

Contracts I
San Joaquin College of Law
3 Units

Fall Term 2017
Wednesdays 6:30 - 9:30 p.m.
Lawrence M. Artenian, Instructor
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COURSE DESCRIPTION

Survey of the American Law of Contracts (Part I) consisting of (1) common law rules and principles as reflected in the American Law Institute's First and Second Restatements of Contracts and underlying case law; and (2) provisions of Articles 1 and 2 of the Uniform Commercial Code applicable to contracts for the sale of goods.

STUDENT LEARNING OUTCOMES and PERFORMANCE CRITERIA

Student Learning Outcome 1.

Demonstrate knowledge of the rules affecting contract formation, interpretation and remedies, both under the general law (common law) and under corresponding provisions of the Uniform Commercial Code. Demonstrate understanding of the principles and policies underlying the rules of law.

Performance Criteria for SLO 1. Graduates will demonstrate the ability to

1. Evaluate rules, policies and principles set forth in court opinions and identify the controlling rule(s) of law in each case.
2. Evaluate rules, policies and principles set forth in statutory authority.
3. Apply the rules of law found in case authority to relevant situations in different cases, reach conclusions as to the likely resolution of those cases and express the rationale supporting those conclusions.
4. Apply the rules of law found in statutory authority to relevant situations in various cases, reach conclusions as to the likely resolution of those cases and express the rationale supporting those conclusions.
5. Identify the specific legal issues that must be addressed to resolve contract law disputes in various factual settings.

GRADING

Grades will be based on a single three- hour essay examination at the end of the semester.

REQUIRED MATERIALS

Hamilton, Rau & Weintraub, *Contracts, Cases and Materials*. Second Edition, West Group.

Burton & Eisenberg, *Contract Law, Sources and Materials Annotated*, 2017 Edition, West Academic Publishing.

Various Materials prepared by instructor, to be distributed during the course of the semester.

COURSE SCHEDULE

Reading: Hamilton/Rau/Weintraub text: Pages 6-7; 30-31; 35-36; 157-164; 168-173; 179-326; 416-558. (This is for the entire semester. See explanation, below.) From time to time you also will receive handouts I have written, to be read in conjunction with the text.

8/16/17	6-7; 30-31; 35-36; 157-164; 168-174	Introduction: Restatements, Uniform Commercial Code, basic principles.	SLO 1 PC 1-5
8/23/17	179-188	Bargain Theory of Consideration: Economic and social justifications for enforcement of promises; consideration defined; mixed contracts under UCC.	SLO 1 PC 1-5
8/30/17	189-209	Consideration defined (continued); the bargain principle and market forces; Introduction to contract remedies: Principles of compensation; expectancy and reliance interests; expectancy formulas in the UCC; market value, cover and resale; incidental damages.	SLO 1 PC 1-5
9/6/17	209-219	Intro to remedies (continued); Consideration Problems: Detriment, equivalency, sham and Worthless consideration.	SLO 1 PC 1-5
9/13/17	219-235	Reliance theory for enforcement of promises: Foreseeability, reliance and policy.	SLO 1 PC 1-5
9/20/17	235-265	Mutuality, good faith and obligation to use best efforts.	SLO 1 PC 1-5

9/27/17	265-286	Good faith and other implied obligations; employment; Pre- existing duty.	SLO 1 PC 1-5
10/4/17	286-325	Agreements discharging debt; accord and satisfaction; Past Consideration and Moral Obligation.	SLO 1 PC 1-5
10/11/17	416-455	Mutual Assent: Offer and acceptance; contracts without offer and acceptance; the objective standard; certainty; omitted terms and “gap-fillers.”	SLO 1 PC 1-5
10/18/17	456-471	Options and “firm offers;” auctions.	SLO 1 PC 1-5
10/25/17	472-501	Options based on promissory estoppel; bilateral and unilateral contracts.	SLO 1 PC 1-5
11/1/17	502-531	Unilateral contracts and special option rules; ambiguity and choice of method of acceptance.	SLO 1 PC 1-5
11/8/17	532-559	Rewards; acceptance by silence and related problems.	SLO 1 PC 1-5
11/15/17	559-576	“Mirror image rule” and UCC rejection of the rule; 2-207.	SLO 1 PC 1-5

Reading assignments in the Uniform Commercial Code (in the supplement, Selected Source Materials) will correspond to references to the UCC in the Hamilton/Rau/Weintraub text. If the UCC is mentioned in the text, you should look it up and read it. You also should read carefully the notes and Official Comments that follow each code section. Also, read in the supplement any Restatement sections mentioned but not reproduced in the text.

PLEASE NOTE: The reading assignments above are in the correct chronological order. **In each class session, we will continue wherever we left off in the previous class.**