

Contracts II Syllabus

Spring 2021

Tuesday and Thursday 2-3:15pm

Classroom: Room 108 (courtroom)/online via Zoom

Law 512-3 Section § 001

Professor Lorelei Ritchie

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Casebook: Same as Contracts I. 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 a continuation of Contracts I, with a focus this semester on the material in Chapters 7 through 12 of the Knapp Casebook. This includes the concepts of Avoiding Enforcement of a contract; Justification for Nonperformance; Consequences of Nonperformance; Expectation Damages; Alternatives to Expectation Damages, and Third Party Rights and Duties.

Attendance Policy: 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. 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. The Zoom information has been posted on TWEN.

Recording of Classes: The professor may record classes via audio or video (including for increased availability due to COVID-19 restrictions). 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 an online midterm exam on or around the eighth week of class. It is also anticipated that there will be a two or three-hour online 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 and the final exam are expected to be open book exams. The schedule and means of administration will be updated in the coming weeks.

Writing Assignments: We will have a writing assignment 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 final exam and to complete the course. It is anticipated that we will complete this assignment during class time in weeks 4 and 5.

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 insure 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: As a condition of on-campus enrollment, all SIUC students are required to engage in safe behaviors to avoid the spread of COVID-19, including the requirement that all students wear a mask in campus buildings, including classrooms, laboratories, and studios when others are present, regardless of social distancing. Students are expected to follow

physical or social distancing guidelines by keeping at least 6 feet from others, and practicing good hand hygiene. Failure to comply with this policy may result in dismissal from the current class session. If the student refuses to leave the classroom after being dismissed, the student may be referred to the Office of Student Rights and Responsibilities. SIUC will follow federal, state and county public health recommendations and mandates in all decisions relating to university operation. Students should regularly review the link for the [SIUC COVID-19 response](#).

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 Tuesday and Thursday). 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.

Student Learning Objectives: As noted, this course is a continuation of Contracts I, with a focus this semester on the material in Chapters 7 through 12 of the Knapp Casebook. This includes the concepts of Avoiding Enforcement of a contract; Justification for Nonperformance; Consequences of Nonperformance; Expectation Damages; Alternatives to Expectation Damages, and Third Party Rights and Duties. We will discuss each of these concepts, with an emphasis on reading and understanding the assigned readings, learning the applicable rules, and being able to articulate arguments and discussions of the rules, both via oral discussion in class and via written projects in class and on exams.

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Assigned Reading

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

This reading list is preliminary. Assignments after the first week are subject to change based on our class discussions. Each week, the professor will confirm the following week's reading assignment at the end of class, and by posting on TWEN.

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, January 19, 2021).

Week 1/Class 1: Minority and Mental Incapacity; Knapp pp572-589

Week 1/Class 2: Duress and Undue Influence; Knapp pp591-610

Week 2/Class 1: Misrepresentation and Nondisclosure; Knapp pp610-632

Week 2/Class 2: Unconscionability, Part I; Knapp pp634-643 (optional 643-650)

Week 3/Class 1: Unconscionability, Part II; Knapp pp650-680

Week 4/Class 1: Mistake; Knapp pp719-740

Week 4/Class 2: In-class writing project

Further assignments – TBA on TWEN.