

WESTERN STATE COLLEGE OF LAW

CONTRACTS 2 – Spring 2024

LAW 112 C – Room FA307

Professor: Cassandra Mellas, Esq.

Email: cmellas@wsulaw.edu

Class Time: 6:30 PM – 9:40 PM, Wednesday

Office Hours: In-person, *subject to class availability*

Required Text:

Contracts: Cases, Discussion, and Problems, Fifth Edition – Blum & Bushaw
ISBN: 9781543857054.

One of the following suggested, based on personal learning preferences:

1. Examples & Explanations for Contracts 8th Edition. ISBN: 978-1543807639
2. Acing Contracts. ISBN: 9781642422467
3. Questions & Answers: Contracts. ISBN: 9781531017989
4. Understanding Contracts. ISBN: 9781531025373
5. Contracts (Emanuel Law Outlines) 11th Edition. ISBN:978-1454870142
6. *Any Multiple Choice Resource in the Western State Library. It's free to you!*

COURSE DESCRIPTION

This Contracts 2 course is designed to provide an understanding of the legal principles, policies, and theories supporting contract law. Including formation, interpretation, and validity of contracts. This class will use a combination of lectures, in-class discussions, case law analysis, and practical exercises to explore the fundamental concepts of contract law. The goal is to develop the skills necessary to understand, analyze, and apply these principles to real world situations. Contract law is one of the pillars of foundational legal education. It's worth noting, a proper study of contract law now, will enable future success in many other classes in law school – and the California Bar Examination.

COURSE METHODOLOGY

There are three primary learning opportunities in preparing for and attending a Contracts class: (1) reading and a preliminary understanding of case law/holdings from Blum/Bushaw, (2) codified or black letter law referred to in Blum/Bushaw or discussed during your Contracts class, and (3) in-class examples and exercises. Legal policy and legislative intent will also help you create a strong foundational understanding of Contract law. Please be purposeful in your class preparation and outline/organize as you go. If you exercise your due diligence in Contracts, you have a chance to set yourself up with a strong foundation in Contract law that will serve you well in several future classes.

Best practices suggest reading every syllabus section in full, even ones you think you have read before.

COURSE OBJECTIVES

- Understand basic principles of contract law sufficient for a foundation of legal education,
- Identify elements required for the formation of a valid and enforceable contract,
- Ability to differentiate between a valid contract or legal agreements based on certain facts,
- Exploring the enforceability, or lack thereof, of certain contractual agreements,
- Foundational understanding of the underlying legal policies and principles of contract law,
- Developing critical thinking and analytical skills required for contract interpretation,
- Ability to formulate a written response to an essay prompt using proper legal writing, &
- Foundational knowledge sufficient to pass the Contracts portion of the California Bar Exam.

COURSE POLICIES

Class Preparation - You are expected to spend, at minimum, 2 hours of preparation for every one hour of official class time. For our purposes, this means you should expect to spend a minimum of 6 hours per week preparing for this class. This is a *minimum expectation*, you should expect full and proper preparation to take longer than 6 hours. This may include briefing, reading official comments/rules, taking notes, writing flashcards, outlining, reading supplements, listening to audio lectures, watching educational videos, or anything else needed in preparation of class material.

This class will demand a high level of both out of class work and attention for success.

In Class Expectations – You are expected to brief each case or opinion and prepare all questions from the casebook – *in your own words* – and be prepared to explain to the class upon request.

DO NOT recite from any brief, outline, resource, brief bank, or any other materials besides your own thoughts. Further, I strongly caution against letting work pile up in a course such as Contracts as it is voluminous and easy to fall behind. Once behind, catching up is an arduous task.

You **MUST** bring a handwritten or printed copy of an overall summation of all reading assignments for each class, **in your own words**. This may be either an overall summary or smaller summaries for each sub-portion of the assignment. The requirement is your *good faith effort* to show you have completed and synthesized the reading from each class.

There is no page minimum or maximum expectation.

Each item **MUST** be printed & turned in for credit, email is not adequate.

Participation - Participation, is defined as meaningful contributions to class time, discussions, office hours, thoughtful questions, and the like. Participation is not, asking an abundance of questions in an attempt to gain participation points. Participation is expected to be robust, meaningful, and qualitative. All views are encouraged and respected in this classroom. Disrespect of peers or their ideas will be met with zero tolerance, you will be asked to leave the classroom session. **There is a difference between being unprepared and struggling to answer difficult questions. Getting a question incorrect is never a problem, as you are putting forth a good-faith effort in class. I encourage participation & bravery.*

Professionalism – Professionalism includes being respectful to your peers, attending class on time, and communicating with all in a respectful manner. Under no circumstances will any unprofessional conduct be tolerated. Everyone will be respectful, courteous, and professional. (*Professionalism includes giving class time the respect it deserves. Individuals using phones or computers for non-notetaking purposes will lose participation and professionalism points. Individuals talking over peers will lose P&P points. Individuals disrespecting peers will lose P&P points.*)

Attendance - No more than **2 (two) absences** are permitted without being withdrawn from the course and receiving a failing grade, under the guiding policies of Western State College of Law. You are responsible for your own attendance and will not receive an attendance warning from your professor.

Missing 2 (two) classes is the equivalent of missing approximately 15% of class, amounting to a substantial amount of instruction. Best practices recommend attending every class, if possible.

***IMPORTANT NOTES REGARDING ABSENCES** – (1) all assigned work is due at the start of class, whether you are absent or not. If you are absent, you may email your assignment or work before the start of class, otherwise, you will be expected to print all assignments or work. (2) If you are absent, you waive the right to view any multiple choice, essay, or other in class assignments, there will be no second opportunity to review the materials. If you are absent, you waive the right to earn P&P for said day. (*Please contact me if there is an emergency or extenuating circumstance, to discuss.*)

Assignments – Assignments & Reading are expected to be completed, in full.

ELECTRONICS POLICIES

Computer Use – While you are strongly discouraged from any computer use during class, it is permissible to use your computer for **note taking or briefing purposes only**. Email, “I read it all, 2.0!” to cmellas@wsulaw.edu for bonus points by 6:30 PM the first day of class. But, shh! Tasks including Discord, IMessage, WhatsApp, email, games, texting, sharing briefs, social media, or any non-class related activities, are **prohibited**. You have approximately 42 hours of in-class time in this course, make it count!

Cell Phones – Cell phones, will not be permitted during class time. If there is a family emergency or other reason to be “on call” during class, please reach out before class time starts to discuss.

Audio/Video Recording – No audio, video, photographic, or other recording or any kind shall take place without prior express permission of the Professor. *Reminder, CA is a 2-party consent state.*

PLAGIARISM

There is a zero-tolerance plagiarism policy in coursework, exams, briefs (*book, written, digital, audio, or otherwise*), assignments, “group-work”, or **any** other type of verbal or written work.

Basic definition - Plagiarize: to steal and pass off (the ideas or words of another) as one's own: use (another's production) without crediting the source. (*Webster's, 2022*)

Nuanced definition - “Plagiarism is the act of taking a person’s original work and presenting it as if it was one’s own. Plagiarism is not illegal in the United States in most situations. Instead, it is considered a violation of honor or ethics codes and can result in disciplinary action from a person’s school or workplace. However, plagiarism can warrant legal action if it infringes upon the original author’s copyright, patent, or trademark. Plagiarism can also result in a lawsuit if it breaches a contract with terms that only original work is acceptable. To avoid plagiarism, a person should always properly attribute any information they use to the original author through quotes or citations. Further, there are free online plagiarism checkers to ensure that a person’s work is free of plagiarism such as Grammarly, Duplichecker, or Quetext.” (*Updated in November of 2021, Wex Definitions Team for Legal Information Institute.*)

For more information on plagiarism, please see: [https://www---staging-mp6ykpk7cbbg.us.platform.sh/sites/default/files/policy%20\(1\).pdf](https://www---staging-mp6ykpk7cbbg.us.platform.sh/sites/default/files/policy%20(1).pdf)

***Any violation of standards set forth may result in the following:
removal from the class session, marked absent, losing participation & professionalism points,
and maximum penalties available in the WSCL Student Handbook.***

NOTABLE DATES:

February 7th – Assignment A Due

February 28th – Midterm Examination

April 3rd – Assignment B Due

April 17th – Assignment C Due

GRADING:

In-Class Participation & Professionalism – 15%

Midterm Examination – 15%

Final Exam – 70%

COURSE ASSIGNMENTS

<u>Class #</u>	<u>Book Reading</u>	<u>Assignment Due</u>
Class 1 ~ 1/17/24	509-545	<i>Read Syllabus in FULL</i>
Class 2 ~ 1/24/24	545-582	
Class 3 ~ 1/31/24	582-614	
Class 4 ~ 2/7/24	615-639, 645-654	Assignment A Due
Class 6 ~ 2/14/24	655-695	
Class 6 ~ 2/21/14	697-727	
Class 7 ~ 2/28/24	<u>Midterm Examination</u>	
Class 8 ~ 3/13/24	727-754	
Class 9 ~ 3/20/24	754-769, 773-796	
Class 10 ~ 3/27/24	-	
Class 11 ~ 4/3/24	796-808, 819-830	Assignment B Due
Class 12 ~ 4/10/24	831-861	
Class 13 ~ 4/17/24	862-901	Assignment C Due
Class 14 ~ 4/24/24	903-920 <u>& Review Session</u>	

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 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 Dean Marisa Cianciarulo at mcianciarulo@wsulaw.edu or (714) 459-1168. Complaints will be handled in accordance with the College of Law's "Policy against Discrimination & Harassment."

Western State College of Law – Programmatic Learning Outcomes

Western State College of Law’s curriculum is designed so that every student achieves a level of competency prior to graduation in each of the eight Programmatic Learning Outcomes listed below:

(1) Doctrinal Knowledge

Students will demonstrate knowledge of substantive and procedural law in the core curriculum subjects, including Contracts, Criminal Law, Criminal Procedure, Torts, Real Property, Business Association, Evidence, Civil Procedures, Constitutional Law, Estates, Community Property, Remedies, and Professional Responsibility.

(2) Practice Skills

Students will demonstrate the development of other law practice skills. Each student’s chosen outcomes within this category will be varied based on the student’s particular interests, coursework and work experiences. They may include, but are not limited to, the following topics: oral presentation and advocacy; interviewing; counseling; client service and business development; negotiations, mediation, arbitration, or other alternate dispute resolution methods; advanced legal research and writing (excluding purely academic papers and the first four units earned in introductory first-year legal research and writing class); applied legal writing such as drafting contracts, pleadings, other legal instruments; law practice management or the use of technology in law practice; cultural competency; collaboration or project management; financial analysis, such as accounting, budgeting project management, and valuation; cost benefit analysis in administrative agencies; use of technology, data analyses, or predictive coding; business strategy and behavior; pre-trial preparation, fact investigation, such as discovery, e-discovery, motion practice, assessing evidence, or utilizing experts; trial practice; professional civility and applied ethics; a law clinic that includes a classroom component; or a legal externship that includes a classroom component.

(3) Legal Analysis

Students will demonstrate the ability to identify the factual and legal issues implicated by a fact pattern and to appropriately use cases (including identifying the salient features of an appropriate precedent case, identifying legally significant similarities or differences between the precedent case and a fact pattern and explaining why those are legally significant) and rules (including the ability to connect legally significant facts in a fact pattern to the rule) to predict how a court would decide the issue. Students will also demonstrate the ability to identify and evaluate the public policies of a precedent case or rule, and be able to evaluate how public policy can impact the application of a rule to the legal issue.

(4) Legal Research

Students will demonstrate the ability to locate relevant legal authority using a variety of book and electronic resources, and to properly cite to such legal authority.

(5) Communication

Students will demonstrate the ability to communicate both orally and in writing in a manner appropriate to a particular task to effectively convey the author or speaker's ideas. This includes audience sensitivity in written and oral communication (the ability to adopt a tone, style and level of detail appropriate to the needs, knowledge and expertise of the audience); and written communication basic proficiency (the ability to use the conventions of grammar, spelling, punctuation, diction and usage appropriate to the task and sufficient to convey effectively the author's ideas).

(6) Advocacy of Legal Argument

Students will demonstrate the ability, in both oral and written formats, to evaluate the legal, economic and social strengths and weaknesses of a case and use case and statutory authority as well as public policy to persuade others. Making policy-based arguments includes the ability to identify and evaluate the public policies of a precedent case or rule and their implications, and be able to assert such appropriate arguments to support a particular application or distinction of a precedent case to a legal controversy or a particular resolution of the application of a rule to the legal controversy.

(7) Client Sensitivity and Cultural Competency

Students will demonstrate an awareness of clients' needs and goals, including a sensitivity to clients' background and circumstances (including, but not limited to, socio-economic, gender, race, ethnicity, educational, disability and/or religious background(s)), the ability to make decisions that reflect an appropriate focus on those needs and goals, and awareness that cultural issues may affect the relevance of facts and application of the law.

(8) Legal Ethics

Students will demonstrate the ability to identify ethical issues in law practice contexts and make appropriate decisions to resolve such issues.