

SYLLABUS

**CONTRACTS II, Section 2
SPRING SEMESTER, 2011**

PROFESSOR MARTIN

Class Time: Monday, Wednesday, Friday 2:00-2:50 p.m. **Room:** Law 101

Required Texts: Knapp, Crystal and Prince, Problems in Contract Law: Cases and Materials 6th (Aspen 2007) and Rules Supplement

Burton, An Introduction to Law and Legal Reasoning 3rd (Aspen 2007)

Barnett, Perspectives on Contract Law 4th (Aspen 2009)

Recommended Treatise: While there are many excellent study aids for Contract Law, I recommend Farnsworth, Contracts 4th (Aspen 2004).

Attendance: You should consult Law School Academic Rule 1-110 and the Law School Attendance Policy. These may be viewed on the Law School website. In Contracts, I will circulate an attendance sheet as required by the policy. Six missed classes may result in your being withdrawn from the class with a "W". If you become aware of a problem that will affect your attendance you should inform me as soon as possible.

Goals and Objectives: As you proceed through law school you will encounter great variety among your courses. As a basic common law course, Contracts provides you with much of your introductory instruction on methods of legal reasoning, in addition to instruction on the specifics of contract law. Therefore, as you prepare assignments, you should think about the methods of reasoning and argument that you encounter. Steven Burton, Law and Legal Reasoning has been assigned to assist you in this regard. While law school has changed dramatically in the past thirty years, much effort still is devoted in the first year to learning to "think like a lawyer." Also, the teaching methods used are designed to guide you in developing your own understanding of legal methods rather than to tell you about somebody else's understanding. Consequently, while learning the rules of law is important, learning how to analyze individual cases, synthesize groups of cases and solve legal problems are the essence of the first year of law school.

Using the Contract Law Supplement: Syllabus assignments are from your casebook, Burton's Law and Legal Reasoning, and Barnett's Perspectives book. Cases and author notes in your assignments will reference and discuss provisions from the Uniform Commercial Code and the Restatement 2nd of Contract Law. As you prepare you should use the "Rules" Supplement to examine referenced U.C.C. and Restatement provisions. Class discussions will assume that you have referenced relevant supplement provisions and that you have the supplement available during class.

Grading: Your grade will be based upon a three hour final examination and upon class participation. The examination will be graded anonymously, using the regular Hamline grading

system, Academic Rule 1-107. The final grade may then be raised by one-half a grade based upon class participation demonstrating a better grasp of the subject than that demonstrated on the examination.

Computer Policy: You may use a laptop during class, as you see fit, except that you may not use your laptop in obviously inappropriate, irrelevant or distracting ways.

Pacing the Course: Below I have provided the first ten Contract assignments. I will assess the pace at which we proceed in class and later I will provide a written schedule of assignments for the remainder of the semester.

ASSIGNMENTS

The Burton Legal Reasoning book provides a look at one way to conceptualize legal reasoning, not the only way. It will be assigned in parts throughout the semester, but you may wish to read it quickly, as you have time, early in the semester. If at first it seems abstract and unclear, it will eventually help you to develop an underlying method of legal reasoning of use in all your studies.

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| 1.) Wednesday, January 19 th | <u>Restitution</u>
Text pgs: 253-273 |
| 2.) Friday, January 21 st | <u>Continued</u>
Text pgs: 273-286 |
| 3.) Monday, January 24 th | <u>Promissory Restitution</u>
Text pgs: 286-301
Problem: 3-2 |
| 4.) Wednesday, January 26 th | <u>Statute of Frauds</u>
Text pgs: 303-323
Burton pgs: Ch. 6 |
| 5.) Friday, January 28 th | <u>Continued</u>
Text pgs: 323-334
Problem: 4-1 |
| 6.) Monday, January 31 st | <u>Code Statute of Frauds</u>
Text pgs: 335-347
Problem: 4-2 |
| 7.) Wednesday, February 2 nd | <u>Interpretation</u>
Text pgs: 349-361
Burton pgs: Ch. 7 |

- 8.) Friday, February 4th Continued
Text pgs: 361-382
- 9.) Monday, February 7th Parol Evidence Rule
Text pgs: 382-394
Burton pgs: Ch. 8
- 10.) Wednesday, February 9th Continued
Text pgs: 394-410
- 11.) Friday, February 11th Continued
Text pgs: 410-432
- 12.) Monday, February 14th Implied Terms
Text pgs: 437-448
Perspectives pgs: 71-83
- 13.) Wednesday, February 16th Good Faith
Text pgs: 448-465
Perspectives pgs: 363-381
- 14.) Friday, February 18th Continued
Text pgs: 465-480
- 15.) Monday, February 21st Continued
Text pgs: 480-497
Problem: 6-1
- 16.) Wednesday, February 23rd Warranties
Text pgs: 497-515
Problem 6-3
- 17.) Friday, February 25th Incapacity
Text pgs: 517-537
- 18.) Monday, February 28th Duress and Undue Influence
Text pgs: 537-548
Perspectives pgs: 414-428 & 445-455
- 19.) Wednesday, March 2nd Misrepresentation
Text pgs: 548-567
- 20.) Friday, March 4th Continued
Text pgs: 567-584
- SPRING BREAK*** ***MARCH 7th – 11th***

- 21.) Monday, March 14th Unconscionability
Text pgs: 584-599
Perspectives pgs: 402-414
(Not assigned): 599-632
- 22.) Wednesday, March 16th Public Policy
Text pgs: 632-647
- 23.) Friday, March 18th Continued
Text pgs: 647-661
Problems: 7-3 & 7-4
- 24.) Monday, March 21st Mistake
Text pgs: 663-684
Perspectives pgs: 428-445
- 25.) Wednesday, March 23rd Changed Circumstance
Text pgs: 684-701
- 26.) Friday, March 25th Continued
Text pgs: 701-713
Problem: 8-1
- 27.) Monday, March 28th Contract Modification
Text pgs: 713-731
Problem: 8-3
- 28.) Wednesday, March 30th Continued
Text pgs: 731-740
Unassigned: 741-782
- 29.) Friday, April 1st Express Conditions
Text pgs: 783-796
Burton pgs: Ch. 9
- 30.) Monday, April 4th Continued
Text pgs: 796-806
Problem: 10-1
- 31.) Wednesday, April 6th Material Breach
Text pgs: 806-817
Perspectives pgs: 383-397
- 32.) Friday, April 8th Anticipatory Repudiation
Text pgs: 817-833

- 33.) Monday, April 11th Expectation Damages
Text pgs: 833-851
Problem: 10-2
- 34.) Wednesday, April 13th Continued
Text pgs: 851-868
Burton pgs: Ch. 10
- 35.) Friday, April 15th Foreseeability Rule
Text pgs: 868-886
- 36.) Monday, April 18th Mitigation
Text pgs: 886-904
- 37.) Wednesday, April 20th Continued
Text pgs: 904-920
- Friday, April 22nd* **NO CLASS**
- 38.) Monday, April 25th Nonrecoverables
Text pgs: 920-937
Omit 938-964
Problem 11-1
- 39.) Wednesday, April 27th Reliance Damages
Text pgs: 965-983
Perspectives pgs: 47-58
- 40.) Friday, April 29th Restitution
Text pgs: 983-995
- 41.) Monday, May 2nd Restitution
Text pgs: 995-1008
Problem 12-1
- 42.) Tuesday, May 3rd (Friday class) Specific Performances
Text pgs: 1008-1031