu/results/>.

**Academic Honesty**

Academic honesty and integrity are fundamental values of the UF Law School community. Students are expected to understand and comply with the UF Student Honor Code, available at <https://www.dso.ufl.edu/sccr/process/student-conduct-honor-code/>, and the Law School’s application of it. See <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/additional-information/honor-code-and-committee/honor-code>.

**Covid Policies**

Many students will have face-to-face instructional sessions to accomplish the student learning objectives of this course. In response to COVID-19, the following policies and requirements are in place to maintain your learning environment and to enhance the safety of our in-classroom interactions. I may take noncompliance into account when grading students or determining if a student may remain in the course.

* You are required to wear approved face coverings at all times during class and within buildings. Following and enforcing these policies and requirements are all of our responsibility. Failure to do so will lead to a report to the Office of Student Conduct and Conflict Resolution. You also will no longer be permitted on the UF Law campus. Finally, Dean Inman will also report your noncompliance to the relevant state board of bar examiners.
* This course has been assigned a physical classroom with enough capacity to maintain physical distancing (6 feet between individuals) requirements. Please utilize designated seats and maintain appropriate spacing between students. Please do not move desks or stations.
* Sanitizing supplies are available in the classroom if you wish to wipe down your desks prior to sitting down and at the end of the class.
* Be mindful of how to properly enter and exit the classroom.  Practice physical distancing to the extent possible when entering and exiting the classroom.
* If you are experiencing COVID-19 symptoms (<https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>), please do not come to campus or, if you are already on campus, please immediately leave campus. Please use the UF Health screening system and follow the instructions about when you are able to return to campus.  <https://coronavirus.ufhealth.org/screen-test-protect/covid-19-exposure-and-symptoms-who-do-i-call-if/>.
* Course materials will be provided to you with an excused absence, and you will be given a reasonable amount of time to make up work.<https://catalog.ufl.edu/UGRD/academic-regulations/attendance-policies/>.”

**Recordings of Class Discussions**

Students may not take, circulate, or post photos or videos of classroom discussions, whether they are in-person, hybrid, or completely online. Students failing to follow this rule will be referred to the College of Law Honor Code Council and the University’s Office of Student Conduct and Conflict Resolution.

**Reading Assignments**

All assignments are in Douglas Laycock & Richard Hazen, Modern American Remedies: Cases and Materials **Concise** 5th Edition. I intend to complete our discussion of each reading assignment during a single class period. In the event that we do not quite complete our class discussion, you should still read the next day’s assignment.

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| TOPIC | READING |
| Introduction to Remedies  | pp. 1-15 |
| Rightful Position Principle | pp. 15-28 |
| Reliance and Expectancy as Measures of the Rightful Position | pp. 28-41 |
| Consequential Damages | pp. 41-55 |
| Limits on Damages | pp. 55-69 |
| Avoidable Consequences, Offsetting Benefits, and Collateral Sources | pp. 69-81 |
| Taxes, Time, and the Value of Money | pp. 109-131 |
| Personal Injuries and Death  | pp. 131-146 |
| Dignitary and Constitutional Harms | pp. 162-176 |
| Punitive Damages: Common Law and Statute, the Constitution | pp. 177-199 |
| Preventing Wrongful Acts (Preventative Injunctions); Preventing Lawful Acts That Might Have Wrongful Consequences (Prophylactic Injunctions) | pp. 217-243 |
| Structural Injunctions  | pp. 255-276 |
| Modifying Injunctions  | pp. 276-290 |
| Specific Performance | pp. 303-321 |
| Burdens on Defendant or the Court; Other Reasons for Choosing Damages or Specific Relief (and more of the same reasons) | pp. 331-350 |
| Preliminary or Permanent Relief: The Substantive Law of Preliminary Relief | pp. 350-371 |
| The Procedural Law of Preliminary Injunctions and TROs | pp. 371-389 |
| Prospective or Retrospective Relief | pp. 389-410 |
| More Governmental Immunities | pp. 411-424 |
| Absolute Immunity | pp. 424-438 |
| Right to Trial by Jury | pp. 453-466 |
| Declaratory Judgments: The General Case; Abstention | pp. 467-489 |
| Introducing Restitution—Mistake | pp. 505-519 |
| Disgorging the Profits of Conscious Wrongdoers; Measuring profits | pp. 532-551 |
| The Three Kinds of Contempt | pp. 617-629 |
| Perpetual Coercion and Contempt of Anticipated Injunctions; The Collateral Bar Rule | pp. 630-653 |