

Remedies (Law 244.2)
Spring 2013
Professor Andrew Bradt

Course Policies and Expectations

Welcome to Remedies! I'm very much looking forward to working with and getting to know each of you over the course of the semester. This course covers a lot of ground, and I hope we'll have a good time along the way. This document outlines our standard operating procedure for the semester.

This class focuses on the alternatives available to a court in responding to a legal wrong in civil litigation. Unlike courses that center on the definition of liability, Remedies focuses on what a victorious litigant can get as a result of her victory, and how to get it. Accordingly, this course is of immense importance to those intending to be litigators, as the available remedy is a primary driver of litigation strategy. This course also seeks to go beyond the practical and address questions regarding the proper scope of a court's power to redress violations of legal rights in different contexts, the appropriate procedural structure for seeking and enforcing remedies, and the use of remedial law to incentivize conduct.

I. Required Text

The required casebook for this class is Douglas Laycock, Modern American Remedies: Cases and Materials (4th ed. 2010). All required readings will be from the casebook, but I will from time to time post supplemental readings that may be of interest on our course website. In general, I assign approximately 20-25 pages of reading per night. In my opinion, this is an excellent, though complicated, casebook, with dense notes. I'll do my best to give you a sense of what we'll focus on before each reading assignment.

II. Outline of Subjects

One of the main challenges of Remedies is that it is a necessarily somewhat episodic survey course. While we will be devoting much of our discussion to trans-substantive legal theory, this is not a class in jurisprudence or legal philosophy. Instead, the course attempts to give you the tools to use that theory beneficially for your clients in litigation, and the theoretical understanding necessary to make compelling arguments. As a result, we're going to devote significant

time to mastering the doctrine and procedure of obtaining and resisting the array of remedies available to litigants. Specifically, we'll be focusing on money damages, punitive relief, injunctive relief, declaratory relief, restitution, and attorney's fees.

III. Class Meetings

We will meet on Wednesdays and Thursdays from 11:20—12:35 in Room 140. Please arrive on time and turn off any mobile devices. For my part, I'll do my best to end each class on time. Audio recording of this class is prohibited.

IV. Class Attendance and Participation

Class attendance is mandatory, and I expect that you will arrive each day prepared to participate. In each class, there will be an "on-call" panel of students, and I expect that these students will help lead our discussion of the assigned material. On days you are not "on call," however, I expect that you will have read the material and will be ready to contribute to class discussion. I will hand out the panel assignments during the second week of class. If, for some reason, you cannot attend class on a day that you are on call, please find a student to switch days with, and let me know in advance.

V. Office Hours

I will hold office hours every week on Thursdays from 2:40—5:00 in my office, 885 Simon Hall. I generally schedule office hours in 20-minute appointments, and there's a sign-up sheet on my door. You are also welcome to sign up for office-hours slots in small groups, but please also respect that some students prefer to meet with me one-on-one. If, for some reason, you cannot make my office hours, we can make an appointment at a more convenient time.

VI. Grading and Final Examination

The final examination will be a three-hour in-class examination. Details about the precise format of the exam will be forthcoming as it nears. In formulating your final grade, I will take class participation into account at the margin, particularly your level of preparation on the days you're on call.