



MASSACHUSETTS SCHOOL OF LAW at ANDOVER

**SYLLABUS for
REMEDIES: PURSUING AND ENDING CONFLICT
SPRING 2019**

INSTRUCTOR:

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*Reason is not measured by size or height, but by principle.
Epictetus 60 A.D.*

SECTION 1

- January 22 Overview of Remedies and Alternatives to Court
Coyne's Chart on Procedure
Lawyer Turns Peacemaker
Seven Steps to Effective Mediation
Settling the Score
- January 24 103 Civ Pro Questions
- January 29 Injunctions
F.R. Civ. P. 65
Weinberger v. Romero Barcelo, 456 U.S. 305 (1982)
Clinton v. Nagy, 411 F.Supp. 1396 (1974)
Norwalk Core v. Norwalk Board of Education, 298 F.Supp. 203 (1968)

SECTION 2

- January 31 Give Martin a Ticket to Ride
How Level the Playing Field
McGuinness v. Univ. of New Mexico, 170 F.3d 974 (1998)
Toyota Motor Mfg. v. Williams, 534 U.S. 184, 151 L. Ed.2d 615 (2002)
EEOC v. Waffle House, 122 S.Ct. 754 (2002)

SECTION 3

- February 4 Business Relationships

Jurisdiction, Trademarks, Servicemarks, G.L. c.93A and the Franchise Relationship

Burger King v. Rudzewicz, 471 U.S. 462 (1985)

Anthony's Pier 4, Inc. v. HBC Assoc., 411 MA 451 (1991)

Disclosure For Franchisors

Zapata v. Dairy Mart, 381 Mass. 284 (1980)

Rule 4 -- Service of Process

SECTION 4

Week of

February 11

Attorney's Rights and Obligations

Concurrent Federal and State Court Remedies and Discovery Duties

Unioil v. E.F. Hutton, 809 F.2d 540 (1986)

Frivolity Punished Here

First Principles

Lawyers and Their Games Are Leading Us Down the Tubes

Judge Rejects a Libel Claim Over Donnie Brasco Movie

First Technology Safety Systems v. Depinet, 11 F.3d 641 (1993)

Using Computers to Level the Playing Field

Sailing Into Cyberspace

Rule 11 -- Signing of Pleadings

SECTION 5

Week of

February 18

Practice Issues Related to Injunctions

Campbell Soup v. Giles, 47 F.3d 467 (1995)

Live Testimony and Insuring Compliance

Republic of Philippines v. New York Land, 852 F.2d 33 (1988)

Magistrates and Specificity

The Original Great American Chocolate Chip Cookie Company v. River Valley Cookies, 970 F.2d 273 (1992)

Rule 52 -- Findings by the Court

Rule 58 -- Entry of Judgment

SECTION 6

Week of

February 25

Franks v. GMC Truck Center, 847 F.2d 890 (1990)

Aoude v. Mobil Oil, 862 F.2d 890 (1990)

Doctors' Assoc. v. Stuart, 85 F.3d 975 (1996)

Equifax v. Hitz, 905 F.2d 1355 (1990)
Rule 12 Motions to Dismiss

SECTION 7

Week of
March 4

Insurance Practice Issues, including G.L. c.176D and G.L. c.93A
Timpson v. Transamerica, 41 Mass. App. Ct. 344 (1996)
Brandley v. U.S. Fidelity, 819 F. Supp. 101 (1993)
Caplan v. Fellheimer, 886 F. Supp.498 (1995)
Rule 56 -- Summary Judgment
Modern Summary Judgment Proceedings

MARCH 11~17 -- SPRING BREAK

SECTION 8

Week of
March 18

Class Action, Contracts to Arbitrate, Mediate and Forum Selection Issues
Carnival Cruise Lines v. Shute, 499 U.S. 585 (1991)
Federal Judge With a Radical Past Goes Mainstream
Guinness-Harp v. Jos. Schlitz Brewing, 613 F.2d 468 (1980)
Rosenberg v. Merrill, Lynch, Pierce, Fenner and Smith, 965 F. Supp. 190 (1997)
Thiessen v. General Electric, 267 F.3d 1095 (2001)
Circuit City v. Adams, 121 S.Ct. 1302 (2001)
Rule 23 Class Actions

SECTION 9

Week of
March 25

Contracts For Personal Services and Enforcement
Wombs For Rent
ABC v. Warner Wolf, 52 NY2d 394 (1981)
Vanessa Redgrave v. BSO, 557 F. Supp. 230 (1983)
Florida Panthers Hockey Club v. Miami Sports Authority, 939 F. Supp. 855
(1996)
Johnson v. Calvert, 851 F.2d 776 (1993)
Culliton v. Beth Israel, 435 MA 285 (2001)
In Gestational Surrogacies, All Parties Bear Risk
Quandary on Donor Eggs: What to Tell the Children
Surrogate Mom Surrenders Girl to Parents

Rules 26-27 --Discovery
G.L.c. 46, s.4B

SECTION 10

Week of
April 1

Special Relief For Families
G.L. c.209A
Burke v. Rivo, 406 Mass. 764 (1990)
Mark v. Kahn, 333 Mass. 517 (1956)
Knighton v. Knighton, 252 Ala. 520 (1949)
Edgar v. Edgar, 403 Mass. 616 (1988); 406 Mass. 628 (1990)
Breaking Up Is Hard To Do
The Push For Parent Education
www.dufi.duq.edu/family
Rules 5 and 6 --Service of Pleadings and Computation of Time to
Respond

SECTION 11

Week of
April 8

Valuation of Damages
Strzelecki v. Blaser Lakeside Indus., 139 Mich. App. Ct. 1191 (1984)
Campins v. Capels, 461 NE2d 712 (1984)
Griffin v. G.M.C., 380 Mass. 362 (1980)
Krasnecky v. Meffen, 777 N.E. 2d 1286 (2002)
A Woman's Worth: Gender Bias in Damage Awards
Proving Partial Loss of Earning Capacity
Ten Mistakes Adjusters See Attorneys Make
Explaining Pain
Seeking Recovery For Loss of Enjoyment of Life
Rule 51 --Instructions to the Jury

SECTION 12

April 16

Declaratory Judgments and the Anti-Injunction Statute
Federal and State Issues
Steffel v. Thompson, 415 U.S. 452 (1974)
Mitchum v. Foster, 407 U.S. 225 (1972)
Frantzis v. Horowitz, 2003 W.L. 22872667
Rule 57 --Declaratory Judgment

SECTION 13

Week of Interference With Real Property Rights
April 18 *Peters v. Archambault*, 361 Mass. 91 (1972)
Boomer v. Atlantic Cement, 26 NY2d 219 (1970)
Pate v. City of Martin, 614 SW2d 46 (1981)
Myers v. Arnold, 403 NE2d 316 (1980)
Rule 13 --Counterclaims

SECTION 14

Week of Constructive Trusts,, Resulting Trusts and Declaratory Judgments
April 22 *Sanguinetti v. Nantucket Construction*, 5 Mass. App. Ct. 227 (1977)
Sullivan v. Rooney, 404 Mass. 160 (1989)
Fortin v. Roman Catholic Bishop of Worcester, 416 Mass. 781 (1994)
Nessralla v. John H. Peck and Others, 403 Mass. 757 (1989)
Episcopal Diocese of Mass. v. Devine, 797 N.E.2d 916 (2003)

SECTION 15

Week of Attachments and Post-Judgment Remedies
April 29 *Digital Equipment v. Currie Enterprises*, 42 F.R.D. 16 (D. Mass.
1992)
Aviation Supply v. RSBI Aerospace, 999 F.2d 314 (1993)
Rules 66 and 69
Rule 68 -- Offer of Judgment
Final Exam Issues

Consider the requirements of Rule 11 while you read these cases. Is it advisable, to fail to attempt to give any notice on a TRO? Under what circumstances is it appropriate to use an injunction to force a speedier resolution of a case? Are there any circumstances under which you would advise your client to intentionally violate a court order? How does a lawyer balance the need to make money on hourly fees with the client's right to a speedy resolution of the matter?

You are required to participate in each class, and your grade will be lowered if you choose not to participate.

You are required to email me your list of what the three fundamental things someone should know about the area of the law you intend to enter or about the field in which you presently work. How will you insure that as a lawyer you will always represent clients at a very high skill level? I look forward to hearing from you.