
PREFACE

Remedies occupies a unique and valuable place in the law school curriculum. The course serves as a true capstone experience: It requires students to draw upon doctrine learned across contracts, torts, property, constitutional law, and civil procedure, and to integrate those principles in service of a single, essential question—**what can a court actually do for your client?**

This book was designed with that precise question in mind. As Professor Charles Alan Wright observed decades ago, “*Every litigated case, without exception, necessarily includes a question of remedy.*” Remedies is not simply an appendix to substantive law; it is the bridge between legal rights and meaningful outcomes. Whether a client seeks compensation, prevention of future harm, restoration of property, or deterrence of wrongful conduct, remedies provide the tools through which law achieves practical effect.

Audience and Pedagogical Approach

This casebook is written primarily for **law students enrolled in a Remedies course**, including those preparing for practice, clinics, externships, or the bar exam in which the selection, justification, and execution of remedial strategies are central. Recognizing that a Remedies course often appears late in the curriculum—when students are more sophisticated readers and closer to entering practice—we have designed the book to be:

- **Student friendly**, with clear explanations, functional organization, and guidance on what students should know after each section.
- **Practice oriented**, incorporating drafting exercises, negotiation problems, and analytical tasks to mirror the work of real attorneys.
- **Integrated**, emphasizing connections across doctrinal fields rather than teaching remedies in isolation.
- **Conceptually rich**, inviting students to probe the underlying purposes of remedial law—restoration, coercion, retribution, and protection—rather than viewing remedies merely as mechanical calculations.

Key Features That Distinguish This Casebook

This book offers several major innovations not found together in any existing Remedies text:

1. A Functional, Not Doctrinal, Organization

Following the insight that remedies are “alternative weapons in a richly stocked judicial arsenal,” this book organizes material by remedial *function*—compensation, restitution, punishment, coercion, and protection—rather than siloing chapters into torts, contracts, or property categories. This approach mirrors how lawyers actually analyze remedial choices in practice, and it allows students to focus on the theoretical justifications for remedial choices.

2. A Comprehensive Focal Case That Threads Through the Entire Book

One of the book’s most distinctive features is a **multi-chapter focal problem** based on a fictional copyright dispute involving a pop song (“Bright Lines”).

Each chapter introduces new facts and complications, forcing students to revisit and apply emerging doctrines across the course. This structure:

- encourages iterative learning,
- underscores the interconnected nature of remedial principles,
- and mirrors the evolving factual record of real litigation.

3. **Complex Problems Integrated Throughout Each Chapter**

Beyond the focal case, every chapter includes **multiple, varied hypotheticals** designed to challenge students to analyze new fact patterns, test their understanding, and consider alternative remedial paths. These range from commercial disputes to personal injury, property conflicts, statutory claims, and constitutional contexts.

4. **Skills Exercises Embedded Directly into the Text**

Because upper-level students crave opportunities to practice lawyering skills, this book embeds **drafting, negotiation, counseling, and oral advocacy exercises** directly into chapters. Examples include:

- drafting a proposed consent order in an injunction chapter,
- preparing a memorandum calculating compensatory damages,
- negotiating limitations on remedies in a contract,
- drafting a declaratory judgment,
- and conducting a mock argument on punitive damages.

Rather than relegating practice experiences to optional supplements, this book makes them core to how students learn Remedies.

5. **“Thinking Tools” to Develop Analytic Sophistication**

Borrowing from recent innovations in legal pedagogy, the book features **“thinking tools”**—analytic frameworks such as baseline problems, rules vs. standards, hindsight bias, and strategic behavior—presented in clearly marked boxes. These tools help students move beyond rule memorization and toward deeper, transferable legal reasoning.

6. **Contextual Notes That Connect Remedies to Broader Legal Systems**

Each chapter includes historical background, doctrinal explanations, theoretical debates, and practice-oriented notes drawn from torts, contracts, property, unjust enrichment, statutory schemes, and procedural rules. These notes encourage students to understand remedies as a transubstantive discipline. They also ensure that students will have key contextual information at their fingertips, in the margins of the book, to maximize their understanding of the primary material.

7. **Flexibility for Instructors**

The focal case is designed so that **chapters may be taught in any order**, allowing instructors with varying pedagogical goals to tailor the sequence. Cross-references throughout the text ensure that concepts remain connected even if the order is altered.

8. **Emphasis on the Real Choices Courts Make**

Finally, consistent with Charles Alan Wright’s critique, this book encourages students to ask not only *what* courts do, but *why* they do it—why they choose damages rather than injunctions, restitution rather than compensation, coercion rather than punishment. It invites critical reflection on the policy consequences, social implications, and functional purposes behind each remedial tool.

Remedies stands at the heart of what lawyers and courts actually do: translating abstract rights into concrete results. This casebook seeks to prepare students for that work by

providing a clear, engaging, practical, and intellectually rich exploration of the remedial landscape.

We invite you to think critically, creatively, and strategically about remedies—not simply as academic doctrine, but as the powerful tools through which the legal system delivers (or at least attempts to deliver) justice.

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