

Course Syllabus

Our textbook this semester will be Modern American Remedies (**Concise** Fifth Edition) by Douglas S. Laycock. All reading assignments are from this textbook. Classes will take place on the following dates from 5:30 pm to 7:30 pm:

August 24	Introduction to Course and Rightful Position Principle (pp. 1-15) Value as the Measure of the Rightful Position (pp. 16-28)
August 31	Expectancy and Reliance as Measures of the Rightful Position (pp. 28-41)
Sept. 14	Consequential Damages -- The Texaco/Pennzoil Case (pp. 41-54)
Sept. 21	Dignitary and Constitutional Harms (pp. 162-176) Limitation of Remedy and Liquidated Damages Clauses (pp. 55-69)
Sept. 28	How to Measure Mental Anguish Damages in Texas: <i>Gregory v. Chohan</i> Guest Speaker: Troy Chandler of Chandler McNulty LLP
Oct. 5	The Substantive and Procedural Law of Preliminary Injunctions and TROs (pp. 357-366) Guest Speaker: Judge Beau Miller of the 190 th District Court of Harris County
Oct. 12	Preventive Injunctions (pp. 217-228) Reparative Injunctions (pp. 243-251)
Oct. 19	Damages or Injunctions (pp. 303-318) Damages or Specific Performance (pp. 318-330)
Oct. 26	Taxes and Prejudgment Interest (pp. 109-31) Prospective or Retrospective Relief-- Sovereign Immunity (pp. 385-410) Declaratory Judgments (pp. 467-480)
Nov. 2	Disgorging Profits I and II (pp. 532-562)
Nov. 9	Restitution from Third Parties (pp. 505-532)
Nov. 16	Punitive Damages: Common Law and Statutes (pp. 177-191) Punitive Damages: The Constitution (pp. 191-205)
Nov. 23	The Collateral Bar Rule (pp. 643-663)

	Attorney's Fees: Fee Shifting Statutes (pp. 711-726)
Nov. 30	Attorney's Fees: Common Fund Cases (pp. 726-738) Final Review

Course Objectives

By the end of this course, you should expect to:

1. gain a basic understanding of the various remedies available to litigants
2. understand and appreciate the underlying purpose of remedies in our legal system
3. formulate the best arguments you can to advance the interests of your (future) clients
4. have fun and enjoy the law!

Contacting Me

Please feel free to call me at any time to discuss remedies, any other area of law, or practically any topic under the sun. I'd also be happy to talk about career advice. My door is always open. My cell phone number is (832) 955-8790. My email address is andrew.edison@txs.uscourts.gov.

Course Format

Students taking this course must be prepared on a weekly basis to either attend a face-to-face class session with me, or attend a zoom class session. The course will have an overwhelming majority of its 14 regular class sessions occur on zoom as synchronous distance education. I will notify students at least 10 calendar days in advance when the class sessions will be face-to-face.

Counseling and Psychological Services (CAPS)

CAPS can help students who are having difficulties managing stress, adjusting to the demands of a professional program, or feeling sad and hopeless. You can reach CAPS (www.uh.edu/caps) by calling 713-743-5454 during and after business hours for routine appointments or if you or someone you know is in crisis. No appointment is necessary for the "Let's Talk" program, a drop-in consultation service at convenient locations and hours around campus. www.uh.edu/caps/outreach/lets_talk.html

Sexual Misconduct Policy

The University is committed to maintaining and strengthening an educational, working and living environment where students, faculty, staff, and visitors are free from discrimination and sexual misconduct. If you have experienced an incident of discrimination or sexual misconduct, there is a confidential reporting process available to you. For more information, please refer to the University system's Anti-Discrimination Policy SAM 01.D.07 and Sexual Misconduct Policy SAM 01.D.08, available here:

<http://www.uhsystem.edu/compliance-ethics/uhs-policies/sams/01-general-information/index.php>

<http://www.uhsystem.edu/compliance-ethics/docs/sam/01/1d7.pdf>

(antidiscrimination)

<http://www.uhsystem.edu/compliance-ethics/docs/sam/01/1d8.pdf> (sexual misconduct)

Please be aware that under the sexual misconduct policy, SAM 01.D.08, faculty are required to report to the University any information received regarding sexual misconduct as defined in the policy. Please note that the reporting obligations under the sexual misconduct policy reach to employees and students. Also, as a required reporting party, Law Center employees and faculty members are not a confidential resource.

Names and Pronouns

Chosen names and preferred pronouns (including non-binary ones such as they/them/their) must be respected in my classroom. Please feel free to reach out to me at any time if you want to make me aware of your chosen name or preferred pronoun, or if you have concerns about how I or your classmates address you.

Reasonable Academic Adjustments/Auxiliary Aids

The University of Houston complies with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, pertaining to the provision of reasonable academic adjustments/auxiliary aids for disabled students. In accordance with Section 504 and ADA guidelines, UH strives to provide reasonable academic adjustments/auxiliary aids to students who request and require them. If you believe that you have a disability requiring an academic adjustments/auxiliary aid, please contact the Justin Dart Jr. Student Accessibility Center (formerly the Justin Dart, Jr. Center for Students with DisABILITIES).

Excused Absence Policy

Regular class attendance, participation, and engagement in coursework are important contributors to student success. Absences may be excused as provided in the University of Houston Graduate Excused Absence Policy for reasons including: medical illness of student or close relative, death of a close family member, legal or government proceeding that a student is obligated to attend, recognized professional and educational activities where the student is presenting, and University-sponsored activity or athletic competition. Under these policies, students with excused absences will be provided with an opportunity to make up any quiz, exam or other work that contributes to the course grade or a satisfactory alternative. Please read the full policy for details regarding reasons for excused absences, the approval process, and extended absences. Additional policies address absences related to military service, religious holy days, pregnancy and related conditions, and disability.

Honor Code

The UHLC Honor Code applies to all aspects of this course. You are responsible for knowing all Honor Code provisions and for complying with the Honor Code. Please inquire if you have any questions regarding how the Honor Code's provisions apply to specific activities or situations related to this course. Your continuing enrollment in this course is deemed to be a pledge by you under the Honor Code to comply with the Honor Code in relation to this course and to comply with the instructions in the course syllabus.

AI Generated Text

The software technology known as artificial intelligence has recently expanded its capability to generate text (AI Generated Text). Examples of the technology include what are known as “generative” large language models (LLMs), and a specific implementation what is well known in the general public is ChatGPT. These systems can generate text in response to prompts and/or input of other text/documents/code/images. The output, the AI Generated Text, appears to have human-mimicking “intelligence” and is thus potentially usable as a substitute for written work product one might generate themselves. AI Generated Text can include computer code or programs as well as human language content.

Your continuing enrollment in this course is deemed to be a pledge by you under the Honor Code to not prompt, generate, obtain, read, or use any AI Generated Text in relation to any activity or assessment in this course. This applies to AI Generated Text from yourself or others. This pledge includes that your assessment work product in the course is without any contribution from AI Generated Text.

This specifically extends to the plagiarism policy and unauthorized aid/materials parts of the Honor Code: AI Generated Text will be treated as from another/others in applying the plagiarism policy to this course. The term “assessment” means any work product generated for this course that is submitted to the instructor or presented in a class session, regardless whether it is graded content or not. Assessments include mid-terms and final exams. AI Generated Text may not be used in the development or drafting of any assessments created by you in a non-proctored environment, such as a “take-home” final examination unless specified as an exception below. The parts of the Honor Code that refer to unauthorized materials or aid are specifically prohibited from any use of AI Generated Text in this course unless specified as an exception below.

The Exam

The exam consists of both essay and short answer. This is an open-book exam. Your grade in this course will be determined entirely by your performance on the exam.