

CONTRACTS § C-1
LAW-14915-5409

Fall 2024
Professor Trujillo

First Week Reading Assignment:

Welcome to Contracts C-1!

All reading assignments are from the class Textbook, Contracts: Cases and Doctrine by Randy Barnett and Nathan Oman (7th edition). I will refer to the Textbook at BOT.

Restatement and UCC sections are found in the Textbook but also are in the Supplement, Selections from the Restatement (Second) Contracts & Uniform Commercial Code for First-Year Contracts by Tracey George and Russell Korobkin. Only the relevant Restatement and UCC sections are noted.

Monday, August 19, 2024:

Please read from the Barnett Oman Textbook (BOT), pp. 5-11; 14-32 (Restatement §§1-4). Please be able to identify the three dimensions of the law. Please brief each case and be able to identify the facts, rule, issue(s), and conclusion. Please note the public policy argument(s) in the cases.

Wednesday, August 21, 2024:

We will complete our discussion from Monday. We will then begin the Objective Theory of Assent in Contracts.

Please read and be able to discuss in BOT pp. 263-269. Please also read Restatement §§17-19. Please also consider the problem on pp. 268-269

Study Questions:

1. What is the theory of Assent?
2. Is it necessary to have a meeting of the minds to have a contract?
3. Please consider the memorandum McKittrick wrote to his board of directors on pp. 268-269. If this memorandum is entered into court as evidence, do you think it changes the outcome of the case? For whose case it the memorandum most relevant? The plaintiff or the defense?

Thursday, August 22, 2024:

We will wrap up with the Objective Theory of Assent in Contracts and begin what is an offer.

We will continue the discussion of what is an Offer in Contract into Week 2.

Please read and be able to discuss BOT pp. 269-286; Restatement sections: 22,24,26,29,33; UCC §§2-204,206; R §27. We will begin reviewing the differences btw the UCC and the common law for Contracts law.

Study Questions:

1. In Lucy v. Zehmer, did Zehmer actually believe that he had sold the property to Lucy? Did Lucy?
2. In Lucy v. Zehmer, did what kind of evidence did the court consider in making its final determination as to whether there was mutual assent?
3. What is the relevance of Ida Zehmer's testimony about her conversation with her husband to the issue of assent?
4. What is an offer? What are the elements of an offer?
5. What is the relevance of essential terms in offers?
6. Is the UCC different than the common law in defining offers?
7. Are preliminary negotiations offers? What can turn a preliminary negotiation into an offer?