

SYLLABUS

COURSE NUMBER: S130B.3

COURSE NAME: CONTRACTS

INSTRUCTOR: ROGER ILLSLEY 707-525-8800

WHEN: WEDNESDAYS 6-9 p.m.,SPRING/SUMMER 2012

UNITS: 6 UNITS; 3 UNITS PER SEMESTER

REQUIRED TEXT:

- 1) Cases and Materials on Contracts, 7th Edition; Farnsworth, et. al., Foundation Press; 9781599410302.
- 2) Selections for Contracts: UCC; Restatement Second; etc.; Farnsworth & Young, Foundation Press, 2011 edition: 9781609300791

GRADING:	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 letter 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).

ASSIGNMENTS

IMPORTANT NOTE: 1ST WEEK OF CLASS WILL MEET ON JANUARY 11TH NOT THE 4TH. A MAKE-UP CLASS WILL BE SCHEDULED AT A LATER DATE ON A MONDAY NIGHT.

WEEK 1:	PGS. 1-22	Chapter 1 - Bases for Enforcing Promises Section 1. Enforceable Promises Section 2. Remediating Breach
WEEK 2:	PGS. 22-55	Chapter 1 - Bases for Enforcing Promises Section 2. Remediating 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. 56-89	Chapter 1 - Bases for Enforcing Promises Section 3. Consideration as a Basis for Enforcement Part C. The Requirement of Bargain Part D. Promises as Consideration
WEEK 4:	PGS. 89-126	Chapter 1 - Bases for Enforcing Promises Section 4. Reliance as a Basis of Enforcement Section 5. Restitution as an Alternative Basis for Recovery Chapter 2 - Creating Contractual Obligations Section 1. The Nature of Assent Section 2. The Offer
WEEK 5:	PGS. 126-161	Chapter 2 - Creating Contractual Obligations Section 2. The Offer Section 3. The Acceptance
WEEK 6:	PGS. 161-201	Chapter 2 - Creating Contractual Obligations Section 3. The Acceptance Section 4. Termination of the Power of Acceptance Section 5. The Battle of the Forms
WEEK 7:	PGS. 202-220	Chapter 2 - Creating Contractual Obligations Section 5. The Battle of the Forms

WEEK 8:	PGS. 220-256	Chapter 2 - The Bargaining Process Section 6. Precontractual Liability Section 7. The Requirement of Definiteness
WEEK 9:	PGS. 257-309	Chapter 3 - The Requirement of a Record for Enforceability: The Statute of Frauds
WEEK 10:	PGS. 309-364	Chapter 4 - Policing the Bargaining Process Section 1. Capacity Section 2. Overreaching
WEEK 11:	PGS. 364-401	Chapter 5 - Determining Parties= Obligations Under The Contract: Ascertainig, Interpreting, and Supplementing The Agreement Section 1. The Parol Evidence Rule Section 2: The Use of Extrinsic Evidence of the Parties= Intent
WEEK 12:	PGS.401-452	Chapter 5 - Determining Parties= Obligations Under The Contract: Ascertainig, Interpreting, and Supplementing The Agreement 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	Chapter 6 - Limits on the Bargain and its Performance Section 1. Unfairness Section 2. Standard Form and Adhesion Contracts Section 3. Unconscionability
WEEK 14:	REVIEW	
WEEK 15:	MIDTERM EXAM	

ASSIGNMENTS

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

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