Course Overview: This course covers development and use of judicial remedies, with particular emphasis on equitable remedies such as injunctions, restitution, constructive trusts, equitable liens, tracing, subrogation, declaratory judgments, fraud, mistake, duress, breach of contract, abuse of fiduciary relationships, and damages in all types of actions.

Required Text:

Sherwin, et. al., AMES, CHAFEE, and RE on REMEDIES, Cases and Materials (Foundation Press 2012).
ISBN: 9781599418636

ALL CASES ARE TO BE BRIEFED!

Recommended (not required):

DOBBS, LAW OF REMEDIES (2nd Ed. 1993).

ASSIGNMENT 1 (5/26):

COURSE OVERVIEW, INTRODUCTION TO EQUITY, 7TH AMENDMENT RIGHT TO A JURY TRIAL


READ: pp. 270-273 (majority opinion in Grupo Mexicano); 269-270 (Equity in the U.S. Today, Strank); 275-277 (majority opinion in Knudson); 278-280 (Colclasure, Notes); 280-286 (plurality and concurring opinions in Chauffeur).

ASSIGNMENT 2 (5/28):

ENFORCEMENT OF EQUITABLE DECREES (CONTEMPT), EXTRATERRITORIAL DECREES, YOUNGER ABSTENTION DOCTRINE, MASTERS & RECEIVERS

READ: pp. 293-294 (United Mine Workers); 322-330, (Chadwick, Pounders, Notes), 342-343 (Penn); 348-354 (Burnley, McElreath); 360-363 (Kaeppa); 365-371 (James, Donovan); 371-376 (Younger, majority opinion); 377-380 (notes 1-3 following Younger); 333-334 (Madden, Notes).
ASSIGNMENT 3 – INJUNCTIONS (6/2):
Interlocutory Injunctions, pp. 450-458 (Notes 1 &2, Abbott); 462-467 (Coyne); 467-69 (Lockheed).
Mandatory Injunctions, pp. 396-400 (Vane, Foulkes).
Specificity/Modification/Dissolution, pp. 472-473 (Collins); 442-444 (Ladner); 449-Note 4, (Emergency Hospital).
Interpleader, pp. 605-611 (State Farm).

ASSIGNMENT 4 – DECLARATORY JUDGMENTS/SPECIFIC PERFORMANCE, WASTE (6/4):
Declaratory Judgment, pp. 617-621 (Nashville).
Specific Performance, pp. 411-414 (A.W. Chestertown); 499-509 (Kitchen, Rubinstein).
Risk of Loss, Compensation and Abatement, pp. 549-561 (Skelly Oil, Dixon, Billy Williams).
Contracts to Build or Repair, pp. 517-519 (City Stores).

FOR OUR FIRST CLASS, PLEASE BE PREPARED TO DISCUSS THE ASSIGNED CASES!

A FULL SYLLABUS WILL BE PROVIDED AT OUR FIRST MEETING.

SHOULD YOU HAVE ANY QUESTIONS, PLEASE CONTACT ME AT lspiess@tourolaw.edu.

I LOOK FORWARD TO MEETING YOU ON MAY 26th.

-PROFESSOR SPIESS