

Contracts I (Fall Semester, 2019)
LAW511-001

Lesar Law Building Room 202 (M/W: 11:00 a.m. – 12:15 p.m.)

Professor Y.S. Lee
248 Law Building
Email: steve.lee@siu.edu

Office hours (10:30 a.m. – 11:30 a.m. Tuesdays or by appointment)

REQUIRED TEXTS AND MATERIALS

E. Farnsworth et al., Cases and Materials on Contracts (Foundation Press) 9th Edition

E. Farnsworth et al., Selections for Contracts (Selected Statutes) 2019 Edition

Additional materials, such as powerpoint slides, will be provided via TWEN.

COURSE REQUIREMENTS

1) Methods of Instruction

The course will be conducted primarily through lectures and class discussions. Students are responsible for the lecture materials. Students are also expected to participate actively in class discussions and to offer short discussions as instructed below.

2) Readings

Students are expected to read the assigned chapters and any other assigned material prior to the class. Students should be prepared to discuss the subject covered in the reading assignments, including covered cases, in class.

3) Attendance and Class Performance

Class attendance is mandatory, and students are expected to participate in class discussions actively.

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.

In addition, each student will be assigned a short, informal case presentation from the text material. To ensure that everyone has an opportunity to participate, I will devise four “primary response groups” according to student last names as the following:

- A Group (last names A to I)
- B Group (last names J to M)
- C Group (last names O to T)
- D Group (last names U to Z)

Each week, a specific group will be assigned as a primary response group, and students in that particular group will be called on to answer questions. I will try to ensure that everyone will have a chance to participate in class.

Excellent in-class performance, including the assigned short presentation, may also result in an increase of the grade by one-third point (e.g. 3.0 to 3.3). Good attendance record also counts for the performance score.

Students who are engaging in disruptive behavior in class, including improper use of their laptop computers as illustrated below and those who are repeatedly unprepared (i.e. have not completed the required reading or not prepared for a presentation) may be asked to leave the classroom at the discretion of the instructor. Repeated offence may result in grade reduction or the withdrawal of student from class. Students who have difficulty in following reading materials should seek assistance from the instructor at the earliest opportunity.

Laptop Policy

You may use your laptop computer or a similar device (such as a smartphone) in class only for class-related purposes—for example, taking notes and viewing material prepared for class. The improper laptop use includes but may not be limited to reading and sending email, instant messaging, accessing the internet, and playing games. The instructor reserves the option to ban laptops and all similar devices from class.

4) Examination and Grading Policy

There will be a one-hour midterm exam on Friday, October 11th beginning at 9:30 am. Also, there will be a three-hour exam at the end of the semester on Tuesday, December 3rd beginning at 8:15 a.m. It is anticipated that 10% of your grade will be based on the midterm exam, and 90% 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.

5) Announcements

Students are responsible for all announcements made orally in the class as well as through group emails and on TWEN

6) Writing Assignments: We will have two ungraded writing assignments 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.

7) 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.bert.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.

8) 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.

9) 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://salukicare.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.

10) 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 Monday and Wednesday, subject to adjustment). The amount of assigned reading and out of class preparation should take you at least 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 no less than a total of 9 hours per week (3 in class and 6 preparing for class) on course-related work.

COURSE OUTLINE (subject to change)

Please note that there will be four makeup classes on Sep. 6, Sep. 13, Oct. 18, and Nov. 15 from 9:00 a.m. to 9:45 a.m. Class attendance is mandatory.

Week 1. Primary Response Group A

Class #1 (Aug. 19)

Introduction

Required reading:

Course syllabus

Farnsworth: pp. 1-10 (before Section 2)

Class #2 (Aug. 21)

Remedying Breach

Required reading:

Farnsworth: pp. 10-34

Week 2.

No class (due to the instructor's keynote speech overseas)

Required reading:

Farnsworth: pp. 34-48 (before Section 3)

Assignment #1 (TBA) due by the beginning of class on Sep. 4

Week 3. Primary Response Group B

Class #3 (Sep. 4)

Nature of assent

Required reading:

Farnsworth: pp. 161-184 (before Section 2)

Class #4 (Sep. 6): 9:00 a.m. – 9:45 a.m.

Contract formation: Offer
Required reading:
Farnsworth: pp. 184-193

Week 4. Primary Response Group C

Class #5 (Sep. 9)

Contract formation: Offer

Required reading:
Farnsworth: pp. 194 – 204, 323-337

Class #6 (Sep. 11)

Acceptance

Required reading:
Farnsworth: pp. 204 – 225

Class #7 (Sep. 13): 9:00 a.m. – 9:45 a.m.

Acceptance

Required reading:
Farnsworth: pp. 225 – 237 (before Firm Offer)

Week 5. Primary Response Group D

Class #8 (Sep. 16)

Acceptance

Required reading
Farnsworth: pp. 237-256

Class #9 (Sep. 18)

Battle of the Forms

Required reading
Farnsworth: pp. 257-277 (before Different Terms)

Week 6.

No class (due to the instructor's international conference attendance)

Assignment #2 (TBA) due by the beginning of class on Sep. 30

Week 7. Primary Response Group A

Class #10 (Sep. 30)

Determining Contact Terms,

Required reading

Farnsworth: pp. 277-296

Class #11 (Oct. 2)

Requirement of Consideration

Required reading

Farnsworth: pp. 48-67

Week 8.

Class #12 (Oct. 9)

Review Session

Week 9. Primary Response Group B

Class #13 (Oct. 14)

Requirement of Consideration

Required reading

Farnsworth: pp. 68-90 (before Employee Handbook)

Requirement of Consideration

Required reading

Farnsworth: pp. 90-111 (before Wood v. Lucy)

Class #14 (Oct. 16)

Requirement of Consideration, Reliance

Required reading

Farnsworth: pp. 111-133 (before Cohen v. Cowles Media Company)

Class #15 (Oct. 18): 9:00 a.m. - 9:45 a.m.

Reliance

Required reading

Farnsworth: pp. 133-142 (before Section 5)

Week 10. Primary Response Group C

Class #16 (Oct. 21)

Restitution

Required reading

Farnsworth: pp. 142-159

Class #17 (Oct. 23)

Statutes of Frauds

Required reading

Farnsworth: pp. 339-359 (before Termination Clauses)

Week 11. Primary Response Group D

Class #18 (Oct. 28)

Statutes of Frauds

Required reading

Farnsworth: pp. 359-375 (before Crabtree)

Class #19 (Oct. 30)

Statutes of Frauds

Required reading

Farnsworth: pp. 375 – 389 (before Beaver)

Week 12. Primary Response Group A

Class #20 (Nov. 4)

Statutes of Frauds

Required reading

Farnsworth: pp. 389 – 411

Class #21 (Nov. 6)

Parol Evidence Rule

Required reading

Farnsworth: pp. 487-512

Week 13. Primary Response Group B

Class #22 (Nov. 13)

Parol Evidence Rule

Required reading

Farnsworth: pp. 513-535 (before Section 3)

Class #23 (Nov. 15): 9:00 a.m. – 9:45 a.m.

Parol Evidence Rule

Required reading

Farnsworth: pp. 535-534 (before Section 4)

Week 14. Primary Response Group C

Class #24 (Nov. 18)

Parol Evidence Rule / Contract Interpretation

Required reading

Farnsworth: pp. 535-555

Class #25 (Nov. 20)

Contract Interpretation, Review

Required reading

Farnsworth: pp. 555-567