

**WESTERN STATE COLLEGE OF LAW
SYLLABUS**

COURSE: **CONTRACTS I, Spring 2015**

PROFESSOR: **Myanna Dellinger**

REQUIRED BOOKS

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

OPTIONAL MATERIALS

Be aware that purchasing and using commercial outlines and other external materials can all too easily be overdone. You will not have much time to read outside the class materials. However, should you wish to consult additional materials, I find the below helpful. Having said that, you should never rely on commercial outlines instead of creating your own. Use a commercial outline *only* to go in more depth with areas of the law that you may find particularly challenging.

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, although you should note that the answers are not always written in IRAC-style.

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.

Contracts by Robert D. Brain (West Academic Publishing, Exam Pro Objective/Sum&Substance Exam Pro Series). Brand new book with multiple choice questions of an appropriate length and level of difficulty.

Acing Contracts by Suzanne Darrow-Kleinhaus (West). Very good, although somewhat superficial, explanations of key contracts principles. Good for at least a basic understanding of doctrines, but do not rely on it to provide you with all the information you need. Features overlap essays as well.

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. It tends to be a bit superficial, but is good for quick practices.

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

Contracts I, the first semester of your course in the law of contracts, is a one semester, two-unit course. The course has three main objectives or goals: First, to help you develop legal analytical skills. In particular, you should hone your ability to identify relevant facts and legal issues, to carefully analyze and utilize cases, rules of law and public policy, and to reach reasonable conclusions based on that analysis. Second, to provide you with an opportunity to master rules regarding contract formation and remedies for breach of contract, and the rationales that support these rules. Finally, the course is intended to develop your ability to express your understanding of legal issues, both orally and in writing. You should not consider these three goals to be independent of one another; rather, they are inextricably intertwined. As you improve your analytical skills, your ability to understand the substantive law – contracts rules & standards – will increase substantially. Without some understanding of substantive contract law and an ability to identify relevant facts and law, you will be unable to adequately express your ideas on legal issues. Moreover, until you try to express your understanding of the law in your own words, you cannot be sure you have properly analyzed the law and facts and fully understand the concepts upon which you base your conclusions.

CLASSROOM ATTENDANCE

Attendance is mandatory. You are allowed to miss a maximum 15% of the classes. *If you exceed that amount, you will be dropped from the course.* Although I will be taking attendance, *it is always your own responsibility to keep track of your absences.* I will not notify you if you approach the maximum number of absences allowed. There is no need to notify me through email or otherwise if you plan to be absent. Absences, if at all occurring, should be reserved for exceptional circumstances. Each class will cover much legal ground. If you have missed or will miss class, please review a classmate's notes and see me as soon as possible after the absence if you still have questions about the material.

Arriving late in class or leaving early will count as a class absence. See also information below under "Class start and end times."

CLASSROOM PARTICIPATION AND BEHAVIOR

Participation:

I expect you to always be prepared for class and active classroom participation. Legal education is a cooperative venture and you will learn more the more engaged you remain with the material. I will call on people in various ways including cold-calling. If you are not prepared for class and I call on you, I may deduct 0.1 grade point from your semester grade. I will lower your final grade in the course by up to 0.3 if you are consistently unprepared for class. You will receive a written warning before I lower your grade based on lack of preparation.

Conversely, I may reward people whose classroom contributions are outstanding by increasing their grades by 0.1 grade point. Note that I only do so in very few cases and not merely for speaking up in class or answering questions. Rather, this extra credit is for people who consistently demonstrate a solid and deep understanding of the law and its applications.

I will also award 0.1 grade point extra for every three Contracts-related legal news items that you give me in hard copy form *and* that are worthy of class discussions.

The objective of this is twofold: (1) for you to become aware of how much the course relates to everyday events that affect private individuals as well as organizations and (2) to take a critical stance on Contracts Law as it exists and how it should potentially be developed. This participation point option is *not* a method for you to simply earn a higher grade. Thus, you should evaluate and process any news that you may give to me carefully. I may give it credit (or may not) if it meets the following criteria, among others:

- The news should be *legally* related news that relates to the course (thus, Contracts I this semester). In other words, there must be a legally questionable angle/twist to the story and thus not, *for example*, merely be a story about how a company or person has violated already established law or business practices.
- The news clipping should be able to generate a (brief) discussion on the current or future nature of Contracts Law (see 2 above).
- You should not merely email or give me the article(s), but rather explain (a simple handwritten annotation is enough) why you think the news is legally newsworthy.
- Print the articles out and bring them to class by the end of the semester.
- You must print and hand the articles to me physically, adding your name.

Note that I understand that students may feel slightly intimidated by the law school experience, especially in the beginning of their law school experience, but as part of your professional preparations, you should contribute to class by speaking (loudly so that I and others can hear you) about the materials *in your own words*. Please, no reading aloud from any kind of texts whether or not you have prepared these yourself. There is rarely such a thing as a “silly answer,” so please do not worry about making mistakes in class. You and your classmates will learn from this should it happen. You will never be downgraded for venturing an incorrect answer. I expect everyone to treat the classroom a safe haven for practicing how to speak about the law and legal issues.

Class start and end times:

Classes will start punctually. Please be seated and ready to start on time. Being on time is a simple courtesy towards me and your fellow students and an expression of your professionalism. Please plan to be present and active throughout the entire class session. *If you are late, I may count it as a full absence for that day.* Unless you have medical reasons that require you to leave during class, do not exit and re-enter the classroom.

All classes will end as close to the assigned time as possible, but as classes are meant to be fluid, they may end a few minutes early *or* late *very* few times. If the latter should happen, please do not start packing up until our discussions have been completed as this is disturbing to the vast majority of students who want to be active towards the very end. I am aware of what time it is and will be wrapping up within a few minutes.

Professional behavior:

I welcome and expect diverse points of view and good legal discussions, including those that show how reasonable legal minds may differ on some issues. However, I expect you to be courteous and respectful towards both your fellow students and me at all times. Should you nonetheless and contrary to my expectations behave disrespectfully or unethically, I may ask you to leave the classroom. Such an occurrence would be counted as one absence and result in you losing an additional 0.1 grade point. I do not foresee this to be a problem.

Internet usage:

Internet usage is strictly forbidden during class time unless authorized by me for class purposes. It is very distracting for students who want to focus on class to have to put up with flickering screens in the background. Additionally, I consider it highly unprofessional behavior towards both me, your fellow students and the legal profession if you use the Internet when you should be studying. I will deduct 0.1 grade point per semester from each student that I catch using the Internet and may ask that student to leave the class session.

PowerPoint slides:

I regularly use PowerPoint slides for my classes. I will upload a copy of the slides to the course website soon after the classes. Thus, please do not copy the slides ad verbatim during class; pay attention to the class instead and take notes wisely. It is my policy *not* to post the slides ahead of classes. The slides do *not* cover everything you need to know for the tests. *However, they will address important points, issues, some rules of law and other significant aspects of the class that I consider testable.* The slides are meant to be one of your greatest assets in outlining the course and practicing for the tests. I recommend that you rely on these in such work.

I will be reviewing the materials during the semester and in several review sessions. I highly recommend that you attend these. I will not be able to review the entire course at the end of the semester. You should not consider the rules of law covered in class fully developed until each topic has been covered fully and reviewed as this gives me a chance to elaborate on aspects which I recognized are difficult for students or where student misunderstandings may have arisen.

Recording classes:

Recording classes is strictly forbidden without my prior permission. If you violate this rule, I may deduct 0.1 grade point from your semester grade. Recording anyone without his/her prior permission may additionally be a violation of California and/or other law.

Seating chart:

I will be using a seating chart starting in week two. *You must remain in your chosen seat for the rest of the semester.* Should you nonetheless move seats, I may deduct 0.1 grade point from your final semester grade. If you are not marked on the seating chart, I may drop you from the class.

Food and drink:

Evening classes: feel free to bring food and eat during classes, but please be as quiet as possible.
Day classes: please limit your food intake to snacking if necessary, and please be as quiet as possible. Beverages are always OK for both sections.

COURSE WEBSITE

Enrollment in the TWEN course website for this course is mandatory. Make sure that you can receive email notifications from the course site. I will regularly be posting materials on the site just as I will be using its email functionality to communicate with the entire class at one time. *You are responsible for all information conveyed this way!*

EXAMINATION AND GRADING

The final grade for this semester will be calculated on the basis of a midterm test (15%) and a final test (85%). The midterm test for Contracts I will consist of one short essay. For Contracts II, it will consist only of multiple choice questions. The final test will consist of an essay (Contracts I) and an essay and multiple choice questions (Contracts II). Final grades will be assigned from 4.0 to, if relevant, failing grades (lower than a 1.0). Only very few people will earn an A equivalent in the class. Many will get grades much lower than what they are used to. Some may fail the class. No points will be given for mere effort; as in “real life,” you will only get the results you *earn*. Adjust your expectations to match the reality of law school studying and grading. More detailed test policies and instructions will be issued during the semester.

PRACTICE TESTS

I highly encourage you to do as many practice tests as early and consistently as possible. Do not postpone this until late in the semester. The study of law does not lend itself well to last-minute cramming. You will learn the law the best by outlining and practicing throughout the semester, then revising your outlines and practicing even more in addition to studying the new material.

Use the optional materials listed above as well as the sample problems that I post during the semester. The suggested answers will only include the material covered up to the point in time when the problems are posted. Accordingly, you should use them shortly after they are posted and, if referring to them later in the semester, be aware that additional legal issues may be present that I would expect you to discuss had the problems been assigned on final tests.

Many students are surprised by the level of difficulty of law school tests and the demanding nature of IRAC-style writing. You should practice essay-style problems frequently and consistently to get used to law school tests as early as possible. I will hand out several practice tests, but do not expect me to provide you with all the sample problems you may wish to have. *You should not presume that you will be ready for final tests only by reviewing my tests. Use commercial sources as well.*

OFFICE HOURS (to be posted separately)

Please be prepared to ask focused questions. If office hours prove unproductive in relation to any student, I reserve the right to limit the time available to that student.

I can help you review a limited number of sample essays during my office hours. I may only have time to focus on certain parts of your essays as time allows. If using materials external to class, please print and give me the fact pattern and the proposed answer at least 24 hours beforehand and please print and bring your sample answer to office hours. Do not use practice materials for which a sample answer is not available. The essays should only focus on material

already covered in class. *I do not accept emailed practice essays.* You should not look at the posted answers before *writing* the practice problems, *but you need to have reviewed the posted answer carefully before seeking my advice on your writings.* Please prepare specific questions regarding your own essay based on my answer. *I will not provide feedback on any essays with sample answers posted for which you do not have specific questions.*

I will be conducting reviews of select essay practices in class or during “lab” or review sessions. Any questions about these should be presented to me during the class reviews. *If you have additional questions and want to see me about these during office hours, you must demonstrate that you have engaged in self-assessment using the information that I have already provided to the class and to ask specific questions.*

I am very approachable and here to help you, so please ask me earlier rather than later if you have any questions that you cannot resolve yourself in a reasonable amount of time and with reasonable effort. However, office hours are not meant to be a pre- or review of cases and materials covered in class. Rather, they are for specific questions about the topics.

Note that I will not have office hours or be able to meet personally after the end of the semester.

BLUEBOOK REVIEW

I only review bluebooks for the first three weeks after the beginning of each semester and, for midterm tests, for the first three weeks after the test results have been issued.

OUTLINES

I do not correct, check, “take a look at,” or otherwise approve my students’ outlines and/or rule prewrites. I can and will help you with substantive questions about the law, but it is your job to identify the areas in which you may need my help.

EMAIL: mdellinger@wsulaw.edu

I respond to email as quickly as possible, usually within a few hours on weekdays and as quickly as I can on weekends during the semester. You are very welcome to email me instead of coming to office hours if you have any unresolved legal issues with which you may be struggling. However, I encourage you to attempt to find an answer before doing so in order to develop and practice your legal analytical and research skills.

VARIED INSTRUCTIONAL METHODS

Pedagogical research shows that adults learn better when a range of different instructional methods is used. I will do so to the greatest extent possible and look forward to your flexibility and enthusiasm in this regard.

READING ASSIGNMENTS

Changes may be made to the below reading assignments as classes will be conducted in a relatively fluid manner to reflect the needs, speed and other possible variations of each class. I will notify class of any changes either via email or in class. *You are responsible for always keeping up to date with the exact readings required for each class.* If you are in doubt, please

ask a classmate; do not email me. Any material not covered during one session will be covered during the next session along with the new assignment, so do not fall behind on the readings.

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. 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 or (714) 459-1152. Complaints will be handled in accordance with the College of Law's "Policy against Discrimination and Harassment."

LAW SCHOOL SUCCESS

In my experience, the following needs much repetition: you should rely on the class PowerPoint slides for accurate rule knowledge, but expand on these with your own notes. You should outline on a frequent basis. Similarly, you should practice for the tests early and frequently. Ours is a substantive class, not an exam practice class. It is not realistic for you to expect that we will have time to both cover what you need to know about Contracts and for you to practice as much as you need to for the tests during class time.

While I will do all I realistically can to help you succeed, you are ultimately responsible for your own learning. Take early steps to ensure your success. Evaluate your progress and adjust accordingly. *Consider at all times that this is a rigorous graduate study program.* This means that much individual effort will be required from you. Do not procrastinate in any of your study efforts.

It is my honor and pleasure to be your law professor! Enjoy the course!

**WESTERN STATE UNIVERSITY COLLEGE OF LAW
PRELIMINARY READING ASSIGNMENT - DELLINGER**

COURSE: CONTRACTS I

Wk.	Date	Subjects	Pages
1	1/14	<ul style="list-style-type: none"> • Introduction to Contracts • The Objective Test 	1-27, 59-73
2	1/21	<ul style="list-style-type: none"> • The Objective Test, ctd. • The Duty to Read & Understand • Bad Jokes • Offers 	74-93, 95-97 (bottom), 98 (bottom) - 108 (middle)
3	1/28	<ul style="list-style-type: none"> • Advertisements • Using Electronic Media • Acceptance • Silence as Acceptance 	109-115, 119-121, 123-136, 144-145
4	2/4	<ul style="list-style-type: none"> • Revocation of Offers • Acceptance by Performance 	149-158 (top, including question 1), 163 (bottom) - 167
5	2/11	<ul style="list-style-type: none"> • Conflicting Standard Terms under the Common Law • “Agreements to Agree” • Indefiniteness or Vagueness in an Agreement 	169-171, 207-211, 218-231
6	2/18	<ul style="list-style-type: none"> • Consideration 	265-273, 285-295 (top), 303-306
7	2/25	<ul style="list-style-type: none"> • Consideration, ctd. • Midterm review 	307-317, 321-326
8	3/4	<ul style="list-style-type: none"> • <i>Mid-term test</i> 	
9	3/11	<ul style="list-style-type: none"> • <i>Spring break</i> 	
		<ul style="list-style-type: none"> • 	