

**Contracts II** (Spring Semester, 2020)  
LAW-512-001

Lesar Law Building Room 202 (M/W: 9:00 a.m. – 10:15 a.m.)

Professor Y.S. Lee  
248 Law Building  
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Office hours (1:15 p.m. – 2:15 p.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, who will be randomly selected in each class, will be assigned a short, informal case presentation from the text material. Students who fail to present a case on call will be marked down. Student who fail to present a case three times may receive the lowest possible grade or be asked to withdraw from the course.

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 in the first week of March. Also, there will be a three-hour exam at the end of the semester. It is anticipated that 20% of your grade will be based on the midterm exam, 60% of your grade will be based on the final exam, and 20% based on attendance and class participation. 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 one 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](http://www.bert.siu.edu), Department of Safety's website [www.dps.siu.edu](http://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](mailto: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](mailto: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 a makeup class on Jan 31 (Friday)

Week 1.

Class #1 (Jan. 13)

Gap fillers, warranties, and mandatory terms

Required reading:

Farnsworth: pp. 567 – 592

Class #2 (Jan. 15)

Policing the bargaining process

Required reading:

Farnsworth: pp. 417 – 445 (before *Watkins & Son v. Carrig*)

Week 2.

No class

Assignment due by the beginning of Jan. 27 class

Week 3.

Class #3 (Jan. 27)

Policing the bargaining process (cont.)

Required reading:

Farnsworth: pp. 445 – 472

Class #4 (Jan. 29)

Policing the bargaining process (cont.) / limits on the bargain and its performance

Required reading:

Farnsworth: pp. 473 – 486, pp. 593 – 609

Class #5 (Jan. 31)

Limits on the bargain and its performance (cont.)

Required reading:

Farnsworth: pp. 610 – 636

Week 4.

Class #6 (Feb. 3)

Limits on the bargain and its performance

Required reading:

Farnsworth: 637 – 663 (before 2. Substantive Unconscionability)

Ungraded assignment: due by the beginning of Class #8

Class #7 (Feb. 5)

Limits on the bargain and its performance (cont.)

Required reading:

Farnsworth: pp. 663 – 689 (before Bloor v. Falstaff Brewing Corp.)

Week 5.

Class #8 (Feb. 10)

Limits on the bargain and its performance (cont.)

Required reading

Farnsworth: pp. 689 – 717 (before Restraints of Trade)

Class #9 (Feb. 12)

Limits on the bargain and its performance (cont.)

Required reading

Farnsworth: pp. 717 – 746 (before Public Policy Derived from Statutes)

Week 6.

Class #10 (Feb. 17)

Limits on the bargain and its performance (cont.) / Performance and breach

Required reading

Farnsworth: pp. 746 – 775 (before Hicks v. Bush)

Class #11 (Feb. 19)

Performance and breach

Required reading

Farnsworth: pp. 775 – 803 (before Section 3)

Week 7.

Class #12 (Feb. 24)

Performance and breach (cont.)

Required reading

Farnsworth: pp. 803 – 833 (before Kirkland v. Archbold)

Class #13 (Feb. 26)

Performance and breach (cont.)

Required reading

Farnsworth: pp. 833 – 860 (before McCloskey & Co. v. Minweld Steel Co.)

Week 8.

Midterm week

Week 9.

Spring break, no class

Week 10.

Class #14 (Mar. 16)

Performance and breach (cont.) / Remedies for breach

Required reading

Farnsworth: pp. 860 – 890 (before Van Wagner Advertising Corp. v. S & M Enterprises)

Class #15 (Mar. 18)

Remedies for breach (cont.)

Required reading

Farnsworth: pp. 890 – 919 (before Plante v. Jacobs)

Week 11.

Class #16 (Mar. 23)

Remedies for breach (cont.)

Required reading

Farnsworth: pp. 919 – 947 (before *Cosden Oil & Chemical Co. v. Karl O. Helm*)

Class #17 (Mar. 25)

Remedies for breach (cont.)

Required reading

Farnsworth: pp. 947 – 972

Week 12.

Class #18 (Mar. 30)

Remedies for breach (cont.)

Required reading

Farnsworth: pp. 973 – 997 (before *Lake River Corp. v. Carborundum Co.*)

Class #19 (Apr. 1)

Remedies for breach (cont.) / Mistake, impracticability, and frustration

Required reading

Farnsworth: pp. 997 – 1026 (before *Renner v. Kehl*)

Week 13.

Class #20 (Apr. 6)

Mistake, impracticability, and frustration (cont.)

Required reading

Farnsworth: pp. 1026 – 1055

Class #21 (Apr. 8)

Mistake, impracticability, and frustration (cont.)

Required reading

Farnsworth: pp. 1055 – 1087 (before Section 4)

Week 14.

Class #22 (Apr. 13)

Mistake, impracticability, and frustration (cont.)

Required reading

Farnsworth: pp. 1087 – 1107 (before Impracticability and Reliance)

Class #23 (Apr. 15)

Mistake, impracticability, and frustration (cont.) / Third parties

Required reading

Farnsworth: pp. 1107 – 1136 (before *Sisney v. State*)

Week 15.

Class #24 (Apr. 20)

Third parties: rights and obligations (cont.)

Required reading

Farnsworth: pp. 1036 – 1162 (before *Sally Beauty Co. v. Nexxus Products Co.*)

Class #25 (Apr. 22)

Third parties: rights and obligations (cont.)

Required reading

Farnsworth: pp. 1162 – 1193 (before *Financiers Versus Consumers*)