

Thursday, October 7, 2021 (classes 11 of 30!!)

Today: *Session –1103:*

- Causes of Action & Remedies!
- *Follow-up* on on Parties & Claims: Counter- & Cross-claims!

Session II:

- 1101: Career opp's cont'd: Peer-review resumes!
- Visit from Peer Mentor Oliver! *Midterm exam prep.*

Mon. Oct. 11: **College is CLOSED!** No classes for anyone!! *Happy Indigenous People's Day.* ☺

Tues. Oct. 12: **NO class meeting!** Just for us!

- *1101*: Quiz #2 on BB!
- *1101*: Remote assignment: cover letters!

Th. Oct. 14:

- *1101*: 1st draft cover letters due by email 8am!
- *1103*: Quiz #2 in class!
- *Both*: Review for midterm exams!

Tu. & Th. Oct. 19 & 21: **MIDTERM EXAMS!**

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1103 Civ Pro: Causes of Action & Remedies! ?? *What is a (legal) claim ?!*

Claim = alleged wrong; P's legal reason to sue D

- a.k.a. "**cause of action**," "claim for relief"
- stated in P's complaint (document filed in court to commence case)
- legal basis for P to recover (to "win," obtain relief/remedy, *such as* damages)

Remedy = what P asks a court to award her, to resolve her cause of action/claim

- a/k/a "relief," "redress"
- *purpose* = to "right the wrong," to "make whole"

Some Common Civil Causes of Action!

Tort claims

- wrongful act that injures another person, or her/his property, or reputation.
- include intentional, negligence, and strict liability torts
- governed by common law ("case law," court decisions)
 - Examples of *intentional torts*:
 - **a**ssault = threat of intentional unwanted physical contact
 - **b**attery = intentional unwanted physical contact
 - **c**onversion = (essentially) theft
 - **d**efamation = false statement harming reputation

- *Negligence torts* are unintentional:
 - failures to act with reasonable care
 - e.g., personal injury, wrongful death, and malpractice (professional negligence)
- *Strict liability torts* involve inherently dangerous activities:
 - D is liable for injuries regardless of intent or care, e.g., gasoline trucks

Contract claims

- disputes between parties to an agreement
- P alleges D broke the agreement ("breached" it)
- In NY, governed mostly by common law, plus some statutory law.

Some Common Civil Remedies!

Damages = \$ that court orders D to pay to P, because of injury D caused to P

- *include* compensatory, punitive, nominal damages (*USFL v. NFL!*)
- "monetary relief"

Injunction = court order that D must do, or stop doing, something

- D is "enjoined" from doing something
- e.g., stop engaging in an unfair business practice
- "injunctive relief"

Declaration = court's order answering a disputed issue

- e.g., stating ("declaring") that D violated a certain law, or D violated P's rights under a contract
- "declaratory relief"

1101 Intro: Career opp's cont'd: Peer-review resumes!

A good resume:

- is "positive" → *but TRUTHFUL!*
- is free from errors → *PROOFREAD it!*
- is one page if possible!

Cover letter = letter to potential employer stating that you are applying for position, and enclosing your resume.

- It "covers" your resume!
- It should highlight two or three items particularly relevant to this position!