

CONTRACTS SYLLABUS
FALL 2009
Evening

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INTRODUCTION

Sullivan v. O' Connor
Background reading
Handouts

pp. 14-20
pp. 1-4;8-9;13-14;29-32

CONTRACT FORMATION

The Nature of Assent
The Offer
The Acceptance
 Terminating the Power of Acceptance
 Acceptance Varying Offer
Precontractual Liability
Requirement of Definiteness

pp. 116-123
pp. 126-147
pp. 147-161;166-167
pp. 167-177;180-188
pp. 188-205
pp. 220-233
pp. 246-249

CONSIDERATION

Substitutes for Consideration
 Reliance
 Restitution
 Moral Obligation

pp. 33-50; 56-58; 66-76;
83- 86
pp. 86-89
pp. 89-96
pp. 105-115
pp. 50-56

STATUTE OF FRAUDS

pp. 257-269

POLICING THE BARGAIN (PROCESS)

Capacity
Pressure in Bargaining
Concealment and Misrepresentation

pp. 310-312
pp. 312-321
pp. 322-337;340-352
pp. 352-364

LIMITS ON THE BARGAIN (CONTENT)

Adhesion Contracts

Unconscionability
Public Policy

pp. 453-454
pp. 465-467;473-479;
487-494
pp. 494-507
pp. 571-582

FINDING THE LAW OF THE CONTRACT

Parol Evidence Rule	pp. 365-381
Use of Extrinsic Evidence	pp. 381-395
	pp. 419-421
Interpretation	pp. 395-410
	pp. 421-426

CONDITIONS

Express Conditions	pp. 691-695
	pp.700-716
Constructive Conditions	pp. 716-723
Mitigating Doctrines	
Substantial Performance	pp. 723-733
Material Breach	pp. 745-767
Hindrane and Prevention	pp. 757-765

REMEDIES FOR BREACH

TBD

The Meaning of "Enforce"
Specific Performance
Measuring Expectation
Limitations on Damages
Liquidated Damages and Penalties

The above outline indicates the materials to be covered this semester and the order in which they will be covered. You may of course read as far along as you want to, but specific reading assignments, geared to the amount of materials that will be covered in a given class, will be made at the end of the preceding class. Also, as we near the end of the semester, some assignments may be shortened or deleted so as to maximize the variety and breadth of the materials we will have covered.

Students will be expected to have read the assignment before class and to be prepared to discuss the readings in class when and if called upon.

METHOD OF EVALUATION

Your final grade will be determined on the basis of a 3-hour final exam. The final exam will be OPEN BOOK. You may bring into the exam your notes, your casebook and supplement, any handouts distributed during the semester and any outlines prepared by you. You may NOT bring into the exam any hornbook, commercial outlines, nutshells, etc.

Just a word of caution, however. Don't count on being able to use what you bring into the exam as a reference library. There will not be time for that. Prepare for the exam as if it were NOT an open book, exam and use your materials only when it is absolutely necessary.

Class participation and preparation may be considered in a positive way in determining your final grade - that is, it may be taken into account in borderline cases (where, for example, your performance on the exam leaves you very close to a higher grade). Participation and preparation will not, however, be considered in any detrimental fashion.