

CONTRACTS I (LAW 511 - 001)
Fall 2025
Prof. Gregory O. Nies
1:30 pm – 2:45 pm, Tue. & Thur., LSAR 202

Instructor

Greg Nies

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Office Hours

Conventional office hours: I will be available to meet with students in my office on Tuesdays from 10:30 am to 12:00 pm, and Wednesdays from 3:00 to 5:00 pm.

By appointment: I am normally on campus during business hours Monday through Friday. My preferred method of meeting with students is via a mutually agreed time. Just email me and we will set a convenient time.

Course Description

This course is an introduction to the study of Contract Law in the United States. The introductory overview will include fundamentals of how to: (i) analyze judicial opinions; (ii) craft legal arguments; (iii) determine which promises are – and which are not – subject to enforcement by law and why; and (iv) understand contract law sources, doctrine, and applications. The next part of the course – the core of this semester – will examine in detail the necessary elements for creating legally enforceable contracts, primarily 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 also consider situations when an agreement must be in writing to be enforceable, along with an analysis of situations when evidence of prior oral or written agreements will – or will not – be admissible. Throughout the semester we will consider the policy considerations that motivate the legal rules.

Course Materials

The required casebook for this class is *Problems in Contract Law: Cases and Materials*, by Knapp, Crystal, and Prince (10th ed. 2023), part of the Aspen Casebook Series (the “Knapp Casebook”). You may obtain it in any available electronic format or in a printed version. There may also be “supplemental material” assigned.

Overview / Course Learning Objectives

The learning objective of this course is to cover the concept, scope, and function of a contract as an institution for ordering resources exchange and allocation in society. A further objective is to build an understanding of how contract law fits into the broader cultural, social, and professional identity context.

Specific course Learning Objectives

At the end of this course, students will be able to:

- Analyze a judicial opinion to isolate the issues and legal rules;
- Identify various types of situations in which a promise may be broken, but the legal system will not grant damages or specific performance;
- Identify the necessary elements of a contract and apply that knowledge to a factual situation;
- Assess whether the terms of an advertisement are an offer enforceable by a buyer;
- Distinguish between a promise to make a gift in the future (which may or may not be legally binding) and an offer to enter into a contract;
- Identify other legal theories for recovering damages for the breaking of a promise in the absence of a contract;
- Determine whether an agreement must be in writing to be legally enforceable as a contract;
- Analyze whether prior oral or written agreements will be enforceable if the parties subsequently enter into a written agreement that does not contain those prior agreements;
- Understand how cultural differences may impact the manner in which contracts are formed and enforced and other promises are fulfilled or unfulfilled; and
- Evaluate contract law's success or failure in providing consumers and merchants access to justice regardless of economic power through various contractual doctrinal regimes.

Attendance Policy

Attendance is mandatory. If you miss more than six classes, you will be prohibited from taking the final exam.

Attendance will be taken either by roll call at the beginning of the class (first few classes), or by the circulation of a paper attendance "sign in" sheet or via D2L (majority of the course).

Participation

Students are expected to be prepared for class – this is law school! We will learn the material by reading it prior to class and then discussing it in class. For this discussion format to work, you must be prepared for each class.

I will typically call on several students to discuss issues related to the assigned readings for the day (the classic law school "cold call"). While a pattern may emerge regarding the general order in which students are called, all students should be prepared to present on any given class day. Note that all students are encouraged to contribute to the class discussion, and not just those called on. Speaking in class (much like oral argument in court) is an opportunity – not a burden!

Writing Assignment

There will be writing assignments during the semester. One writing assignment will be designated as our required writing-across-the-curriculum and bar-assessment assignment. Satisfactory completion of this writing assignment is required to be eligible to take the final exam and complete the course.

Class Website

There is a class website on D2L. I will strive to share as much as possible via this course site, including supplemental readings, slides, and other materials. Most significantly, I will periodically post announcements via D2L. Students are expected to monitor the D2L site.

Video Recordings of Lectures

While all classes are recorded per school policy, recordings of this class are not automatically posted. If you are forced to miss a class, access to a class recording may be made available at the discretion of the instructor. A recording of a class is not a substitute for real-time participation, and if you know you will miss a class you should consider asking another student to take notes for you.

Grading

Your grade is determined by a combination of class participation (15%), a midterm exam (15%), and final exam (70%). The midterm and final exam schedule will be posted to the law school website. Both the midterm exam and the final exam will be closed-book exams.

Workload Expectations

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. 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.

Ban on Collaboration/AI in Writing Assignments

You are not allowed to obtain help from any other person (including any other student) or from generative artificial intelligence (including, but not limited to, ChatGPT) on the writing assignment in this course. This ban on collaboration includes obtaining written materials from any other person or generative artificial intelligence and communicating with any other person about the assignment. If you violate the ban on collaboration policy, you will fail to successfully complete the assignment and therefore will not be entitled to take the final exam for the course. You also may be found in violation of the Honor Code, which can lead to serious penalties, including expulsion. An Honor Code investigation must also be reported to the Bar Examiners, even if you are cleared of any violation. When in doubt about how to proceed, ask me.

SIU SIMMONS LAW SCHOOL SYLLABUS ATTACHMENT - Fall 2025

EMERGENCY PROCEDURES: We ask that you become familiar with Emergency Preparedness @ SIU. Emergency response information is available on posters in buildings on campus, on the Emergency Preparedness @ SIU website, and through text and email alerts. To register for alerts, visit <http://emergency.siu.edu/>.

DISABILITY POLICY. SIU Carbondale is committed to providing an inclusive and accessible experience for all students with disabilities. The Office of Access and Accommodations, formerly Disability Support Services, coordinates the implementation of accommodations. If you think you may be eligible for accommodations but have not yet obtained approval, please contact OAA immediately at 618-453-5738 or disabilityservices.siu.edu. You may request accommodations at any time, but timely requests help to ensure accommodations are in place when needed. Accommodations and services are determined through an interactive process with students and may involve consideration of specific course design and learning objectives in consultation with faculty. Please send approved accommodations to your faculty through the DSS online portal.

SALUKI CARES and COUNSELING & PSYCHOLOGICAL SERVICES (CAPS). 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) 453-2461, or siucares@siu.edu, <https://salukicare.siu.edu/>. Associate Dean Shelia Simon ssimon@siu.edu or (618) 536-8321 is available at the Simmons Law School to help students access university resources. Additionally, counseling services are available through CAPS ([*Counseling and Psychological Services \(CAPS\) | Student Health Services | SIU*](#)). A counselor is at the law school every Wednesday from noon until 4:30pm in Room 268 for drop-in appointments.

SAFETY AWARENESS FACTS AND EDUCATION Title IX makes it clear that violence and harassment based on sex and gender is a Civil Rights offense subject to the same kinds of accountability and the same kinds of support applied to offenses against other protected categories such as race, national origin, etc. If you or someone you know has been harassed or assaulted, you can find the appropriate resources here: <http://safe.siu.edu>

Tentative Class and Required Reading Schedule

This reading schedule is tentative — updated reading assignments or syllabi may be posted to the D2L class website. Page numbers listed below are keyed to the required Text (10th edition) unless otherwise noted. Supplemental readings may also be assigned.

Introduction to Contract Law (chapter 1)**Week 1**

Class #1 – Aug 19: Class introductions & introduction to contract law, pp 1-12

Basis of Contractual Obligation (chapter 2)

Class #2 - Aug 21: Contract Theory & Mutual Assent, pp 12-34

Week 2

Class #3 – Aug 26: Offer & Acceptance in Bilateral Contracts, pp 34-49

Class #4 – Aug 28: Unilateral contracts, pp 49-63

Week 3

Class #5 – Sept 2: Postponed Bargaining – Agreement to Agree, pp 66-86

Class #6 – Sept 4: Consideration, Part I, pp 87-101

Week 4

Class #7 – Sept 9: Consideration Part II, pp 101-116

Class #8 – Sept 11: Consideration, Part III, pp 116-131

Week 5

Class #9 – Sept 16: Contract Formation under the UCC, pp 133-147

Class #10 – Sept 18: Qualified Acceptance (“battle of the forms”), 147-168

Week 6

Class #11 – Sept 23: Electronic and Layered Contracts, Part I, pp 181-196

Class #12 – Sept 25: Electronic and Layered Contracts, Part II & Catch-up/Review, pp 196-210

Liability in the Absence of Bargained-for Exchange (chapter 3)**Week 7**

Class #13 – Sept 30: Promissory Estoppel, Part I, pp 213-224

Class #14 – Oct 2: Promissory Estoppel, Part II, pp 224-243

Week 8 – 1L Formative Assessment Week

Midterm Week: October 6 to 10. *No class on October 7 & 9*

Midterm Exam - Oct __: (Midterm Exam Date and Time to be announced)

Week 9

Class #15 – Oct 14: Option Contracts & Offeree’s Reliance on an Unaccepted Offer, pp 253-265

Class #16 – Oct 16: Revocation, pp 272-286

Week 10

Class #17 – Oct 21: Restitution, Part I, pp 286-304

Class #18 – Oct 23: Restitution, Part II, pp 304-329

The Statute of Frauds (chapter 4)

Week 11

Class #19 – Oct 28: Statute of Frauds, Part I, pp 335-347

Class #20 – Oct 30: Statute of Frauds, Part II, pp 347-369

Week 12

Class #21 – Nov 4: UCC and Statute of Frauds, pp 372-383

Express Terms of the Agreement (chapter 5)

Class #22 – Nov 6: Express terms: Principles of Interpretation, pp 387-401

Week 13

Class #23 – Nov 11*: Express terms: Ambiguity & Reasonable expectation, pp 401-418

*Veterans Day. No in-person class. Online assignment

Class #24 – Nov 13: The Parol Evidence Rule, Part I, pp 429-440

Week 14

Class #25 – Nov 18: *As time Allows* The Parol Evidence Rule, Part II, pp 440-462

Class #26 – Nov. 20: Catch-up & Review – (Problems and Review questions) pp 476-483

Final Exam

Final Exam – Dec __ (Date and time to be announced)

Other dates of note:

November 11 – Veterans Day (we do not meet in person; Class # 23 will be an assignment on-line)

November 22 - 30 - Thanksgiving Break

December 1 – Reading Day

December 2 through 12 - Finals Weeks