**SYLLABUS**

*Introductory note regarding reading assignments:* The assignments sometimes include both skimming and reading. Unless you are told that you may "skim," assume that the assignment requires you to read the assigned material. In addition, the assignments often omit concurring and/or dissenting opinions in assigned cases. If a particular assignment starts on a page with a case or note beginning in the middle or end of the page, assume that the reading assignment starts with that case or note (unless otherwise stated). Likewise, if an assignment ends on a particular page that begins with a new case or note extending to the next (unassigned) page, assume that the assignment ends there.

1. **Tuesday, May 29, 2007:** Course Overview; Introduction to Equity; 7th Amendment Right to a Jury Trial; Contempt Power

   **Skim** casebook, pp. 2-23; 25-36; 42-45; 56-59; 61-62; 70-72; **read** pp. 45-52 (maj. op. in *Grupo Mexicano*); 59-61 (*Strank*); 62-67 (maj. op. in *Knudson*); 72-80 (plurality and concurring ops. in *Chauffeurs*); pp. 95-107 & 121-28 (cases on contempt power)

   **Handout:** “Remedies Overview” Handout; *Sereboff & Ebay*

2. **Thursday, May 31:** Execution of Money Judgments; Transfer of Title in Property Cases; “Extraterritorial” Equitable Decrees Regarding Foreign Property, Foreign Litigation, and Foreign Acts; *Younger* & Related “Abstention” Doctrines

   **Read** casebook, pp. 151-55; 158-59 (*Penn*); 162-70 (*Burnley & McElreath*); 179-84 (*Kaepa*); 184-87 (*Vanneck* and notes thereafter); 190-98 (*James and Donovan*); 199-206 (*Younger* maj. op.); 210-11 (notes 1-3 following *Younger*); 221 (note 2, on *Gibson*); 270-75 (*Salton Sea and Madden*); **skim** pp. 221-44 (cases on other abstention doctrines)

   **Handouts:** *Quackenbush, Baker,* and *San Remo Hotel*; V.T.C.A., Tex. Civ. Prac. & Rem. Code, § 31.002; Full Faith and Credit Clause Handout

3. **Tuesday, June 5:** Injunctions (TRO, preliminary injunction, permanent injunction); Interpleader; Declaratory Judgment; Specific Performance of Contracts; Equitable Conversion;
Arbitration Provisions in Contracts

**Read** casebook, pp. 276-88; 293-310; 312-14; 360-87; 401-13 (*Skelly Oil, Dixon, and note 1 thereafter); 421-25 (*City Stores*); 433-45 (*Ticor & Rogers*); 461-66 (*Sprinzen & note thereafter).

**Handout:** Texas Vendor and Purchaser Act & *Tory*

**4. Thursday, June 7:** Equitable Relief Against Torts; Equitable Defenses

**Read** casebook, pp. 467-70; 475-77 (*Wheelock*) 479-81 (*Hirschberg*); 482-92; 495-500 (*Boomer*); 503-12; 513-16 (*Carmen and note thereafter)*; 520-22 (note on “unclean hands” doctrine); 524 (note on laches); 526-35; 548-56; 560-76; 594-600 (*Mansfield; Louisville & Nashville R.R.: Patel*, and notes following *Patel*); 607-13 (*McKinnon*).

**Handout:** “Swords and Shields in Equity” Handout

**5. Tuesday, June 12:** Rescission and Reformation of Contracts; Statute of Frauds; Time-of-the-Essence Provisions; Quasi-Contract/Restitution; Constructive Trusts

**Read** casebook, pp. 577-94; 613-17; 635-41; 649-54; 662-72; 684-92; 695-700; 705-08; 716-22 (skip dissent in *Snepp*); 728-32

**6. Thursday, June 14:** Introduction to Money Damages; *Hadley* Doctrine; Expectation Interest; Mitigation of Damages Doctrine; Construction Contract Damages; Nominal Damages; Emotional Distress Damages for Breach of Contract; Liquidated Damages; Tort Damages Regarding Injury to Property and Business Interests


**Handout:** “Compensatory Damages” handout

**7. Tuesday, June 19:** Tort Damages for Injury to Person (including effects of future income taxation and inflation on damages calculus); Loss of Consortium; Wrongful Death, Wrongful Conception, Wrongful Birth, Wrongful Life

**Read** pp. 872-81; **skim** pp. 881-97 (*O’Shea & Pfeifer*); **read** pp. 897-910; 923-29 (skip dissent in *Reagan*); 943-51; 958-68

**Handout:** *Norfolk & West. R.W. & Buckley*; 2 handouts on inflation and money damages in PI
cases

8. Thursday, June 21: Punitive Damages; Damages in Addition to Equitable Relief; “Public Law” Remedies; Civil Rights Remedies; Absolute & Qualified Immunity

Read casebook, pp. 969-73; 985-1008 (skip dissents in Gore); 1023-31 (skip dissents in State Farm); 1032-36; 1052-54; 1056-60 (skip dissent in Thompson); 1063-64 (notes 1-3); 1070-73 (skip dissents in Bivens); 1081-87 (skip dissent in Schweiker); 1104-06; 1106-15; 1119-20 (note 1 on Anderson); skim pp. 910-23 (Carey & Stachura)


9. Tuesday, June 26: Damages for Defamation and Other Torts Against Personal Interests

Read casebook, pp. 1130-34; 1143-71; 1183-91 (skip concurring and dissenting opinions in Cruzan); 1207-29; skim pp. 1230-37 (Rotary & Loudermill)

Handout: “First Amendment Limits on Defamation Damages” handout

10. Thursday, June 28: Attorneys’ Fees and Prejudgment Interest; Effect of a Defendant’s Filing for Bankruptcy on Available Remedies; End-of-Semester Review (we will go until at least 9:00 p.m.; however, students are not required to stay past 8:20 p.m.)

Read casebook, pp. 1256-68; 1281-1307; 1328-40; 1353-64


FINAL EXAM: Saturday, June 30, 2007, 9:00-11:00 a.m. (2-hour exam)

The final exam: The final exam will be 3/4th essay format and 1/4 objective questions.

Class Participation: I intend to factor in class participation as a component of the grade; according to Law Center policy, your class participation may increase (or decrease) your grade by one notch (e.g., from A- to A).

Attendance Policy: According to Law Center policy, if you attend less than 80% of the scheduled classes (i.e., less than 8 of the 10 classes), you will not receive credit for this class.

Note on my office hours: 5:30 p.m.-5:55 p.m. on the night of each class. You may also telephone me from 12:00 p.m.-1:00 p.m. at my law office downtown (713-718-4600). If I am not available then, I will return your call. My email address is Brent_Newton@fd.org.