

## SYLLABUS

**COURSE NUMBER:** F130B/S130B

**COURSE NAME:** CONTRACTS

**INSTRUCTOR:** ROGER ILLSLEY 707-525-8800

**WHEN:** WEDNESDAYS 6-9 p.m., FALL 2010/SPRING 2011

**UNITS:** 6 UNITS; 3 UNITS PER SEMESTER

**REQUIRED TEXT:**

1. Cases and Materials on Contracts, 7<sup>th</sup> Edition, Farnsworth & Young, et al., ISBN#9781599410302
2. Selections for Contracts (supplement) ISBN# 9781599417073

<b>GRADING:</b>	90 - 100%	A	OUTSTANDING
	80 - 89%	B	SUPERIOR
	70 - 79%	C	SATISFACTORY
	65 - 69%	D	UNSATISFACTORY
	BELOW 65%	F	FAILING NO CREDIT

**GRADE DETERMINATION**

The course grade will be comprised of the results of:

Midterm exam - 25% (only if improves grade)

Final exam - 75%

Plus possible reduction (not increase) for poor class participation, preparation and/or homework assignments (if any).

Preparation, participation and homework (if any) are considered mandatory. Instructor may deduct up to 3 points from course grade for lack of preparation or participation or failure to submit homework assignments (if any).

**ATTENDANCE**

Regular and punctual attendance is essential for the successful completion of law school. Students should plan to attend every class. A minimum of 80 percent attendance is required. (36 hours - 12 of 15 classes). Roll will be taken at each class.

**GOALS**

Our goal is to develop students into successful lawyers. That includes not only learning black law, but being able to differentiate relevant from irrelevant facts, critically analyze the court's rulings and rationales, harmonize or distinguish applicable legal principles, and spontaneously argue legal and/or factual positions ("thinking on your feet"-----literally).

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ASSIGNMENTS

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WEEK 1:	PGS. 1-22	<b>Chapter 1 - Bases for Enforcing Promises</b> Section 1. Enforceable Promises Section 2. Remedying Breach
WEEK 2:	PGS. 22-55	<b>Chapter 1 - Bases for Enforcing Promises</b> Section 2. Remedying Breach Section 3. Consideration as a Basis for Enforcement Part A. Fundamentals of Consideration Part B. The Requirement of Exchange: Action in the Past
WEEK 3:	PGS. 56-86	<b>Chapter 1 - Bases for Enforcing Promises</b> Section 3. Consideration as a Basis for Enforcement Part C. The Requirement of Bargain Part D. Promises as Consideration
WEEK 4:	PGS. 89-126	<b>Chapter 1 - Bases for Enforcing Promises</b> Section 4. Reliance as a Basis of Enforcement Section 5. Restitution as an Alternative Basis for Recovery  <b>Chapter 2 - Creating Contractual Obligations</b> Section 1. The Nature of Assent Section 2. The Offer
WEEK 5:	PGS. 126-161	<b>Chapter 2 - Creating Contractual Obligations</b> Section 2. The Offer Section 3. The Acceptance
WEEK 6:	PGS. 161-201	<b>Chapter 2 - Creating Contractual Obligations</b> Section 3. The Acceptance Section 4. Termination of the Power of Acceptance Section 5. The Battle of the Forms
WEEK 7:	PGS. 202-220	<b>Chapter 2 - Creating Contractual Obligations</b> Section 5. The Battle of the Forms
WEEK 8:	PGS. 220-256	<b>Chapter 2 - The Bargaining Process</b> Section 6. Precontractual Liability

Section 7. The Requirement of Definiteness

WEEK 9:	PGS. 257-309	<b>Chapter 3 - The Requirement of a Record for Enforceability: The Statute of Frauds</b>
WEEK 10:	PGS. 299-364	<b>Chapter 4 - Policing the Bargaining Process</b> Section 1. Capacity Section 2. Overreaching
WEEK 11:	PGS. 364-401	<b>Chapter 5 - Determining Parties= Obligations Under The Contract: Ascertain, Interpreting, and Supplementing The Agreement</b> Section 1. The Parol Evidence Rule Section 2: The Use of Extrinsic Evidence of the Parties= Intent
WEEK 12:	PGS.401-452	<b>Chapter 5 - Determining Parties= Obligations Under The Contract: Ascertain, Interpreting, and Supplementing The Agreement</b> Section 3. Extrinsic Evidence from Commercial Context Section 4. Extrinsic Evidence to Supplement or Qualify the Agreement Section 5. Objective Interpretation and its Limits Section 6. Supplementing the Agreement
WEEK 13:	PGS. 453-509	<b>Chapter 6 - Limits on the Bargain and its Performance</b> Section 1. Unfairness Section 2. Standard Form and Adhesion Contracts Section 3. Unconscionability
WEEK 14:	REVIEW	
WEEK 15:	MIDTERM EXAM	

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ASSIGNMENTS

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WEEK 16:	PGS. 509-543	<b>Chapter 6 - Limits on the Bargain and its Performance</b> Section 3. Unconscionability Section 4. Performing in Good Faith
WEEK 17:	PGS. 543 - 592	<b>Chapter 6 - Limits on the Bargain and its Performance</b> Section 5. Public Policy <b>Chapter 7 - Remedies for Breach</b> Section 1. Specific Relief Section 2. Measuring Expectation
WEEK 18:	PGS. 592-629	<b>Chapter 7 - Remedies for Breach</b> Section 1. Specific Relief Section 2. Measuring Expectation
WEEK 19:	PGS. 629-679	<b>Chapter 7 - Remedies for Breach</b> Section 3. Limitations on Damages
WEEK 20:	PGS. 679-716	<b>Chapter 7 - Remedies for Breach</b> Section 4. Liquidated Damages and Penalties <b>Chapter 8 - Performance and Breach</b> Section 1. Conditions
WEEK 21:	PGS. 716-745	<b>Chapter 8 - Performance and Breach</b> Section 1. Conditions Section 2. Constructive Conditions of Exchange Section 3. Mitigating Doctrines
WEEK 22:	PGS. 745-806	<b>Chapter 8 - Performance and Breach</b> Section 4. Suspending Performance and Terminating the Contract Section 5. Prospective Nonperformance
WEEK 23:	PGS. 807-854	<b>Chapter 9 - Basic Assumptions: Mistake, Impracticability and Frustration</b> Section 1. Mutual Mistake Section 2. Impracticability of Performance

WEEK 24:	PGS. 854-891	<b>Chapter 9 - Basic Assumptions: Mistake, Impracticability and Frustration</b> Section 3. Frustration of Purpose Section 4. Half Measures  <b>Chapter 9 - Third Parties: Rights and Responsibilities</b> Section 1. Third Party Beneficiaries
WEEK 25:	PGS. 892-925	<b>Chapter 9 - Third Parties: Rights and Responsibilities</b> Section 1. Third Party Beneficiaries Section 2. Delegation of Duties
WEEK 26:	PGS. 925-958	<b>Chapter 9 - Third Parties: Rights and Responsibilities</b> Section 3. Assignment of Rights
WEEK 27:		<b>Chapter 9 - Third Parties: Rights and Responsibilities</b> Section 3. Assignment of Rights Third party exam questions
WEEK 28:	REVIEW	
WEEK 29:	REVIEW	
WEEK 30	FINAL EXAM	