Contracts I Syllabus
(subject to change)

Fall 2017
Tuesday & Thursday, 1:30 to 2:45
Room 202
Law 511-3 § 001
Office Hours: Wed. 11:30 to 4:30

Prof. Drennan
wdrennan@siu.edu
618-453-8729 (office)
314-943-4683 (cell)
Office: Room 220


Writing Assignments: We will have a writing assignment to comply with the writing-across-the-curriculum requirement and the requirement to have a bar exam-type assessment. Satisfactory completion of this assignment is required to be eligible to take the exam and complete the course.

Course Description: This course is an introduction to the U.S. law relating to contracts. The introductory overview will include (i) fundamentals of analyzing judicial opinions; (ii) how to create legal arguments; (iii) considering some promises that the law does not enforce; and (iv) a review of the sources of contract law. The next part of the course -- often considered the core of this semester -- will examine in some detail three necessary elements for creating legally enforceable contracts, namely offer, acceptance, and consideration. We will then explore two doctrines -- promissory estoppel and restitution -- that may allow one party to have enforceable rights against the other even though all the elements for a contract are not satisfied. We will then consider situations when an agreement must be in writing to be enforceable, followed with an analysis of situations when evidence of prior oral or written agreements will not be admissible because the parties subsequently memorialized their agreement in writing and failed to include the terms of the prior agreement. Throughout the semester we will consider the policy considerations that motivate the legal rules.

Attendance Policy: Attendance will be taken at the beginning of each class by passing around a roll sheet for you to sign. Under the Rules of the School of Law, a first year student may not accumulate absences in a course numbering in excess of twice the credit hours for the course during the semester. Thus, because we meet twice a week, the maximum number of absences in this course is four (4) classes. The Rules provide for three options if a student accumulates absences in excess of the allowable number. The professor may recommend that: (a) the student be given the lowest possible grade; (b) the student be given a “W”; or (c) the student be allowed to continue in the course with a grade reduction.
**Recording of Classes:** Students may audio record classes from their regular location in class, unless the professor announces in class that this policy has been changed. The professor may audio record classes, and the professor may video record using the Law School’s technology. Classes may also be recorded for ADA compliance purposes.

**Exams & Grading:** There will be a one-hour midterm exam on Thursday, October 12th. Also, there will be a three-hour exam at the end of the semester on Friday, Dec. 15th beginning at 8:15 a.m. It is anticipated that 25% of your grade will be based on the midterm exam, and 75% of your grade will be based on the final exam. It is anticipated that both the midterm and the final exam will be closed book exams.

**Emergency Procedures:** Southern Illinois University Carbondale is committed to providing a safe and healthy environment for study and work. Because some health and safety circumstances are beyond our control, we ask that you become familiar with the SIUC Emergency Response Plan and Building Emergency Response Team (BERT) program. Emergency response information is available on posters in buildings on campus, available on BERT’s website at www.ber1.siu.edu, Department of Safety’s website www.dps.siu.edu (disaster drop down) and in an Emergency Response Guideline pamphlet. Know how to respond to each type of emergency.

Instructors will provide guidance and direction to students in the classroom in the event of an emergency affecting your location. It is important that you follow these instructions and stay with your instructor during an evacuation or sheltering emergency. The Building Emergency Response Team will provide assistance to your instructor in evacuating the building or sheltering within the facility.

**Disability Policy:** Determinations about appropriate accommodations for disabilities are now made by the University Disability Support Services (“DSS”) Office. In regards to these procedures:
Disability Support Services provides the required academic and programmatic support services to students with permanent and temporary disabilities. DSS provides centralized coordination and referral services. To utilize DSS services, students must come to the DSS to open cases. The process involves interviews, reviews of student-supplied documentation, and completion of Disability Accommodation Agreements. http://disabilityservices.siu.edu/. Upon completion of a Disability Accommodation Agreement with DSS, students should bring the agreement to the School of Law Registrar’s Office to ensure the School of Law provides the proper classroom and examination accommodations.

**Saluki Cares:** The purpose of Saluki Cares is to develop, facilitate, and coordinate a university-wide program of care and support for students in any type of distress – physical, emotional, financial, or personal. By working closely with faculty, staff, students and their families, SIU will continue to display a culture of care and demonstrate to our students and their families that they are an important part of the
community. For information on Saluki Cares: (618) 453-5714 or siucares@siu.edu, http://salukicares.siu.edu/index.html. At the School of Law, Assistant Dean Judi Ray is also available to help students access university resources. Her email is judiray@siu.edu, and her phone number is 618-453-3135.

Workload Expectation: The American Bar Association standards for accrediting law schools contain a formula for calculating the amount of work that constitutes one credit hour. According to ABA Standard 310(b)(1), a “credit hour” is an amount of work that reasonably approximates: (1) not less than one hour of classroom or direct faculty instruction and two hours of out-of-class student work per week for fifteen weeks, or the equivalent amount of work over a different amount of time. This is a 3-credit hour class, meaning that we will spend two 75-minute blocks of time together each week (scheduled for Tuesday and Thursday). The amount of assigned reading and out of class preparation should take you about 6 hours for the week. All told, applying the ABA standard to the number of credits offered for this class, you should plan on spending a total of 9 hours per week (3 in class and 6 preparing for class) on course-related work.

Additional Information Regarding Contract Law and the Course

Role of Contract Law in the Economy and Society: Contracts facilitate the free flow of goods and services in a market economy. Contracts allow us to benefit from the goods and services of others. The gardener, the cable TV company, the internet service producer, and many other individuals and entities are willing to provide goods and services to consumers because these providers can enforce their customers’ obligations to pay if certain conditions are satisfied. In addition, contracts allow property owners to use their property efficiently. This contributes to the economic growth of the nation. For example, if you own recording equipment you may agree to use the equipment to tape weddings for hire because you know that you can force your customers to pay for the goods and services provided if certain conditions exist.

The Nature and Source of Contract Law: With important exceptions (such as the Uniform Commercial Code, also known as the “UCC”) contract law is largely judge-made law or “common law.” This is in contrast to statutory law enacted by legislative bodies. As a predominantly common law system, contract law developed over time by courts issuing opinions in resolving specific disputes between particular parties without guidance from a legislative body. These courts—generally appellate courts rather than trial courts—provide written opinions explaining and justifying their decisions for a particular party in a particular dispute. These written judicial opinions—which typically make up most of the content of law school casebooks such as ours and fill law libraries and electronic databases—serve as “precedents” guiding other courts in deciding factually-similar disputes in the future. We will study the typical procedures for analyzing a court opinion to understand what it means as precedent. Further, we will synthesize cases, that is, reading a series of judicial opinions dealing with similar disputes together to see how the common law system of precedents molds and shapes legal rules over time.
**Student Learning Objectives:** At the end of this course, students will be able to:

- Analyze a judicial opinion to isolate the legal rules.
- Identify various types of situations in which a promise may be broken, but the legal system will not grant money damages or a specific performance remedy to the injured party.
- Identify the necessary elements of an enforceable contract and make effective arguments whether those necessary elements are present in a particular factual situation.
- Identify other legal approaches for recovering money damages for the breaking of a promise even when a contract does not exist.
- Determine whether an agreement must be in writing to be legally enforceable.

**CONTRACTS I – Fall 2017**

*Projected Reading Schedule*

**PROJECTED READING ASSIGNMENTS:** Except as otherwise noted, all references below are to the Knapp Casebook. There may be additional handout materials.

Class #1: (Tuesday, 8/22/17):

- Introductory Reading Materials pages 1-13 (“Laughing All the Way to the Contracts Class!!” including the “Pepsi Points” Case)
- Syllabus

Class #2: (Thursday, 8/24/17):

- Skim Knapp Casebook pages 1 to 11 bottom
- Skim Introductory Reading Materials pages 14 to 17 (including summary of Cooper v. Smith)
- Knapp Casebook pages 21 to 26 top (including the Feldman case)

Class #3 (Tuesday, 8/29/17):

- Introductory Reading Materials pages 18 through 23 (including the Carnival Cruise Lines, Inc. case).
- Knapp Casebook pages 12 bottom to 17 middle
- We SKIP Knapp Casebook pages 17 bottom to 20

Class #4 (Thursday, 8/31/17):

- Knapp Casebook pages 29 to 45 bottom (including the Ray case and Longeran v. Solnick, but SKIP Note #4 on page 39 and Note #6 beginning on page 40; SKIP Note #3 at bottom of page 45).

Class #5 (Tuesday, 9/5/17):

- Knapp Casebook pages 46 to 60 top (including the Izadi case and Normile v. Miller)
- Handout writing assignment? [Writing assignment due Thursday 9/14/17?]

[To Be Continued]