

# WESTERN STATE UNIVERSITY COLLEGE OF LAW

## REMEDIES – SPRING 2025 LAW 303 A – Room *Currently Unknown*

**Professor:** Cassandra Mellas, Esq.  
**Email:** cmellas@wsulaw.edu  
**Class Time:** Monday & Wednesday / 1:30 – 2:50 PM  
**Office Hours:** TBD

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### Required Text

**Tabb, Janutis, and Main's, Remedies, Cases and Problems, 8th**  
ISBN: 9781636599625. Format: Print – Hardbound. No E-book.

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### Recommended Supplements

*Select based on learning style & preference. Most editions are fine, the most recent listed below:*

Tabb and Janutis's, **Remedies in a Nutshell**, 4<sup>th</sup>  
ISBN: 9781647082208. Publication Date: 03/29/2021.

**Understanding Remedies**, 4<sup>th</sup>, James M. Fisher  
ISBN: 9781531021894. Date: 2021.

**Examples & Explanations for Remedies**, Fifth Edition, Richard L. Hassen  
ISBN: 9798889066330. Year: 2023.

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### COURSE DESCRIPTION

This three-unit course provides an in-depth exploration of the legal principles and practical applications related to Remedies and litigation. Students will engage with the fundamental theories of remedies, including compensatory, punitive, and equitable relief, and will analyze how these Remedies are applied in various legal contexts. The course covers key topics such as: the distinction between legal and equitable remedies, the role of damages and restitution in compensating injured parties, the principles governing injunctive relief and specific performance, the challenges of enforcing remedies, including issues of jurisdiction and enforcement mechanisms, and the role of public policy in shaping remedies and availability to clients.

### COURSE OBJECTIVES

- Understanding of the Legal, Equitable, and other types of Available Remedies,
- Further developing legal & constitutional analysis skills,
- Expanding legal analysis and oral communication skills during class,
- Articulate understanding of the legal importance of these rules,
- Utilizing critical thinking skills to explore the nuance of Remedies law, &
- An understanding of “Remedies” sufficient to prepare you for the California Bar Exam.

*\*Best practices suggest reading every syllabus section in full, even ones you think you have already read.*

## COURSE POLICIES

**Class Preparation** - You are expected to spend, at minimum, 2 hours of preparation for every one hour of official class time. *This is not a quippy suggestion to instill fear, rather, the reality for those seeking to thrive in Remedies.* You should expect to spend a **minimum** of 6 hours per week preparing for class. This may include briefing, reading official comments, taking notes, writing flashcards, outlining, reading supplements, listening to audio lectures, watching educational videos, or anything else you may need in preparation of class time. **Remedies is the second most frequently tested subject on the California Bar Essay Exam.** (*Professional Responsibility is the most frequently tested essay subject.*)

**In Class Expectations** – You are expected to brief each case – ***in your own words*** – and be prepared to explain each case to the class. **DO NOT recite from any brief, outline, resource, brief bank, or any other materials besides your own thoughts.** You are expected to have a prepared answer to each question assigned in *Tabb*. I strongly caution against letting work pile up in a course such as Remedies, as it is voluminous and remarkably easy to fall behind.

- You are expected to complete **EACH** problem or question in your reading from *Tabb* starting with **Class 1**. You **MUST** bring a handwritten or printed copy of a summation of all reading assignments for each class, **in your own words.** (*Briefs.*) This may be an overall summary **or** smaller summaries for each sub-portion of the assignment. The requirement is your **good faith effort** to show you have completed and synthesized the reading from each class. There is no minimum/maximum expectation.
- Each item **MUST** be printed & turned in for credit at the start of **Class 1**, email is not adequate.

**Participation** - Participation, is meaningful contributions to class time, discussions, office hours, thoughtful questions, and the like. Participation is not, asking an abundance of questions attempting to gain participation points. Participation is expected to be robust, meaningful, and qualitative.

**All views are encouraged and respected in this classroom.** Disrespect of peers or their ideas will be met with zero tolerance, and you will leave the classroom session.

*\*There is a difference between being unprepared and struggling to answer difficult questions. Getting a question incorrect is not a problem, put forth a good-faith effort during the class. I encourage participation and bravery.*

**Professionalism** – Professionalism includes being respectful to your peers, attending class on time, and communicating in a respectful manner. Professionalism includes all conduct or communications pertaining to Remedies and WSCL. Under no circumstances will any unprofessional, rude, or bad-faith conduct be tolerated. Everyone will be respectful, courteous, and professional.

*(Part of being professional is giving class time and peers respect, individuals using computers for non-notetaking or non-class purposes risk losing both participation and professionalism points.)*

**Assignments** – Assignments are expected to be completed, in full. Assignments are expected to be completed using your good faith efforts. Unofficial Assignments are also expected to be conducted in good faith. **Assignment/Turn-In Guidelines** – all assignments **must** be printed hard-copy by the start of class. Email is not adequate. **\*Printed Guidelines** – Double Space, 12-point font, Times New Roman.

**Attendance** - No more than **4 (four) absences** are permitted without being withdrawn from the course and receiving a failing grade, under the guiding policies of Western State College of Law. → *4 classes is about 16% of class instruction time, sans testing. Best practices advise attending each class, if possible.*

**\*IMPORTANT NOTES REGARDING ABSENCES** – **(1)** All assigned work is due at the start of class, whether you are absent or not. Missing class does not excuse assignments. **(2)** If you are absent, you waive the right to participate or view multiple choice, essay, or other in-class assignments - opportunity to review the materials is class time itself. *(Please reach out if there is an unforeseen emergency, to discuss.)*

### **ELECTRONICS POLICIES**

**Computer Use** – While you are strongly discouraged from any computer use during class, it is permissible to use your computer for note taking or briefing purposes **only**. Tasks including Discord, iMessage, WhatsApp, email, games, texting, sharing briefs, social media, or any non-class related activities, are **prohibited**. You will have approximately 40 hours of in-class time, make it count!

*\*\*\*If this policy is broken, it may become a computer free classroom.*

**Cell Phones** – Cell phones, will not be permitted during class time. If there is an emergency or other reason to be “on call” during class, please reach out before class time starts to arrange.

**Recording** – No audio, video, photographic, or any other recording shall take place without express permission of the Professor. ***CA requires 2-party consent. Recording without consent is a crime.***

### **PLAGIARISM**

There is a zero-tolerance plagiarism policy in coursework, exams, briefs (*book, written, digital, audio, or otherwise*), assignments, “group-work”, or **any** other type of verbal or written work. **Definition - Plagiarize:** to steal and pass off (the ideas or words of another) as one's own: use (another's production) without crediting the source (*Webster's*).

**Nuanced definition** - “**Plagiarism** is the act of taking a person’s original work and presenting it as if it was one’s own. Plagiarism is not illegal in the United States in most situations. Instead, it is considered a violation of honor or ethics codes and can result in disciplinary action from a person’s school or workplace. However, plagiarism can warrant legal action if it infringes upon the original author’s copyright, patent, or trademark. Plagiarism can also result in a lawsuit if it breaches a contract with terms that only original work is acceptable. Email, “I read it all!” to [cmellas@wsulaw.edu](mailto:cmellas@wsulaw.edu) for bonus points by 6:30 PM the first day of class. But, shh! To avoid plagiarism, a person should always properly attribute any information they use to the original author through quotes or citations. Further, there are free online plagiarism checkers to ensure that a person’s work is free of plagiarism such as Grammarly, Duplichecker, or Quetext.” *(Updated in November of 2021.*

*For more information on plagiarism, please see: [https://www---stagingmp6ykpkm7cbbg.us.platform.sh/sites/default/files/policy%20\(1\).pdf](https://www---stagingmp6ykpkm7cbbg.us.platform.sh/sites/default/files/policy%20(1).pdf)*

***Any violation of these standards may result in the following: being removed from the class or session, being marked absent, losing participation points, and penalties available in the Student Handbook.***

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### **OVERALL GRADE COMPOSITION:**

**Midterm Examination – 25%**

**Final Examination – 60%**

**Assignments – 10%**

**Participation & Professionalism – 5%**

<u>Class Session</u>	<u>Class Topics</u>	<u>Reading</u>	<u>Assignments</u>
<u>Class 1</u> 1/13/25	- <i>Syllabus Review</i>  - <i>At Home Preparation Expectations</i>  - <i>In-Class Expectations</i>  - <i>Class Offers</i>  - <i>Intro to Remedies</i>	1-11  15-20  24-28  35-38	-Read syllabus in full before class in preparation for in-class discussion    -Bring hard-copy briefs/questions from reading
<u>Class 2</u> 1/15/25	TORT DAMAGES Harm to Personal Property Harm to Real Property Personal Injury Damages Damages For injuries Resulting in Death	589-615 621-646 653-670 689-694	
<u>Class 3</u> 1/22/25	-	-	-
<u>Class 4</u> 1/27/25	CONTRACT DAMAGES Expectation Damages Consequential Damages Reliance Damages Incidental Damages Liquidated Damages	485-492 494-498 504-514 516-524 533-545 555-562 572-574	
<u>Class 5</u> 1/29/25			
<u>Class 6</u> 2/3/25	Compensatory Damages Adjustments to Compensatory Damages  Limitations on Compensatory Damages Collateral Source Rule	717-734 735-745  753-782	
<u>Class 7</u> 2/5/25			<i>Assignment A Due</i>
<u>Class 8</u> 2/10/25	Distress Damages Economic Loss Damages Punitive Damages	801-822 857-865 875-887	
<u>Class 9</u> 2/12/25			
<u>Class 10</u> *2/18/25	<u>Restitutionary Remedies (Damages)</u> Unjust Enrichment Torts & Contracts § Restitution Replevin	901-921 946-953	
<u>Class 11</u> *2/19/25			

<u>Class 12</u> 2/24/25	Restitutionary Remedies (Equitable) Constructive Trust Equitable Lien Tracing Rescission Reformation	963-982 982-992 993-1000 1004-1011 1016-1017	
<u>Class 13</u> 2/26/25			<i>Assignment B Due</i>
<u>Class 14</u> 3/3/25	<i>*Mini Review Session – Time Permitting</i>		<i>Assignment C Due</i>
<u>Class 15</u> 3/5/25	<b>MIDTERM EXAMINATION</b>		
<u>Class 16</u> 3/17/25	Interlocutory Injunctions  Temporary Restraining Order Preliminary Injunctions	251-279  295-310	
<u>Class 17</u> 3/19/25			
<u>Class 18</u> 3/24/25	***** <i>DUE</i>	-	<i>Assignment D Due</i>
<u>Class 19</u> 3/26/25	***** <i>REVIEW</i>	-	<i>Assignment D In-Class Review</i>
<u>Class 20</u> 3/31/25	Preventative Injunctions Permanent Injunctions Morden Injunctions	53-105 395-399 406-413	
<u>Class 21</u> 4/2/25			<i>Assignment E Due</i>
<u>Class 22</u> 4/7/25	Specific Performance	119-176	
<u>Class 23</u> 4/9/25			
<u>Class 24</u> 4/14/25	<u>Defenses</u> Latches & Estoppel Unclean Hands Unconscionability Election of Remedies	181-207 214-224  237-246	
<u>Class 25</u> 4/16/25			<i>Assignment F Due</i>
<u>Class 26</u> 4/21/25	Contempt Criminal & Civil Contempt  Jury Trial Attorney Fees Nominal Damages Declaratory Judgements	329-394   1035-1048 1052-1066 1113-1118 1126-1128	
<u>Class 27</u> 4/27/25			
<u>Class 28</u> 4/28/25	<i>*Mini Review Session – Time Permitting</i>		<i>Assignment G Due</i>

## **Western State College of Law – Programmatic Learning Outcomes**

Western State College of Law’s curriculum is designed so that every student achieves a level of competency prior to graduation in each of the eight Programmatic Learning Outcomes listed below:

### **(1) Doctrinal Knowledge**

Students will demonstrate knowledge of substantive and procedural law in the core curriculum subjects, including Contracts, Criminal Law, Criminal Procedure, Torts, Real Property, Business Association, Evidence, Civil Procedures, Constitutional Law, Estates, Community Property, Remedies, and Professional Responsibility.

### **(2) Practice Skills**

Students will demonstrate the development of other law practice skills. Each student’s chosen outcomes within this category will be varied based on the student’s particular interests, coursework and work experiences. They may include, but are not limited to, the following topics: oral presentation and advocacy; interviewing; counseling; client service and business development; negotiations, mediation, arbitration, or other alternate dispute resolution methods; advanced legal research and writing (excluding purely academic papers and the first four units earned in introductory first-year legal research and writing class); applied legal writing such as drafting contracts, pleadings, other legal instruments; law practice management or the use of technology in law practice; cultural competency; collaboration or project management; financial analysis, such as accounting, budgeting project management, and valuation; cost benefit analysis in administrative agencies; use of technology, data analyses, or predictive coding; business strategy and behavior; pre-trial preparation, fact investigation, such as discovery, e-discovery, motion practice, assessing evidence, or utilizing experts; trial practice; professional civility and applied ethics; a law clinic that includes a classroom component; or a legal externship that includes a classroom component.

### **(3) Legal Analysis**

Students will demonstrate the ability to identify the factual and legal issues implicated by a fact pattern and to appropriately use cases (including identifying the salient features of an appropriate precedent case, identifying legally significant similarities or differences between the precedent case and a fact pattern and explaining why those are legally significant) and rules (including the ability to connect legally significant facts in a fact pattern to the rule) to predict how a court would decide the issue. Students will also demonstrate the ability to identify and evaluate the public policies of a precedent case or rule, and be able to evaluate how public policy can impact the application of a rule to the legal issue.

### **(4) Legal Research**

Students will demonstrate the ability to locate relevant legal authority using a variety of book and electronic resources, and to properly cite to such legal authority.

### **(5) Communication**

Students will demonstrate the ability to communicate both orally and in writing in a manner appropriate to a particular task to effectively convey the author or speaker’s ideas. This includes audience sensitivity in written and oral communication (the ability to adopt a tone,

style and level of detail appropriate to the needs, knowledge and expertise of the audience); and written communication basic proficiency (the ability to use the conventions of grammar, spelling, punctuation, diction and usage appropriate to the task and sufficient to convey effectively the author's ideas).

**(6) Advocacy of Legal Argument**

Students will demonstrate the ability, in both oral and written formats, to evaluate the legal, economic and social strengths and weaknesses of a case and use case and statutory authority as well as public policy to persuade others. Making policy-based arguments includes the ability to identify and evaluate the public policies of a precedent case or rule and their implications, and be able to assert such appropriate arguments to support a particular application or distinction of a precedent case to a legal controversy or a particular resolution of the application of a rule to the legal controversy.

**(7) Client Sensitivity and Cultural Competency**

Students will demonstrate an awareness of clients' needs and goals, including a sensitivity to clients' background and circumstances (including, but not limited to, socio-economic, gender, race, ethnicity, educational, disability and/or religious background(s)), the ability to make decisions that reflect an appropriate focus on those needs and goals, and awareness that cultural issues may affect the relevance of facts and application of the law.

**(8) Legal Ethics**

Students will demonstrate the ability to identify ethical issues in law practice contexts and make appropriate decisions to resolve such issues.

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**DISABILITY SERVICES STATEMENT:**

Western State College of Law provides accommodations to students with disabilities. The Disabilities Services Office assists with disabilities in acquiring reasonable and appropriate accommodations and in supporting equal access to services, programs, and activities at Western State College of Law.

To seek reasonable accommodations, a student must contact Senior Assistant Dean Donna Espinoza, Student Services Director and Disabilities Services Coordinator, whose office is in the Library Building, Room 275-B. Dean Espinoza's phone number and email address are: (714) 459-1117; [despinoza@wsulaw.edu](mailto:despinoza@wsulaw.edu). When seeking accommodations, a student should notify Dean Espinoza of her or his specific limitations and, if known, her or his specific requested accommodations. Students who seek accommodations will be asked to supply medical documentation of the need for accommodation. Classroom accommodations are not retroactive, but are effective only upon the student sharing with the instructor or professor. Therefore, students are encouraged to request accommodations as early as feasible with Dean Espinoza to allow for time to gather necessary documentation.

If you have a concern or complaint in this regard, please notify Dean Espinoza; or please notify Dean Marisa Cianciarulo at [mcianciarulo@wsulaw.edu](mailto:mcianciarulo@wsulaw.edu) or (714) 459-1168. Complaints handled in accordance with College of Law's "Policy against Discrimination and Harassment."