

**REMEDIES**  
**Law 553**  
**Spring Semester 2019**  
**Wednesday 4:30-7:00 p.m.**  
**Room 204**

**Course Introduction & Syllabus**

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Welcome to the Law School's course on Remedies. I hope you find this class to be interesting and rewarding. In this syllabus, I will try to give you some idea of what this course is about and the nature of the material we will be studying. In addition, this Course Introduction contains most of the rules and procedures that will be in effect during the course. *Please read this with care, because most of its contents will not be repeated in class.*

This course focuses on the various types of remedies that are available to a successful party to a lawsuit, from traditional legal remedies, such as compensatory & punitive money damages, to equitable remedies such as injunctions, specific performance, rescission, & restitution. At one time or another in my practice (before teaching), I sought every one of these remedies, so I believe this course is particularly useful. It also covers topics commonly covered on the bar exam. However, please remember that this is an introductory course, intended only to introduce you to the law of Remedies. Once you complete the course, there will still be much for you to learn. Thank you for enrolling in this class, and I look forward to working with you during the weeks that follow.

**Required Text:** You must have the following:

Thompson, Sebert, Gross & Robertson, REMEDIES: DAMAGES, EQUITY & RESTITUTION (4th Ed.; LexisNexis 2009)

**Assignments:** This class will meet one time per week, from 4:30 to 7:00 p.m. on Wednesday, beginning on January 16, 2019 in Room 204. Because this class is comprised of upper class students, and because we will cover a lot of material in each class period, I do not intend to conduct class in the manner that a first year class is conducted. We will learn the material by reading it and discussing it in class. In order for a discussion format to work, **you must be prepared for each class.** I will make the next week's assignment during class. Also, I will use the TWEN page for this course liberally, so PLEASE SIGN UP FOR THE TWEN PAGE!

**NOTE:** Please read pages 1-42 of the text for the first class EXCEPT you need not read the *Vermont Agency of Natural Resources* case at pp. 24-27.

In the second week of class we will begin a study of tort & contract monetary remedies by reviewing Illinois Pattern Jury Instructions. Thereafter, we will move into equitable remedies.

**PLEASE NOTE** that ABA Standard 310 requires that I assign at least 2 hours of preparation for each 50 minute class. Since our classes meet 150 minutes per class, Standard 310 requires that I assign at least 6 hours of work to prepare for each class. I believe that the assignments in this class will meet the expectations of this ABA Standard, but I reserve the right to assign additional materials as I deem necessary.

**Attendance:** I must take attendance. The rules of the law school require it. For those attending the class live, I will circulate an attendance sheet during each class. Please be sure that you sign it. Your signature on the attendance sheet establishes your presence during that class period. Correlatively, the lack of such a signature conclusively establishes your absence. Therefore, be certain to sign the attendance sheet each day. You are entitled to two (2) absences. **More than two (2) absences will result in withdrawal from the class. HOWEVER, you may make up for a missed class by reviewing the video of the class within two (2) business days after the missed class.**

For those attending remotely, the video of each class will be posted at <http://media.law.siu.edu/brittingham/>. I will post power point slides regularly to the TWEN page for the course, so you need to register for it. **YOU MUST REVIEW EACH LECTURE WITHIN TWO (2) BUSINESS (M-F) DAYS OF ITS DELIVERY.** Otherwise you will be considered absent from that lecture. If circumstances prevent you from meeting this requirement, please let me know in advance so that we may make appropriate alternative arrangements.

**Grading:** I will grade this class with a Final Exam administered Tuesday, May 7, 2019 at 1:15 p.m., and with assignments made during the course of the semester. In addition, *if any of you are taking the course for an S/U grade*, please note that your grade will be converted by the Registrar according to the following scale: 2.1 or greater = Satisfactory; below 2.1 = Unsatisfactory. Only students who receive a grade of Satisfactory will earn academic credit for the course (even though a much lower numeric grade will earn credit if you are not taking the course for an S/U grade).

**Office Hours:** My office is in Room 256 (2d floor near the north end of the hall). I have not established formal office hours because I am nearly always in my office from 8:30 a.m. to 4:30 p.m. Tuesday through Thursday (although I may yet establish office hours). I prefer NOT to meet with students in the early mornings of Tuesday through Thursday, as I will need that time to make final preparations for Commercial Law class. Otherwise, feel free to stop in anytime.

**Notice of Recording:** Obviously, all of our classes will be recorded. This will allow those of you taking the class live to watch a class that you miss or to review a class. Let me know and I will send you a copy for your viewing.

## **OTHER IMPORTANT STUFF:**

**PLAGIRISM:** Plagiarizing another's work, in whole or in part, is a violation of the Honor Code and can lead to serious penalties, including expulsion. An Honor Code investigation must also be reported to the Bar Examiners, even if you are cleared of any violation. The Honor Code defines plagiarism as: *passing off another's ideas, words, or work as one's own, including written, oral, multimedia, or other work, either word for word or in substance, unless the student author credits the original author and identifies the original author's work with quotation marks, footnotes, or other appropriate designation in such a way as to make clear the true author of the work.*

**EMERGENCY PROCEDURES:** *Southern Illinois University Carbondale is committed to providing a safe and healthy environment for study and work. Because some health and safety circumstances are beyond our control, we ask that you become familiar with the SIUC emergency Response Plan and Building Emergency Response Team (BERT) program. Emergency response information is available on posters in buildings on campus, available on BERT's website at [www.bert.siu.edu](http://www.bert.siu.edu), Department of Safety's website [www.dps.siu.edu](http://www.dps.siu.edu) (disaster drop down) and in Emergency Response Guideline pamphlet. Know how to respond to each type of emergency.*

*Instructors will provide guidance and direction to students in the classroom in the event of an emergency affecting your location. **It is important that you follow these instructions and stay with your instructor during an evacuation or sheltering emergency.** The Building Emergency Response Team will provide assistance to your instructor in evacuating the building or sheltering within the facility.*

**DISABILITY ACCOMMODATION POLICY:** *Disability Support Services provides the required academic and programmatic support services to students with permanent and temporary disabilities. DSS provides centralized coordination and referral services. To utilize DSS services, students must come to the DSS to open cases. The process involves interviews, reviews of student-supplied documentation, and completion of Disability Accommodation Agreements. <http://disabilityservices.siu.edu>. Upon completion of a Disability Accommodation Agreement with DSS, students should bring the agreement to the School of Law Registrar's Office to ensure the School of Law provides the proper classroom and examination accommodations.*

**SALUKI CARES:** *The purpose of Saluki Cares is to develop, facilitate and coordinate a university-wide program of care and support for students in any type of distress—physical, emotional, financial, or personal. By working closely with faculty, staff, students and their families, SIU will continue to display a culture of care and demonstrate to our students and their families that they are an important part of the*

*community. For Information on Saluki Cares: (618) 453-5714, or [siucares@siu.edu](mailto:siucares@siu.edu), <http://salukicare.siu.edu/index.html>. At the School of Law, Assistant Dean Judi Ray is also available to help students access university resources. Her email is [judiray@siu.edu](mailto:judiray@siu.edu), and her phone number is 618-453-3135.*