

SYLLABUS

**CONTRACTS II, Section 3
SPRING SEMESTER, 2009**

PROFESSOR MARTIN

Class Time: M, T, Th 1:00-1:50 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 3d (Aspen 2005)

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 Six missed classes may result in your being withdrawn from the class with a “W”.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: As you can see from the assignments listed below, we will go somewhat faster in Contracts II than we did in Contracts I. Be assured that you are ready to pick up the pace..

ASSIGNMENTS

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| 1. Tuesday, January 20: | Contract Interpretation | Text 370-382
Perspectives 127-140 |
| 2. Thursday, January 22: | Parol Evidence Rule | Text 382-403
Burton Chapter 5 |
| 3. Monday, January 26: | Parol Evidence Rule | Text 403-418
Burton Chapter 6 |
| 4. Tuesday, January 27: | Parol Evidence Rule | Text 418-435, Problems 5-1, 5-2 |
| 5. Thursday, January 29: | Implied Terms | Text 437-451
Perspectives 315-328 |
| 6. Monday, February 2: | Good Faith | Text 451-465
Perspectives 328-334 |
| 7. Tuesday, February 3: | Good Faith | Text 465-480 |
| 8. Thursday, February 5: | Good Faith | Text 480-497, Problems 6-1, 6-2 |
| 9. Monday, February 9: | Warranties | Text 497-515, Problem 6-3 |
| 10. Tuesday, February 10: | Minority and Mental Incapacity | Text 517-537 |
| 11. Thursday, February 12: | Duress And Undue Influence | Text 537-556 |
| 12. Monday, February 16: | Misrepresentation/Nondisclosure | Text 556-567
Prespectives 353-379 |
| 13. Tuesday, February 17: | Nondisclosure | Text 567-584
Perspectives 397-406 |
| 14. Thursday, February 19: | Unconscionability | Text 584-599 |

15. Monday, February 23:	Public Policy	Text 632-647 Burton Chapter 7
16. Tuesday, February 24:	Public Policy	Text 647-661, Problems 7-3, 7-4
17. Thursday, February 26:	Mutural Mistake	Text 663-674 Perspectives 380-396
18. Monday, March 2:	Unilateral Mistake	Text 674-684 Perspectives 397-406
19. Tuesday, March 3:	Impracticability	Text 684-701 Burton Chapter 8
20. Thursday, March 5:	Frustration of Purpose	Text 701-713, Problems 8-1, 8-2
21. Monday, March 9:	Contract Modifications	Text 713-731 Burton Chapter 9
22. Tuesday, March 10:	Modification (cont.)	Text 731-740
23. Thursday, March 12:	Express Conditions	Text 783-796
24. Monday, March 16:	Express Conditions	Text 796-806 Problem 10-1
25. Tuesday, March 17:	Material Breach	Text 806-817
26. Thursday, March 19:	Material Breach	Text 817-833
27. Monday, March 30:	SPRING BREAK Anticipatory Reproduction	Text 833-843, Problems 10-2
28. Tuesday, March 31:	Expectation Damages	Text 845-861 Burton Chapter 10
29. Thursday, April 2:	Damages	Text 861-874
30. Monday, April 6:	Damages	Text 874-886
31. Tuesday, April 7:	Mitigation	Text 886-904

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| 32. Thursday, April 9: | Nonrecoverable Damages | Text 904-920 |
| 33. Monday, April 13: | Nonrecoverable Damages | Text 920-937, Problem 11-1 |
| 34. Tuesday, April 14: | Code Remedies | Text 938-946,
Problems 11-2, 11-3 |
| 35. Thursday, April 16: | Justifying the Expectation Rule | Text 946-964, Problem 11-4
Perspectives 47-58 |
| 36. Monday, April 20: | Reliance Damages | Text 965-983
Perspectives 1-22 |
| 37. Tuesday, April 21: | Restitution | Text 983-995
Perspectives 22-45 |
| 38. Thursday, April 23: | Restitution | Text 995-1007, Problem 12-1 |
| 39. Monday, April 27: | Specific Performance | Text 1008-1022
Perspectives 59-69 |
| 40. Tuesday, April 28: | Specific Performance | Text 1022-1031 |
| 41. Thursday, April 30: | Agreed Upon Remedies | Text 1031-1045,
Problems 12-2, 12-3 |
| 42. Monday, May 4: | | |