

Contracts I

Syllabus

Fall 2022

Tuesday and Thursday 1:30pm-2:45pm

Location: Room 204

Law 511-3 Section § 002

Professor Lorelei Ritchie

Office hours: Tuesday and Thursday, 10:30-noon; or by appointment

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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, we 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, and while any and all other students may also be asked to engage in the class discussion, the assigned “thought leaders” will be officially “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. Consistent with our role in preparing students to be responsible, ethical lawyers-in-training, please treat the classroom, and everyone in it, with the respectful demeanor and discussion that you would display in a courtroom.

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, 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. Writing assignments may be given in class, with feedback provided as part of the group discussions.

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. 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.

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, <https://salukicare.siu.edu/>. Assistant Dean Judi Ray is available at the School of Law to help students access university resources. Please email her at judiray@siu.edu, or call 618-453-3135.

COVID-19: SIUC's policy on face masks and social distancing is consistent with the guidance from the Centers for Disease Control and Prevention and the Illinois Department of Public Health. For up-to-date information, students, faculty, and staff should visit SIUC's COVID website (<https://siu.edu/coronavirus>), which includes the Saluki Safety Plan. People can also send email to pandemicinfor@siu.edu.

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: Except as otherwise noted, all references are to the assigned Knapp Casebook. Each week, I will confirm the following week's reading assignment at the end of Thursday's class. I will also plan to post PowerPoint slides for your reference. 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 23, 2022). Please also make sure that have access to your casebook for reference during each class session.

Tentative Class/Reading List:

Week 1:

Tuesday, August 23; Knapp pp1-12; Intro to Contract Law

Thursday, August 25, Knapp pp18-33, Principles and Applications

Week 2:

Tuesday, August 30, Knapp pp35-59, Mutual Assent

Thursday, September 1, Knapp pp60-76, Offer and Acceptance, Unilateral

Week 3:

Tuesday, September 6, Knapp pp78-96, Agreement to Agree

Thursday, September 8, Knapp pp101-118, Consideration

Week 4:

Monday, September 13, NO CLASS (out of class assignment TBD)

Thursday, September 15, Knapp pp118-147, Consideration (cont'd)

Week 5:

Tuesday, September 20, Knapp pp147-171, UCC Contract Formation

Thursday, September 22, Knapp pp195-221, Electronic Layered Contracting; and Begin Writing Assignment, due September 29, Problem 2-2, pp98-99

Week 6:

Tuesday, September 27, Knapp pp225-236, Promissory Estoppel,

Thursday, September 29, Knapp pp236-255, Promissory Estoppel (cont'd) and submit Writing Assignment (Problem 2-2, for in-class discussion, Oct. 6)

Week 7:

Tuesday, October 4, Knapp pp265-284, Option contracts and reliance

Thursday, October 6, In-class discussion of writing assignment (Problem 2-2), in context of midterm review

Week 8:

NO CLASS: Midterm Week: Week of October 10-14 – There will be no 1L class sessions. Instead, there will be a midterm exam, as scheduled by the law school administration, TBD

Week 9:

Tuesday, October 18, Midterm debriefing

Thursday, October 20, (skipping around) Knapp pp481-486, 492-493, 513-523
Implied Obligation of Good Faith

Week 10:

Tuesday, October 25, Knapp pp296-327, Restitution

Thursday, October 27, Knapp pp327-340, Restitution

Week 11:

Tuesday, November 1, Knapp pp345-368 top, Statute of Frauds

Thursday, November 3, Knapp pp368-390, Statute of Frauds

Week 12:

Tuesday, November 8, NO CLASS; Election Day

Instead, class session will be pre-recorded and posted on TWEN: Knapp
pp395-408, Principles of Interpretation

Thursday, November 10, Knapp pp408-427, Principles of Interpretation

Week 13:

Tuesday, November 15, Knapp pp427-451, Parol Evidence

Thursday, November 17, Knapp pp451-473, Parol Evidence

NO CLASS: Thanksgiving Holiday:

Week of November 22-25 – There will be no class sessions.

Week 14:

Tuesday, November 29, Knapp pp546-567 Warranties

Thursday, December 1, Final Review (covering all reading and class
discussion to date, and all posted rules and take aways)

[Final Exam, as scheduled by the law school administration, TBD]