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MASSACHUSETTS SCHOOL OF LAW at ANDOVER

**SYLLABUS for**

**REMEDIES: PURSUING AND ENDING CONFLICT**

**SUMMER 2022 (Session 2-July 8 - Aug 3, 2022)**

INSTRUCTOR:

Professor Michael Coyne
978.681.0800/ coyne@mslaw.edu

Professor’s Webpage: <http://mslaw.edu/mcoyne/>

Course Requirements & Class Participation:

The class and materials for the Remedies course are available on MSL’s website at <http://www.mslaw.edu/remedies> and through TWEN. Classes are under weekly class content-sections. Please be sure that you take the section quiz and respond by e-mail to me for the questions posted for the section’s assignment.

There are quizzes for each section that are only open and available for 6 days beginning on Fridays and on the following Friday the next 4 sections are posted and available for 6 days. You will find those quizzes at Socrative and the rooms are called RemediesSummer, RemediesSummerA, RemediesSummerB, and RemediesSummerC. Once you enter a room, sign in using your name and take the quiz. Make sure you go to each room to take each section’s quiz. You must respond to the questions quickly as your grade is based upon the quizzes, responses to questions, the final examination, and answers to the 103 PowerPoint questions. You should be doing 4 sections each week.

Please immediately email me and acknowledge your participation in this class. Please note that the final examination is in class on Wednesday, Aug. 3, 2022, at 6:00 p.m.

Please note you are required to watch the PowerPoint presentation and complete the 103 questions before the end of Week 2.

SECTION 1

 Overview of Remedies and Alternatives to Court

Coyne’s Chart on Procedure

 Lawyer Turns Peacemaker

Seven Steps to Effective Mediation

Settling the Score

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

 Give Martin a Ticket to Ride

How Level the Playing Field

*McGuiness 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

 Review Power Point and answer 103 questions and submit by

 email to me.

 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

 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 23 -- Class Actions

Rule 11 -- Signing of Pleadings

SECTION 5

 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

Review Powerpoint Presentation and submit answers to 103 questions.

SECTION 6

 *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 B Motion to Dismiss

SECTION 7

 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

SECTION 8

 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

 *Guiness-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

SECTION 9

 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, §4B

SECTION 10

 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)

 *Goodridge v. Mass. Dept. of Public Health,* 798 N.E.2d 941 (2003)

Get from Westlaw

 Breaking Up Is Hard To Do

 The Push For Parent Education

 [www.dufi.duq.edu/family](http://www.dufi.duq.edu/family)

 Rules 5 and 6 --Service of Pleadings and Computation of Time to

 Respond

SECTION 11

 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

 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

 Interference With Real Property Rights

 *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

 Constructive Trusts, Resulting Trusts and Declaratory Judgments

 *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)

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SECTION 15

 Attachments and Post-Judgment Remedies

 *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

Consider the requirements of Rule 11 while you read these cases.

First section questions to be answered by email.

* Is it good lawyering to not 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 circumstances in which you would you inform 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 also 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 ensure that as a lawyer you will always represent clients at a very high skill level? I look forward to hearing from you.

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