

Contracts I

Syllabus

Fall 2021

Monday and Wednesday 9:00-10:15am

Location: Room 204

Law 511-3 Section § 002

Professor Lorelei Ritchie

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Casebook: Problems in Contract Law: Cases and Materials, by Knapp, Crystal, and Prince (9th ed. 2019), part of the Aspen Casebook Series (the “Knapp Casebook”)

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 – or are not – subject to enforcement by law; and (iv) understand contract doctrine and applications. 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 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.

Attendance Policy and Class Participation: Under the Rules of the School of Law, students may not accumulate absences in a course numbering in excess of twice the credit hours for the course during the semester. 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.

Class sessions will often include in-class group projects, which are intended to be fun opportunities to collaborate with “colleagues” on various contracts matters. Starting with week 2, I will assign a group of students (likely 3 to 5 per group) to be “thought leaders” for each class. So, while I will encourage any interested

student to participate in any class discussion, the assigned “thought leaders” will be “on call,” and will be asked to play a more active role in that class discussion, including discussion of the assigned cases for that day.

Recording of Classes: The professor may record classes via audio or video. Classes may also be recorded for ADA compliance purposes. No recordings should be used or disseminated without the professor’s permission.

Exams & Grading: It is anticipated that there will be a midterm exam, which will be scheduled by the law school administration (likely early October). It is also anticipated that there will be a three-hour final exam at the end of the semester. 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. The midterm exam will be a closed-book, multiple-choice test. The final exam will be an open-book, short-answer or short-essay exam. The schedule and means of administration will be updated in the coming weeks. I may reserve up to 10% of your grade to be awarded for quality of in-class participation (or, on the negative side, your grade may be lowered by excessive absences or poor conduct in class).

Writing Assignments: We will have a writing assignment to comply with the writing-across-the-curriculum requirement. Although the writing assignment will not be graded, satisfactory completion of the assignment is required to be eligible to take the final exam and to complete the course.

Emergency Procedures: The law school administration asks 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. 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 DSS 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. Upon completion of a Disability Accommodation Agreement with DSS, students should bring the agreements for each course to the School of Law Registrar’s Office to ensure the School of Law provides the proper classroom and examination accommodations. Accommodation [request](#) and [renewal](#) forms can be found

here: <https://law.siu.edu/academics/>.

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) 453-2461, 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.

COVID-19 and Public Health: We will comply with all public health and university mandates. The university -- and more specifically the law school -- will follow federal, state and county public health recommendations and mandates in all decisions relating to university operation.

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 Wednesday and Friday, except for the initial class scheduled during Orientation 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.

Tentative List of Reading Assignments: Each week, I will confirm the following week’s reading assignment at the end of Wednesday’s class. I will also plan to post PowerPoint slides for each week by Sunday evening, so that you have them available before class. In order to avoid assigning an excessive amount of reading, we will sometimes skip around a little bit.

Please complete assigned reading in advance of each class so that you are prepared to participate in, and benefit from, the discussion in class (So, by way of example, please complete the reading assignment listed for Week 1/Class 1 before the first day of class, August 16, 2021). Please also make sure that have access to your casebook for reference during each class session.

Tentative Class/Reading List:

Except as otherwise noted, all references are to the Knapp Casebook.

Week 1:

Monday, August 16; Knapp pp1-12; Intro to Contract Law

Wednesday, August 18, Knapp pp18-33, Principles and Applications

Week 2:

Monday August 23, Knapp pp35-59, Mutual Assent

Wednesday, August 25, Knapp pp60-76, Offer and Acceptance, Unilateral

Week 3:

Monday, August 30, Knapp pp78-96, Agreement to Agree

Wednesday, September 1, Knapp pp101-118, Consideration

Week 4:

Monday, September 6, Labor Day, NO CLASS (out of class assignment)

Wednesday, September 8, Knapp pp118-147, Consideration (cont'd)

Week 5:

Monday September 13, Knapp pp147-171, UCC Contract Formation

Wednesday, September 15, Knapp pp195-221, Electronic Layered Contracting; and Begin Writing Assignment, due September 22, Problem 2-2, pp98-99

Week 6:

Monday, September 20, Knapp pp225-236, Promissory Estoppel,

Wednesday, September 22, Knapp pp236-255, Promissory Estoppel (cont'd) and submit Writing Assignment (Problem 2-2, for in-class discussion, Sept 29)

Week 7:

Monday, September 27, Knapp pp265-284, Option contracts and reliance

Wednesday, September 29, In-class discussion of writing assignment (Problem 2-2), in context of midterm review

Midterm Week: Midterm Review and Midterm Exam:

Week of October 4 – there will be a midterm, as scheduled by the law school administration, TBD

Week 9:

Monday, October 11, Midterm debriefing

Wednesday, October 13, (skipping around) Knapp pp481-486, 492-493, 513-523 Implied Obligation of Good Faith

Week 10:

Monday, October 18, Knapp pp296-327, Restitution

Wednesday, October 20, Knapp pp327-340, Restitution

Week 11:

Monday, October 25, Knapp pp345-368 top, Statute of Frauds

Wednesday, October 27, Knapp pp368-390, Statute of Frauds

Week 12:

Monday, November 1, Knapp pp395-408, Principles of Interpretation

Wednesday, November 3, Knapp pp408-427, Principles of Interpretation

Week 13:

Monday, November 8, Knapp pp427-451, Parol Evidence

Wednesday, November 10, Knapp pp451-473, Parol Evidence

Week 14:

Monday, November 15, Knapp pp546-567 Warranties

Wednesday, November 17, Final Review (covering all reading and class discussion to date, and all posted rules and take aways)

[Final Exam]