

CONTRACTS 5409 / 16507
Professor Jim Hawkins
Fall 2026
Monday, Tuesday & Wednesday 10:30a-12:00p
Face-to-face

Course Description

Not all promises are legally enforceable. This course studies what separates enforceable promises from unenforceable ones. Our study will be broken into three major groups of questions:

(1) Is there an enforceable promise and what does it mean? We will look at how to make enforceable promises—i.e., the requirements for forming contractual relationships, including offer, acceptance, and consideration. After a contract is formed, issues arise regarding what the contract means, so we will examine how courts interpret contracts.

(2) Did the parties perform according to the contract? If a party breached, does it have any defenses to the breach? Sometimes parties do not live up to their promises either by not performing at all or by performing defectively. We will look at what parties must do to “perform” and what defenses parties can assert when they fail to perform properly.

(3) What are the remedies for a breached contract? We will explore what a party can get when the other side of a contract fails to fulfill its promises.

Learning Outcome

Through and as a result of this course, students will: (1) demonstrate understanding of the rules and doctrines contract law; and (2) demonstrate knowledge of the principles used to interpret cases and statutes relating to contracts.

Course Material

The two required texts for this course are:

Farnsworth, Young, Sanger, Cohen, Brooks and Garvin, *Contracts: Cases and Materials* (10th ed. 2023)

Farnsworth, Young, Sanger, Cohen, Brooks and Garvin, *Selections for Contracts* (any edition after 2023)

Attendance

The Law Center requires students to attend at least 80% of the scheduled classes. Students who do not attend 80% of the classes can be automatically dropped from the course.

If a class has to be rescheduled, I will notify you as soon as possible and schedule a makeup class at a time during which you do not have any other classes.

Assessment

Your grade will be based on several factors:

- 1) A final examination consisting of multiple choice and essay questions. The examination is closed book, closed notes (anonymous assessment) [roughly 80% of the final grade].
- 2) 10 pop quizzes consisting of multiple choice and short answer taken in class. These quizzes are closed book, closed notes (anonymous assessment) [roughly 20% of the final grade]. If you miss the class with a pop quiz, you may make up the quiz by scheduling an appointment to take a make-up essay-question quiz during office hours.
- 3) Class participation will also be part of determining your grade and is important to learning the material (non-anonymous assessment). I will call on students randomly each day to discuss the assigned material. If you are in class but unprepared on two occasions that I call on you, I will lower your grade by one step (e.g., from a B to a B-). Also, failure to participate fully in any class projects can result in the same lowering by one step.

Contact Information/Office Hours

Office: 341C
Office Hours: Monday, Tuesday, & Wednesday noon to 1pm (appointments recommended)
Telephone: 713-743-5018
E-mail: jrhawkins@uh.edu

UH Email

Please check and use your CougarNet e-mail for communications related to this course.

Honor Code

The UHLC Honor Code applies to all aspects of this course. You are responsible for knowing all Honor Code provisions and for complying with the Honor Code. Please inquire if you have any questions regarding how the Honor Code's provisions apply to specific activities or situations related to this course. Your continuing enrollment in this course is deemed to be a pledge by you under the Honor Code to comply with the Honor Code in relation to this course and to comply with the instructions in the course syllabus.

Reasonable Academic Adjustments/Auxiliary Aids

The University of Houston is committed to providing an academic environment and educational programs that are accessible for its students. Any student with a disability who is experiencing barriers to learning, assessment or participation is encouraged to contact the Justin Dart, Jr. Student Accessibility Center (Dart Center) to learn more about academic accommodations and support that may be available to them. Students seeking academic accommodations will need to register with the Dart Center as soon as possible to ensure timely implementation of approved accommodations. Please contact the Dart Center by visiting the website: <https://uh.edu/accessibility/> calling (713) 743-5400, or emailing jdcenr@Central.UH.EDU.

The Student Health Center offers a Psychiatry Clinic for enrolled UH students. Call 713-743-5149 during clinic hours, Monday through Friday 8 a.m. - 4:30 p.m. to schedule an appointment.

The A.D. Bruce Religion Center offers spiritual support and a variety of programs centered on well-being.

The Center for Student Advocacy and Community (CSAC) is where you can go if you need help but don't know where to start. CSAC is a "home away from home" and serves as a resource hub to help you get the resources needed to support academic and personal success. Through our Cougar Cupboard, all students can get up to 30 lbs of FREE groceries a week. Additionally, we provide 1:1 appointments to get you connected to on- and off-campus resources related to essential needs, safety and advocacy, and more. The Cougar Closet is a registered student organization advised by our office and offers free clothes to students so that all Coogs can feel good in their fit. We also host a series of cultural and community-based events that fosters social connection and helps the cougar community come closer together. Visit the CSAC homepage or follow us on Instagram: @uh_CSAC and @uhcupbrd. YOU belong here.

Mental Health and Wellness Resources

The University of Houston has a number of resources to support students' mental health and overall wellness, including CoogsCARE and the UH Go App. UH Counseling and Psychological Services (CAPS) offers 24/7 mental health support for all students, addressing various concerns like stress, college adjustment and sadness. CAPS provides individual and couples counseling, group therapy, workshops and connections to other support services on and off-campus. For assistance visit uh.edu/caps, call 713-743-5454, or visit a Let's Talk location in-person or virtually. Let's Talk are daily, informal confidential consultations with CAPS therapists where no appointment or paperwork is needed.

Need Support Now? - If you or someone you know is struggling or in crisis, help is available. Call CAPS crisis support 24/7 at 713-743-5454, or the National Suicide and Crisis Lifeline: call or text 988, or chat 988lifeline.org.

Tobacco Use

The University of Houston prohibits tobacco use in class, including chewing tobacco.

Anti-Discrimination and Sexual Misconduct Policies

UHLC and the University of Houston are committed to maintaining and strengthening an educational, working, and living environment where students, faculty, staff, and visitors are free from discrimination and sexual misconduct. If you have experienced an incident of discrimination or sexual misconduct, a confidential reporting process is available to you. For more information, please refer to the University System's Anti-Discrimination Policy SAM 01.D.07 and Sexual Misconduct Policy SAM 01.D.08. Please be aware that under the sexual misconduct policy, SAM 01.D.08, faculty and other University

employees are required to report to the University any information received regarding sexual misconduct as defined in the policy. Due to this reporting requirement, faculty members and other employees are not a confidential resource. The reporting obligations under the sexual misconduct policy extends to alleged conduct by University employees and students.

Recording of Class

Students may not record all or part of class, livestream all or part of class, or make/distribute screen captures, without advanced written consent of the instructor. If you have or think you may have a disability such that you need to record class-related activities, please contact the Center for Students with DisABILITIES. If you have an accommodation to record class-related activities, those recordings may not be shared with any other student, whether in this course or not, or with any other person or on any other platform. Classes may be recorded by the instructor. Students may use instructor's recordings for their own studying and notetaking. Instructor's recordings are not authorized to be shared with anyone without the prior written approval of the instructor. Failure to comply with requirements regarding recordings will result in a disciplinary referral to the Dean of Students Office and may result in disciplinary action.

Syllabus Changes

Due to the changing nature of the COVID-19 pandemic, please note that the instructor may need to make modifications to the course syllabus and may do so at any time. Such modifications may include changes to the mode(s) of assessment for the course. Notice of such changes will be announced as quickly as possible through email.

Title IX/Sexual Misconduct

Per the UHS Sexual Misconduct Policy, your instructor is a "responsible employee" for reporting purposes under Title IX regulations and state law and must report incidents of sexual misconduct (sexual harassment, non-consensual sexual contact, sexual assault, sexual exploitation, sexual intimidation, intimate partner violence, or stalking) about which they become aware to the Title IX office. Please know there are places on campus where you can make a report in confidence. You can find more information about resources on the Title IX website at <https://uh.edu/equal-opportunity/title-ix-sexual-misconduct/resources/>.

Security Escorts and Cougar Ride

UHPD continually works with the University community to make the campus a safe place to learn, work, and live. Our Security escort service is designed for the community members who have safety concerns and would like to have a Security Officer walk with them, for their safety, as they make their way across campus. Based on availability either a UHPD Security Officer or Police Officer will escort students, faculty, and staff to locations beginning and ending on campus. If you feel that you need a Security Officer to walk with you for your safety please call [713-743-3333](tel:713-743-3333). Arrangements may be made for special needs.

Parking and Transportation Services also offers a late-night, on-demand shuttle service called Cougar Ride that provides rides to and from all on-campus shuttle stops, as well as the MD Anderson Library, Cougar Village/Moody Towers and the UH Technology Bridge. Rides can be requested through the UH Go app. Days and hours of operation can be found at <https://uh.edu/af-university-services/parking/cougar-ride/>

Artificial Intelligence

The software technology known as artificial intelligence has recently expanded its capability to generate text (AI Generated Text). Examples of the technology include what are known as “generative” large language models (LLMs). These systems can generate text in response to prompts and/or input of other text/documents/code/images. The output, the AI Generated Text, appears to have human-mimicking “intelligence” and is thus potentially usable as a substitute for written material one might generate themselves. AI Generated Text can include computer code or programs as well as human language content.

Your continuing enrollment in this course obligates you to not knowingly prompt, generate, or use any AI Generated Text in relation to any activity or assessment in this course. This applies to AI Generated Text from yourself or others. This obligation includes that your assessment materials in the course is without any contribution from AI Generated Text. This obligation specifically extends to not plagiarize any writing required of you for assessment in the course: AI Generated Text will be treated as from another/others in applying the plagiarism policy to this course. The term “assessment” means any material generated for this course that is submitted to the instructor or presented in a class session, regardless whether it is graded content or not. Assessments include mid-terms and final exams. AI Generated Text may not be used in the development or drafting of any assessments created by you in a non-proctored environment, such as a “take-home” final examination unless specified as an exception below.

Assignments

I. Introduction

Assignment 1: 1-2; *Hawkins* (2)

Assignment 2: *Bayliner* (4); Note 1 p.574; 8-10; *Hawkins* (11); *Sullivan* (13)

Assignment 3: 20-21; *UNSI* (21); 26; *Morris* (27); read quickly: 34-48

II. Contract Formation

A. Consideration and Alternatives to Consideration

Assignment 4: 49-54; *Hamer* (54); 61-63; *Dyer* (63)

Assignment 5: *Feinberg* (69); *Kirksey* (81); 85; *Lake Land* (85); 92-96

Assignment 6: 96-98; *Strong* (98) (omit problem); 101-102; *Mattei* (102)

Assignment 7: 107; *Zoltek* (108); UCC 2-306 and comments; *Wood* (113); 117-120

Assignment 8: *Ricketts* (121); 124-127; *Feinberg* (127); 128-130; 145-146; *Cotnam* (146) (omit notes); *Callano* (151)

B. Offer, Acceptance, and Termination of Power to Accept

Assignment 9: 169-173; *Lucy* (173); *Specht* (178); 187-191

Assignment 10: 191-192; *Owen* (192); *Fairmount Glass Works* (195); 198-200; *Lefkowitz* (200); *Kastorff* (read entire handout from Professor Hawkins)

Assignment 11: 213; *Wucherpennig* (214); *International Filter* (217); 227-230; *Corinthian Pharmaceutical Systems* (230); 235-238

Assignment 12: 238-242; *Dickinson* (242); 246-252

Assignment 13: 252-253; *Drennan* (253); 260-263; *Wilson* (263); MBR handout

Assignment 14: 269-276; *Dorton* (276); *C. Itoh* (281); 284; 290; *Northrop* (290).

Assignment 15: 304; *Kauders* (304); *Meyer* (314); 326-327; *Hoffman* (328); 316; *Grossman* (316); 323-324; 328-332

III. Contract Interpretation

(forthcoming)

IV. Remedies

(forthcoming)

V. Performance

(forthcoming)

VI. Defenses to Breach

(forthcoming)