

REMEDIES
Spring 2009
T/Th 1:30-2:55
Professor Joel Nichols

Required Text:

Laycock, Modern American Remedies, 3rd ed. (Aspen Publishing 2002), and 2008 Supplement.

Office Hours and Contact Information: My office is Room 339, located on the third floor of the law school. My office phone is 651-962-4827 and my email address is joel.nichols@stthomas.edu.

Regular office hours: Monday 10:30-12:00
 Tuesday 3:00-4:30
 Thursday 3:00-4:00
(Or by appointment.)

Classes: We meet Tuesday and Thursday from 1:30-2:55. It is disruptive to your classmates if you are late for class, if you eat or drink loudly in class, or if you talk to your neighbors during class.

Grading: Your grade in this course will primarily be based upon the final examination. More information will be given later in the term, but it is my expectation that the exam will consist of approximately one hour of multiple choice questions (1/3 of the final exam grade) and then the other 2/3 of the final exam grade will be via in-class essays or, more likely, by a take-home portion of the exam.

Two other items may affect your grade in addition to the final exam – both of which would be of rare use: (1) I reserve the right to add or subtract up to 1/3 of a letter grade from your final grade based on class preparation, participation, and attendance (including tardiness). (2) Up to 1/3 of a letter grade may be deducted if you fail to timely complete the injunction drafting assignment (or fail to make a good faith effort at the assignment). More information about the assignment is provided on the list of reading assignments, below.

Class Preparation and Attendance: I expect you to be present and prepared at each class session. If you are unprepared or absent, it hinders your ability to learn the material and diminishes the value of the class to the other students. I expect students not to “pass” when called upon in class.

BlackBoard: I will periodically post supplemental items and answer questions on BlackBoard.

Computer Usage: A long paragraph follows, but the short of it is that computers are for taking notes in this class, not for other activities.

You may use your laptop computer during class for the purpose of taking notes or other purposes that are directly related to and supportive of your participation in class. The use of computers in class is a privilege, however, and not a right – and the privilege may be withdrawn if you do not use it responsibly. The use of a computer in class for activities or purposes unrelated to the course causes a significant distraction for other students and severely disrupts the ability of those students to participate fully in class. Therefore, any improper use of a computer during class (including, but not limited to, composing, sending, or reading emails; instant messaging; blogging; searching or browsing the Internet; playing games; and/or viewing movies) is prohibited.

Further, you may not use your computer or any other recording device to record any portion of this class without my express permission.

Disability Accommodation: Any student with a documented disability needing academic accommodations should discuss the matter within the first two weeks of the term with the University’s Enhancement Program – Disability Services. You may contact that Center by phone (651-962-6315) or in person at the O’Shaughnessy Educational Center, room 119. More information is available on the web at <http://www.stthomas.edu/enhancementprog/>.

Reading Assignments: Your reading assignments for the first few weeks are provided below. NOTE: You are also responsible for any pages from the 2008 Supplement that correspond with the assignments listed below. Anything covered in these readings (including the “note” material) is material that may be on the final examination, even if we do not discuss it specifically in class.

Week 1

1. Preface and Pages 1-26, 33-37 (+ Supp. 1-3)
U.S. v. Hatahley
U.S. v. Fifty Acres
Decatur County Ag-Services v. Young

2. Pages 26-33, 37-56 (+ Supp. 4-6)
Trinity Church v. John Hancock Life
Neri v. Retail Marine
Chatlos v. NCR
Smith v. Bolles

Week 2

3. Pages 56-82 (+ Supp. 6-7)
Buck v. Morrow
Meinrath v. Singer Co.
Texaco v. Pennzoil
Kearney & Trecker v. Master Engraving

4. Pages 82-88, 92-103, 110-119, 126-129 (+ Supp. 7-8, 10-11)
Ashcraft & Gerel v. Coady
S.J. Groves v. Warner Co.
Pruitt v. Allied Chemical
Southwestern Bell Telephone Co. v. Norwood

Week 3

5. Pages 146-175 (+ Supp. 13-25, 29-32 (on valuation for 9-11 fund))
Debus v. Grand Union Stores
Etheridge v. Medical Center Hospitals
Smith v. Dept. of Insurance
6. Pages 175-200 (+ Supp. 25-28)
Levka v. City of Chicago
Carey v. Piphus

Week 4

7. Pages 233-260 (+ Supp. 33-36)
Humble Oil v. Harang
Marshall v. Goodyear Tire
U.S. v. W.T. Grant
Nicholson v. Connecticut Halfway House
8. Pages 260-289 (+ Supp. 36-38)
Bell v. Southwell
Forster v. Boss
Winston Research v. 3M
Bailey v. Proctor

Week 5

9. Pages 289-94, 307-321, 326-28, 363-374 (+ Supp. 38-39, 43-44)
Hutto v. Finney
Lewis v. Casey
U.S. v. Virginia
Pardee v. Camden Lumber
10. Pages 374-401 (+ Supp. 44-48)
Continental Airlines v. Intra Brokers
Brook v. James A. Cullimore
Campbell Soup v. Wentz
Van Wagner Advertising v. S&M Enterprises

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Week 11

Tuesday, March 31, 5:00 P.M. Due date for drafting assignment.

The assignment is as follows:

Read pages 845-855. Then, based on the materials on pages 854-55, you are to draft an injunction as called for therein. Please keep in mind the following. (1) I am aware that (most of) you have not drafted an injunction before; that's why we're doing this. (2) I do not want to give you a sample injunction, because part of the exercise is for you to work out how your injunction should look based on the course readings. (3) There is no length requirement – although we will discuss in class that a court has expressed great surprise at an injunction that was 11 pages long. I suspect your injunction will be maybe 1-3 pages, but it could be more if you think necessary.

To turn this assignment in, you must provide it to Henry Bishop (in the Lawyering Skills suite) either in person or by email (hrbishop@stthomas.edu), no later than 5:00 P.M. on March 31. Please **do** place your name on these injunctions. *Be aware that placing your name on the assignment is your guarantee – per the Honor Code – that you have done your own work.* The injunctions will not be graded (unless you fail to make an effort), so there should be no concern about anonymity. Further, I will delete any names when we discuss student examples in class.

Important: You may (but you are not required to) work with one other person on this assignment. If so, you should both put your names on the assignment. Be aware that placing your name on the assignment is your guarantee – per the Honor Code – that you have done your own work (or, in this case, have worked collaboratively).