CONTRACTS  
2017  
SYLLABUS

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TEXTS

1. PROBLEMS IN CONTRACT LAW: CASES AND MATERIALS (8TH ED.) by Knapp, Crystal and Prince.

2. The second text is a companion text to the casebook that includes sections of the Restatement of Contracts 2d, the Convention on Contracts for the International Sale of Goods (the CISG), and the Uniform Commercial Code (the UCC). The UCC is state legislation, drawn up by a team of scholars and experts, and adopted, at least partially, by every state's legislature. In this sense, it is "national" -- although it is not federal legislation. Conversely, the Restatement is not legislation at all; it is a compilation of generally accepted contract principles. Although not "law" in the sense of legislation, it can be very persuasive with judges and, as you will see as you read the cases, it is frequently cited in judicial opinions.

3. RECOMMENDED: Contracts: Examples & Explanations by Brian Blum.

CLASS PARTICIPATION AND ATTENDANCE

Attendance: The Law Center Student Handbook reads in part: “The Law Center has a minimum 80% attendance policy for students. Any student who attends fewer than the minimum percentage of classes may be dropped automatically from the class. Faculty members are free to impose stricter attendance standards. Faculty members may consider those who come in late or leave early as absent, or may decline to let a late student attend that day.”

You must come to class unless you have a legitimate reason for not doing so. Illness is a legitimate reason. Out of consideration for your colleagues, do not come to class if you are ill. I will keep track of attendance and I expect you to do the same. Absences in violation of law center policy may be sanctioned by a reduction in the final grade or, in egregious cases, by involuntary withdrawal from the class.

Participation: I expect everyone to have read and thought about the problems and the cases and other readings assigned for each day's class. This is for your benefit, as learning is not a
passive endeavor. It is also for my benefit, so that I can see how you’re thinking about the class, and to know where I’ve been unclear in my presentation.

Illness or other issues: If you miss class due to illness or for any other reason, please get notes from your colleagues. If someone asks you for notes for a missed day of class, I expect you to do the human thing and share with them the notes for that day. This is different than being asked for your notes for every day, of the course. You may also discuss what you missed with me, but please do so as soon as possible after you have returned from your illness (but not while you are contagious).

EXAMS AND GRADING

I will give a practice exam toward the midpoint of the course. It will be ungraded, but we will go over the exam in class.

There will be one final exam on December 5th, from 9 a.m. to 1 p.m. Your exam will be comprehensive in nature. Typically, I hand out the final exam question on the last scheduled day of class meeting. At that point, you are tasked to prepare an outline of an exam answer that you will then use to write an answer. You will be allowed to bring to the exam whatever (inanimate) objects bring you comfort, except (i) those prohibited by law and University Policy; (ii) commercial outlines, and; (iii) outlines created by other students (apart from any group outlines created by students consisting entirely of members of this course).

USEFUL INFORMATION

Class Meeting Times: Monday through Wednesday, 10:30 - 11:50 a.m..

Office Hours: Monday and Wednesday, 12:00 p.m. – 1:00 p.m., and by appointment. I am frequently around the law center. To schedule an appointment, simply e-mail me. I carry my cell phone habitually and generally will get back to you rather rapidly. You may also leave a message with Amanda Parker, who will contact me. Ms. Parker’s telephone number is 713.743.2156.

CENTER FOR STUDENTS WITH DISABILITIES

The University of Houston, when possible and in accordance with 504/ADA Guidelines, will attempt to provide reasonable academic assistance to students who request and require it. Please contact the Center for Students with Disabilities at 713.743.5400 for more information.
ACADEMIC ENRICHMENT PROGRAM

The Law Center Student Handbook reads: “The Academic Enrichment Program (AEP) is designed to provide academic support, counseling, and advice to first year students. In order to assist new students with developing the skills necessary for successful completion of law school, AEP offers open tutorial programs in the fall and spring. Second and third year law students with strong academics serve as Academic Enrichment Tutors, for first year fall classes. The tutors meet regularly, with first year students in the open sessions, to assist them with enhancing their law school study skills.”

My teaching assistant’s name and contact information will be provided to you the first day of class.

READING ASSIGNMENTS

1. Read and bring the Syllabus to class (copy on your computer is fine). Read Text (Knapp, Crystal & Prince 8th ed.), pp. 1-41. Be prepared to brief Ray v. Eurice & Bros. Read Restatement (Second) of Contracts [R2] Sections 1, 2, 4, 17(1), and 20. Cf. (means “compare”) section 20 with section 153.

2. Brief Lucy v. Zehmer, 84 S.E.2d 516 (Va. 1954). The case will be e-mailed to you.

3. Timing Issues: Offer & Acceptance, pp. 41-51 (class discussion will focus on Lonegran and the notes). R2 sections 24, 26, 36.


5. Other Mutual Assent issues: Brief Harlow & Jones, 424 F. Supp. 770 (will be emailed to you) and comment; UCC 2-204(1), 2-207(3)), pp. 75-83 (Walker v. Keith and notes)


8. Batsakis v. Demotsis, 226 S.W.2d 673 (1949)(case will be e-mailed).


19. TAKE PRACTICE EXAM. We will go over it the following class.


30. Defenses and Excuses. Text, pp. 555-583. We will briefly go over minority and mental incapacity, and focus on duress (Totem Marine).


33. Read my article on Unconscionability. (Article will be e-mailed to you).


36. Changed Agreements/Modifications: pp. 757-784. Brief Alaska Packers, Kelsey-Hayes and Brookside Farms. Also read excerpt from Threedy’s article on Alaska Packers (article will be e-mailed to you).


39. Practice Assignment: Spot the issues with the standard lease form.

40. Review and hand out Final Exam.