

## Western State College of Law Syllabus

**Course:** Contracts I, Fall 2015

**Professor:** Paul Arshagouni

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Office Hours:

- TBD
- and by appointment (please e-mail if you want to be sure to catch me in; however, you are also welcome to just stop by my office and knock).

### **Required Books:**

- Contracts – Cases, Discussion, and Problems, Blum & Bradshaw, 3rd Edition (Aspen Casebook Series).

### **Optional Materials:**

The following is a list of books provided to you previously by Professor Dellinger for Contract I. These books are not required; nor will there be any assigned readings from them. However, you may find them useful as supplementary materials to further explain the topics we discuss in class. I do not recommend relying on commercial outlines. While they have a certain value in summing up the concepts and material covered, they are no substitute for developing your own outline. The process of outlining itself is one of the best ways to study and master the material.

- Examples and Explanations – Contracts by Brian A. Blum. This book explains the substantive law of Contracts very well in narrative style. It also contains very good sample problems with answers.
- Understanding Contracts by Jeff Ferriell (LexisNexis). This is a very good Contracts hornbook that explains the law very well, but it does not have any practice problems.
- Siegel's Contracts Essay and Multiple-Choice Questions and Answers (Aspen). This book features exercises that are referable by topic. The essays often overlap between the topics, which makes this book good for final exam preparation and issue-spotting practice, but less useful towards the beginning of each semester.
- Q&A, Contracts, LexisNexis – Although occasionally difficult, this book contains many good multiple-choice questions for each topic.
- Black Letter Outlines – Contracts (5th edition) by John Calamari and Joseph Perillo (West). In addition to explaining the law and giving several examples of the various topics, this book also features True/False-style practice questions, short essay questions, and some multiple choice questions, all with suggested answers.

### **Course Objectives:**

There are three primary and interrelated objectives for this course. (1) Students should develop good legal analytical skills, including the ability to recognize relevant facts and legal issues, analyze and utilize cases, rules of law, and public policy to come to reasonable legal conclusions based upon their analysis. (2) Students should master the fundamental rules of contract formation and remedies for breach of contract. (3) Students should be able to clearly express their understanding of the legal issues through oral and written means.

### **Attendance:**

You should attend every class session. Attendance will be taken. Western State policy requires you to attend at least 85% of the class sessions in order to sit for the examination. As such, failure to attend at least 85% of the classes may result in your withdrawal from the class. For this class that means that you can have no more than 2 absences. We all know that emergencies and significant unforeseen circumstances happen, preventing you from attending some class sessions. That is what the 15% missed class rate is intended to accommodate.

### **Classroom Participation:**

You are expected to be prepared to discuss class assignments every session and to arrive on time. All reading assignments are currently available at the end of this syllabus. I will announce if there are any changes in class. I will call on students randomly to present cases and answer questions. Of course, volunteers are always appreciated. Failure to be prepared may result in a lowering of your final grade. Repeated being unprepared could result in a lowering of your final grade by as much as 0.3. If for some reason you are unable to prepare for class, you should still attend. I permit students to take a Pass once over the semester. To ask for a pass you must leave a note on the podium before class starts. If you do so, I will not call on you. I reserve the right to void all Passes on any given day. However, if I void all Passes, I will not count that day's Pass against your one-pass limit.

On the other hand, exceptionally good contributions to the classroom discussion may result in a corresponding boost to your final grade. Participation that increases your grade will need to be more than the expected level of simply answering questions or speaking up in class. It is intended to reward participation that significantly furthers the discussion and aids in understanding.

### **Professionalism:**

An important aspect of class participation is actually attending class on time. I try very hard to begin and end class as scheduled. Please show the proper level of professionalism and arrive on time.

I expect at all times that students (and professors) will treat each other with professionalism and respect. As you all are aware, the law is fluid and often a matter of opinion. Sound and

reasonable legal minds can legitimately hold divergent interpretations on nearly all legal issues. While I encourage good, even lively, debate of legal matters, any such discussion must be conducted with respect.

### **Cell Phones:**

Please turn off your cell phones before class starts. If your phone rings, I will assume that you are volunteering to answer the next question. It may also have an adverse effect on your class participation score.

### **Laptops/Tablets/Internet:**

You may use your laptops/tablets to take notes in class. Please be considerate of others when using your device. If your use becomes distracting to the class or others sitting near you, I will ask you to turn your device off. Please be sure that the sound is turned off. As entertaining as some sound files can be, they tend to disrupt the class. If there are substantial complaints regarding the noise of some laptops, we may need to adjust this policy or reassign seating.

You may not use your laptops to access the internet, play solitaire (or any other game for that matter), message other students, or balance your checkbook. Use of laptops for any other purpose than taking notes will have a significant adverse affect on your class participation grade. Repeated misuse of a laptop will result in a ban on your use of a laptop in class.

### **Grading and Examinations:**

Your final grade in this course will be a combination of your performance on the midterm test (15%), the final exam (85%), and any participation adjustments. The midterm will consist primarily of multiple-choice questions. I may include some short answer questions. The final exam will be a combination of multiple-choice, short answer, and longer essay questions. The exam will be a nearly closed book exam. You will be allowed to bring into the exam one 8.5x11 inch sheet of paper on which you may write anything you like (both sides).

The final grade will follow the usual 4.0 scale. Please keep in mind, you will receive the points you earn, and though we might like to think otherwise, not everyone is above average.

### **Disability Services Statement:**

Western State College of Law provides accommodations to qualified students with disabilities. The **Disabilities** Services Office assists qualified students with disabilities in acquiring reasonable and appropriate accommodations and in supporting equal access to services, programs, and activities at Western State College of Law.

To seek reasonable accommodations, a student must contact Senior Assistant Dean Donna Espinoza, Student Services Director and Disabilities Services Coordinator, whose office is in the Second Floor Students Services Suite. Dean Espinoza's phone number and email address are: (714) 459-1117; [despinoza@wsulaw.edu](mailto:despinoza@wsulaw.edu). When seeking accommodations, a student

should notify Dean Espinoza of her or his specific limitations and, if known, her or his specific requested accommodations. Students who seek accommodations will be asked to supply medical documentation of the need for accommodation. Classroom accommodations are not retroactive, but are effective only upon the student sharing approved accommodations with the instructor or professor. Therefore, students are encouraged to request accommodations as early as feasible with Dean Espinoza to allow for time to gather necessary documentation. If you have a concern or complaint in this regard, please notify Dean Espinoza; or please notify Associate Dean of Students Charles Sheppard at [csheppard@wsulaw.edu](mailto:csheppard@wsulaw.edu) or (714) 459-1152. Complaints will be handled in accordance with the College of Law’s “Policy against Discrimination and Harassment.”

**Reading Assignments:**

What follows below is the currently expected readings for the semester. Any adjustments to this schedule will be announced in class.

<b>Wk.</b>	<b>Date</b>	<b>Subjects</b>	<b>Pages</b>
0*		<ul style="list-style-type: none"> <li>• Introduction to Contracts*</li> </ul>	1-18 (Skim)*
1	8/18	<ul style="list-style-type: none"> <li>• Assent and the Objective Test</li> </ul>	18-36, 59-69
2	8/25	<ul style="list-style-type: none"> <li>• The Objective Test (cont.)</li> <li>• The Duty to Read &amp; Understand</li> <li>• Jokes</li> <li>• Offers</li> </ul>	69-93, 95-109
3	9/1	<ul style="list-style-type: none"> <li>• Advertisements</li> <li>• Acceptance</li> <li>• Silence as Acceptance</li> </ul>	109-115, 123-136, 144-149
4	9/8	<ul style="list-style-type: none"> <li>• Revocation of Offers</li> <li>• Acceptance by Performance</li> </ul>	149-161, 163-167
5	9/15	<ul style="list-style-type: none"> <li>• Conflicting Standard Terms under Common Law</li> <li>• “Agreements to Agree”</li> <li>• Indefiniteness or Vagueness in an Agreement</li> </ul>	169-171, 207-211, 218-231
6	9/22	<ul style="list-style-type: none"> <li>• Consideration</li> </ul>	265-273, 285-295 (top), 303-309
7	9/29	<ul style="list-style-type: none"> <li>• Consideration (cont.)</li> </ul>	309-326
8	10/6	<ul style="list-style-type: none"> <li>• Midterm Test</li> </ul>	
9	10/13	<ul style="list-style-type: none"> <li>• Promissory Estoppel</li> </ul>	331-353
10	10/20	<ul style="list-style-type: none"> <li>• Promissory Estoppel (cont.)</li> <li>• Misrepresentation and Fraud</li> </ul>	372-381, 421-441
11	10/27	<ul style="list-style-type: none"> <li>• Misrepresentation and Fraud (cont.)</li> </ul>	441-457

12	11/3	<ul style="list-style-type: none"> <li>• Duress</li> <li>• Unconscionability</li> </ul>	458-475, 481-511
13	11/10	<ul style="list-style-type: none"> <li>• Illegality and Contracts in Violation of Public Policy</li> </ul>	513-537
14	11/17	<ul style="list-style-type: none"> <li>• Incapacity</li> </ul>	538-548, 550-560

\* Please note the first reading assignment is for Week 0. This means that it should be read sometime before class starts as a brief into to the concept of Contract Law. Also note that it says to “skim” the pages. I do mean skim. This is intended only as preliminary background material. You will not be tested on it.