

Law 244.4 sec. 1

Remedies

(Spring 2008)

Units: 3

CCN (2Ls/3Ls): 49607

Instructor: Robert D. Infelise

Email: rinfelise@law.berkeley.edu

Location: 115 Boalt

Time: Tues, Thurs. 3:20-4:35

Texts:

Laycock, *Modern American Remedies* (3d Ed.) and 2007 Supplement

Syllabus

Class 1 – January 15	Ch. 1 -- Introduction to the Course	1-10
	Ch. 2 -- Paying For Harm: Compensatory Damages	
	Basic Principle: Restoring Plaintiff to His/Her Rightful Position	11-19
	Supplement	1
Class 2 – January 17	Ch. 2 -- Paying For Harm: Compensatory Damages	
	Value as the Measure of Rightful Position	19-37
	Supplement	1-3
Class 3 – January 22	Ch. 2 -- Paying For Harm: Compensatory Damages	
	Reliance and Expectancy as Measures of Rightful Position	37-56
	Consequential Damages	56-63
	Supplement	4-6
Class 4 – January 24	Ch. 2 -- Paying For Harm: Compensatory Damages	
	Consequential Damages	63-74
	Limits on the Basic Principle	
	The Parties' Power to Specify the Remedy	74-82
Class 5 – January 29	Ch. 2 -- Paying For Harm: Compensatory Damages	
	Limits on the Basic Principle	
	The Parties' Power to Specify the Remedy	83-92
	Avoidable Consequences, Offsetting Benefits, <i>etc.</i>	92-103
	Supplement	6
Class 6 – January 31	Ch. 2 -- Paying For Harm: Compensatory Damages	
	Avoidable Consequences, Offsetting Benefits, <i>etc.</i>	103-110
	Limits on the Basic Principle	
	The Scope of Liability	110-129
	Supplement	7-10
Class 7 – February 5	Ch. 2 -- Paying For Harm: Compensatory Damages	
	Limits on the Basic Principle	
	The Certainty Requirement	129-138
	Substantive Policy Goals	138-146
	Damages Where Value Cannot Be Measured in Dollars	
	Personal Injury and Death	146-162
	Supplement	10-17
Class 8 – February 7	Ch. 2 -- Paying For Harm: Compensatory Damages	
	Damages Where Value Cannot Be Measured in Dollars	
	Personal Injuries and Death	162-181
	Dignitary and Constitutional Harms	181-193
	Supplement	18-26

Class 9 – February 12	Ch. 2 -- Paying For Harm: Compensatory Damages Damages Where Value Cannot Be Measured in Dollars Dignitary and Constitutional Harms	193-201
	Ch. 3 -- Preventing Harm: The Measure of Injunctive Relief Preventive Injunctions	233-247
	Supplement	26, 30-31
Class 10 – February 14	Ch. 3 -- Preventing Harm: The Measure of Injunctive Relief Preventive Injunctions	247-260
	Reparative Injunctions	260-264
	Supplement	31-34
Class 11 – February 19	Ch. 3 -- Preventing Harm: The Measure of Injunctive Relief Reparative Injunctions	264-289
	Supplement	34
Class 12 – February 21	Ch. 3 -- Preventing Harm: The Measure of Injunctive Relief Structural Injunctions	289-318
	Supplement	35
Class 13 – February 26	Ch. 3 -- Preventing Harm: The Measure of Injunctive Relief Structural Injunctions	318-328
	Modifying Injunctions	328-346
	Supplement	35-37
Class 14 – February 28	Ch. 3 -- Preventing Harm: The Measure of Injunctive Relief The Rights of Third Parties	346-361
	Ch. 4 -- Choosing Remedies Substitutionary or Specific Relief Irreplaceable Losses	363-374
	Supplement	38-39
Class 15 – March 4	Ch. 4 -- Choosing Remedies Substitutionary or Specific Relief Irreplaceable Losses	374-394
	Supplement	39-43
	Class 16 – March 6	Ch. 4 -- Choosing Remedies Substitutionary or Specific Relief Irreplaceable Losses
Burdens on Defendant or the Court		401-421
Supplement		43-53
Class 17 – March 11	Ch. 4 -- Choosing Remedies Substitutionary or Specific Relief Reasons of Substantive or Procedural Policy	421-440
	Preliminary or Permanent Relief	440-447
	Supplement	54-57
Class 18 – March 13	Ch. 4 -- Choosing Remedies Preliminary or Permanent Relief	447-476
	Supplement	57-62
Class 19 – March 18	Ch. 5 -- Preventing Harm Without Coercion: Declaratory Remedies Declaratory Judgments	511-541
	Supplement	78-80
Class 20 – March 20	Ch. 5 -- Preventing Harm Without Coercion: Declaratory Remedies Declaratory Judgments	541-546
	Ch. 6 -- Benefit to Defendant as the Measure of Relief: Restitution Disgorging Profits The Basic Principle	565-579
	Supplement	80-82, 84-85
Class 21 – April 1	Ch. 6 -- Benefit to Defendant as the Measure of Relief: Restitution Disgorging Profits The Basic Principle	579-603
	Measuring the Profits	603-611
	Supplement	85

Class 22 – April 3	Ch. 6 -- Benefit to Defendant as the Measure of Relief: Restitution	
	Disgorging Profits	
	Measuring Profits	611-621
	Restitution and Contract	
	The Basics	621-639
	Supplement	85
Class 23 – April 8	Ch. 6 -- Benefit to Defendant as the Measure of Relief: Restitution	
	Restitution and Contract	
	New Frontiers, or Dead Ends?	652-659
	Punitive Damages	
	Common Law and Statutes	719-738
	Supplement	86-87, 93-102
Class 24 – April 10	Ch. 7 -- Punitive Remedies	
	Punitive Damages	
	The Constitution	738-741
	Supplement	102-127
Class 25 – April 15	Ch. 7 -- Punitive Remedies	
	Punitive Damages	
	Punitive Damages in Contract	756-768
	Other Punitive Remedies	
	Statutory Recoveries by Private Litigants	768-770
	Civil Penalties Payable to the Government	770-774
	Supplement	127-129
Class 26 – April 17	Ch. 8 -- Ancillary Remedies	
	Enforcing the Judgment	
	Enforcing Coercive Orders: The Contempt Power	
	Three Kinds of Contempt	775-802
	<i>Morgan v. Foretich</i> (Handout)	
	Supplement	130-135
Class 27 – April 22	Ch. 8 -- Ancillary Remedies	
	Enforcing the Judgment	
	Three Kinds of Contempt	802-812
	The Collateral Bar Rule	812-828
	Supplement	135
Class 28 – April 24	Ch. 8 -- Ancillary Remedies	
	Enforcing the Judgment	
	The Rights of Third Parties	828-843
	The Maxim That Equity Acts <i>in Personam</i>	843-845