

**Remedies and Enforcement of Judgments  
University of West Los Angeles - School of Paralegal Studies  
Course 232 - Syllabus - Winter Trimester, 2004**

***Instructor:***

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Mr. Pearce will make himself available as needed for student conferences. Students are encouraged to contact Mr. Pearce with their questions and comments. E-mail and the Internet are the most efficient ways to communicate; in-person meetings also are available. This syllabus and other materials will be posted on the Internet, along with live audio from each class session.

Audio recording is permitted. Your questions, comments and criticisms always are welcome.

***Required Texts:***

Nutshell Series *Remedies, Second Edition* by John F. O'Connell

Rutter Group's *Enforcing Judgments and Debts*

***Course Description:***

This three-unit course will be a tremendous review of torts, contracts and real property. It also will teach you more than you imagined about how folks sort their problems out in court. You'll learn all about the different kinds of damages. We will cover restitution in all its glory. Equitable relief will get its share of attention - as injunctive relief in tort, specific performance in contracts, and as constructive trusts and equitable liens.

Remedies issues are central to legal decision-making. Sometimes it does not make sense to pursue relief even where a person has been wronged. Other times it does make sense. Ethics issues are present throughout remedies. Our studies will examine the morality of various claims for relief. Also, we will examine related issues, including the method of identifying and locating assets of prospective defendants, and the effects of bankruptcy on enforcing judgments.

We will look at the practical and ethical considerations that are central to obtaining and enforcing judgments. That's where our Rutter Group text will come into play. The Fair Debt Collection Practices Act provides a number of "bright line" rules, many of which we will cover in detail. During this course, you will become familiar with procedures such as attachment, claim and delivery, and receiverships.

It's one thing to win a judgment for damages or other relief, but it's quite another to make it stick! Again, the Rutter text will present the nuts and bolts details. We will review judgment liens on real and personal property, writs of execution, and wage garnishments.

We will focus on a very specific body of knowledge. We also will concentrate on the skills highlighted by the American Association for Paralegal Education's Core Competencies for Paralegal Programs.

***Grading:***

This course will have five graded events: two writing assignments, two midterm examinations, and a final examination. The four highest scores will each be worth 25% of the final grade; the low grade will be dropped.

The final examination will be comprehensive. It will cover every chapter in the book and every significant idea brought up in class. The mid-term examinations will cover all the material covered in the sessions up to that date. The examinations will test your knowledge. Mr. Pearce will teach the material in detail and insure that everybody understands it; the examinations will aid the learning process and will be designed with that goal in mind. The class will not be graded on a curve.

The writing assignments will be, to some extent, an extension of the material in the book, and will be graded based on organization, thoroughness, and the quality of the writing. We will focus on developing skills with the writing assignments. Assignments are due at the starting time of class.

The Administration has indicated that students are permitted to be absent no more than three times over the course of this class. A role sheet will be circulated at each class session.

If a student is on the border between two grades, such as a B and a B+, outstanding class participation will tip the balance in favor of the higher grade. Several homework assignments will be given as well on a pass/fail basis. These also can determine the final grade if the student is between two grades.

**Session 1 – January 13, 2004 - Introduction**

Review of the litigation process; summary and history of Remedies and Enforcement of Judgments

*O'Connell, Chapters 1 & 2*

**Session 2 – January 20, 2004 - Torts and Torts Damages - Writing Assignment #1 Given**

*O'Connell, Chapters 4, 9, 10, 11, 12 & 13*

**Session 3 – January 27, 2004 - Contracts - Rescission, Reformation & Damages**

*O'Connell, Chapters 6, 7, 12 & 14*

**Session 4 – February 3, 2004 - Restitution - Review for Midterm Examination #1**

*O'Connell, Chapters 5 & 15*

**Session 5 – February 10, 2004 - Midterm Examination #1**

**Session 6 – February 17, 2004 - Preliminary Considerations - Prejudgment Work - Bankruptcy**

*Rutter, Chapters 1, 3 & 5*

**Session 7 – February 24, 2004 - Injunctive Relief in Torts - Writing Assignment #1 Due**

*O'Connell, Chapter 3*

**Session 8 – March 2, 2004 - Specific Performance in Contracts - Writing Assignment #2 Given**

*O'Connell, Chapters 8 & 14*

**Session 9 – March 9, 2004 - Review for Midterm Examination #2**

**Session 10 – March 16, 2004 - Midterm Examination #2**

**Session 11 – March 23, 2004 - The Fair Debt Collection Practices Act - Provisional Remedies**

*Rutter, Chapters 2 & 4*

**Session 12 – March 30, 2004 - Enforcement of Judgments, Part 1**

*Rutter, Chapters 6A through 6E*

**Session 13 – April 6, 2004 - Enforcement of Judgments, Part 2**

*Rutter, Chapters 6F through 6K*

**Session 14 – April 13, 2004 - Comprehensive Review - Writing Assignment #2 Due**

**Session 15 – April 20, 2004 - December 9, 2003 - Final Examination**