

SYLLABUS – Fall 2009

CONTRACTS

Professor Steven H. Resnicoff

GETTING IN TOUCH WITH ME:

You can contact me by phone, at **312-362-8137** (office) or **773-973-2335** (home). (If you call me at home, however, and you only leave a message, do NOT assume that I received the message.) My office is 800-A. Although “official” office hours will be announced in the first few days of class, I am often in my office and you are also invited to stop by at any time. In addition, you can e-mail me or call me at my office or home numbers to schedule a mutually convenient time to meet.

I know that many students find it easier to communicate between classes by e-mail than in person or by phone. Consequently, I also invite you to e-mail me at sresnico@depaul.edu. When you do, however, please type “**DePaul-Contracts**” in the subject heading of your messages.

BLACKBOARD WEB SITE:

There is a blackboard web site for this course. I intend to use this site as an important way to communicate with you and to provide materials to you. If you have any trouble *finding* the Blackboard site for this course, please contact DePaul’s Technology Assistance Help Desk.

Because you will be responsible for all I send via Blackboard, it is *imperative* that *you* make sure that the Blackboard site has your correct e-mail address. Blackboard uses the e-mail address that was entered for you in CampusConnect. I believe that here’s how you check and, if necessary, correct that e-mail address:

1. Go to <http://campusconnect.depaul.edu>
2. Click on "demographic portfolio"
3. Click on e-mail addresses
4. Update the e-mail address and hit "save."

If this process doesn’t resolve your problem, you need to ask for assistance by sending an e-mail to blackboard@depaul.edu.

You should check the blackboard web site at least once between every two of our classes.

A NOTE ABOUT LEARNING DISABILITIES

Students with learning disabilities may be entitled to certain accommodations. But to ensure that these accommodations are provided, students must disclose their disabilities to, and request accommodations from, Assistant Dean Charlotte Taylor (312-362-8183; e-mail ctaylor@depaul.edu), as early in the term as possible. Alternatively, you may disclose learning disabilities and request accommodations from DePaul’s Office for Students with Disabilities (773-325-7290; <http://studentaffairs.depaul.edu/studentswithdisabilities/>) or from the Plus Program (773-325-1677; <http://studentaffairs.depaul.edu/plus/>). Law school grades are

important. If you have a learning disability, please make sure to disclose them and request accommodations BEFORE you undertake graded assignments or tests rather than afterwards, when it may be too late to provide such accommodations.

IF PERSONAL PROBLEMS ARISE DURING THE SEMESTER

Life is complex. At any given time, something might happen that could substantially interfere with a student's law school performance. When this happens, some students fail to notify the proper law school officials and merely plod ahead. There are many reasons why someone might act this way (e.g., overconfidence, embarrassment, etc.). Nevertheless, whatever the reason, this course of conduct is a mistake. Students who follow it imperil their professional careers, because once poor grades are received, their impact is permanent. Consequently, if something arises in your life that affects your ability to perform at DePaul, you should promptly contact Diana White (312-362-8537; dwhite@depaul.edu), Assistant Dean for Student Affairs, to explore the alternatives available to you. (Of course, you may in addition seek guidance from your professors.) Do NOT wait until after an exam is given or after a paper (in those classes requiring a paper) is due. (Note: Look out for your friends as well. If something happens to one of them that detrimentally affects his or her academic performance, encourage that friend to contact Dean White.)

METHOD OF EVALUATION

Your final grade will be determined *primarily* on the basis of a final in-class exam. The final exam will be CLOSED-BOOK, except that you may bring the required statutory supplement. You may write notes in your statutory supplement and you may attach tabs thereto. You may NOT, however, attach (e.g., staple, tape, paste, etc.) anything other than tabs to your statutory supplement.

Class participation and preparation, however, may be considered **in a positive way or in a negative way** in determining your final grade. Points may be added to your score on the final exam for significant or consistent positive contributions to class discussions. Lack of participation or preparation, however, may be the basis for subtracting points from your score on the final exam - *even if a student attends every class*.

ALL STUDENTS MUST PRINT THEIR RESPECTIVE NAMES ON THE SEATING CHART BY THE END OF THE FIRST WEEK OF CLASSES.

COURSE MATERIALS:

Required:

1. Casebook: Farnsworth and Young, Contracts, Cases and Materials (7th Ed.)
2. Supplement: You may use **EITHER**:
 - (a) Burton and Eisenberg, Contract Law: Selected Source Materials (2009 edition); **OR**
 - (b) The statutory supplement that by Farnsworth et al.

You must bring both the casebook and the supplement to ALL classes.

READING ASSIGNMENTS:

- * Each Assignment Is to Be Read Prior to the Designated Class (students will be expected to be prepared to discuss the readings in class when and if called upon).
- * Page References Starting with “F” Are to Pages in the Farnsworth Casebook
- * Some assignments include readings that are found on the “Course Documents” page of our Blackboard web site. Make sure not only to read these materials but also to print them out and bring them with you to the applicable classes. Because I may be updating these documents, any particular document may not be available until one or two classes before the class for which it is assigned.
- * The Assignments often refer to sections in the Uniform Commercial Code (“UCC”) and the Restatement 2nd of Contracts (“Restatement”). Unless otherwise announced in class, you will find these provisions either in the statutory supplement or, if not there, on the “Course Documents” page of the Blackboard web site for this course.

FROM TIME TO TIME, ADDITIONAL ASSIGNMENTS MAY BE DISTRIBUTED EITHER IN CLASS OR VIA E-MAIL.

ASSIGNMENTS:

Class #: Assignment

- (1)
 1. In the Farnsworth Contracts casebook (hereafter, “F”), read pages 1-20.
 2. Among pages 1-20, there are several cases. As you read each case, make sure to make a brief written notes (for yourself) about the case. Identify:
 - a. The parties.
 - b. Who sued and who was being sued.
 - c. The theory of the plaintiff as to why the defendant was liable.
 - d. The theory of the defendant as to why it was not liable.
 - e. The decision of the court.
 - f. The reasoning the court used to reach its decision.
 - g. Identify the difficulties, if any, you have with the court’s reasoning.
 3. When you come across a question in the reading, *try to answer the question*.

NOTE: You should follow steps 2 and 3, above, throughout the entire semester.

- (2)
 1. In F, read pages 23-28 (but NOT the notes on p. 28) and page 34-46.
- (3)
 1. In F, read 46-55
 2. Handouts 1a, 1b & 1c (available on Blackboard) – print them, read them, &
 3. Handout 2 – Common law damages (available on Blackboard) – print it, read it, & bring it to class

NOTE: Whenever you are assigned a Handout that contains questions or problems, you must come to class with answers to those questions or problems (although, unless you are told otherwise, your answers will NOT be collected).

- (4)
 1. In F, read 56-66
 2. Handout 3- Employee Handbook – print it, read it, & bring it to class
- (5)
 1. In F, read 67-76; 80-82 (i.e., that section of the decision under Roman numeral “I”)
 2. Handout 4-“Strong v. Sheffield” – print it, read it, & bring it to class
- (6) In F, read 83-97 and the “PROBLEM” ON pp. 99-100
- (7)
 1. In F, read 105-115
 2. Handout 5 – Restitution – print it, read it, & bring it to class
- (8)
 1. In F, read 116-122
 2. In F, read 124-126
 3. Handout 6 – Formal Contract Contemplated – print it, read it, & bring it to class
- (9)
 1. In F, read 126-146
- (10)
 1. In F, read 147-167
- (11)
 1. In F, read 167-188
 2. Handout 8-Mailbox rule - Print it, read it, & bring it to class
- (12)
 1. In F, read 188-205
 2. Read UCC 2-207 (in your statutory supplement) carefully
- (13)
 1. Handout 9-Statute of Frauds – print it, read it, & bring it to class
 2. In F, read 257-269
 3. In F, read 269-280
- (14)
 1. Read UCC 2-201 carefully
 2. In F, read 285-309
 3. Ungraded, in-class test
- (15)
 1. In F, read 310-325
- (16)
 1. In F, read 325-336, 338-340
 2. Handout 10- Pre-existing Duty/Undue influence – print it out, read it & bring it to class
- (17)
 1. In F, read 352-364
 2. Handout 11-Concealment and Misrepresentation- print it out, read it, &

bring it to class

- (18) 1. In F, read 365-381, 395-397, 410-421
- (19) 1. In F, read 421-426, 431-445, 450-452
- (20) 1. In F, read 458-477
- (21) 1. In F, read 494-503, 522-529
2. Handout 12-Good Faith- print it, read it, & bring it to class
3. In F, read 539-543
- (22) 1. In F, read 545-548, 552-572
- (23) 1. In F, read 584-587
2. In F, read 593-602
- (24) 1. Handout 13-Damages - print it out, read it, & bring it to class
2. In F, read 613-629
- (25) 1. In F, read 629-648, 656-663
- (26) 1. In F, read 672-688, 691-694, 699-710
- (27) 1. In F, read 718-734, 735-742, 745-751
- (28) Catch-up and review