

## ASSIGNMENTS AND ACTIVITIES

| Week, Day                              | Subjects   | Student Class Preparation Activities  | Classroom Learning Activities   |
|--|--|---|---|
| Aug. 23 and 25                         | <b>Mutual assent</b> <ul style="list-style-type: none"> <li>• The Manifestation Requirement</li> <li>• Certainty</li> </ul>  | <ul style="list-style-type: none"> <li>• Read the Chapter Problem on pages 15-17. <i>Do not try to answer it yet. Rather, treat the problem as a tool for helping you focus on what you need to be learning from the materials in this chapter.</i></li> <li>• Study Rest. 2d Contracts, §§ 17, 22, 24, 50, 59, 61, 33</li> <li>• Study UCC, Article 2, §§ 2-204(3), 2-305, 2-308 to 2-310</li> <li>• Read pages 18-39 of CONTRACTS: A CONTEXT AND PRACTICE CASEBOOK and respond to all the questions therein (cases are <i>Lucy v. Zehmer</i> and <i>Harvey v. Facey</i>)</li> </ul> | <ul style="list-style-type: none"> <li>• Discuss assigned cases and restatement and U.C.C. sections</li> <li>• Discuss analysis of hypos and answers to questions (some of these problems will be discussed in pairs)</li> </ul>  |
| Aug. 27, 8:00 am – 9:15 am in Room 102 | <b>Foundational Principles</b> <ul style="list-style-type: none"> <li>• Policy</li> <li>• Common Law versus Article II of the U.C.C.</li> </ul> <b>(Make-up Class #1 for j-section students)</b> | <ul style="list-style-type: none"> <li>• Read pages xxv-xxix of CONTRACTS: A CONTEXT AND PRACTICE CASEBOOK</li> <li>• Read pages 3-11 of CONTRACTS: A CONTEXT AND PRACTICE CASEBOOK and respond to all the questions therein</li> </ul>   | <ul style="list-style-type: none"> <li>• Discuss answers to exercises</li> </ul>  |
| Aug. 30<br>Sept. 1                     | <b>Mutual assent</b> <ul style="list-style-type: none"> <li>• Special offer rules</li> </ul>   | <ul style="list-style-type: none"> <li>• Study Rest. 2d Contracts, §§ 26-27</li> <li>• Read pages 39-52 of CONTRACTS: A CONTEXT AND PRACTICE CASEBOOK and respond to all the questions therein (cases are <i>Lefkowitz</i>, <i>Fairmont Glass Works</i>, and <i>Neal</i>)</li> </ul>  | <ul style="list-style-type: none"> <li>• Discuss assigned cases and restatement sections</li> <li>• Discuss analysis of hypos and answers to questions</li> <li>• Small group project after class: Develop a consensus answer to Exercise 2-15 and e-mail me your group answer no later than .</li> </ul> |
| Sept. 8                                | <b>Mutual assent</b> <ul style="list-style-type: none"> <li>• Manner of acceptance</li> </ul>  | <ul style="list-style-type: none"> <li>• Study Rest. 2d Contracts, §§ 50, 30, 32, 45, 51, 60, 62, 65, 69</li> <li>• Read pages 52-63 of CONTRACTS: A CONTEXT AND PRACTICE CASEBOOK and respond to all the questions therein (cases are <i>Kuzmeskus</i> and <i>Davis</i>) (skip Exercises 2-21 and 2-22)</li> </ul>   | <ul style="list-style-type: none"> <li>• Discuss assigned cases and restatement sections</li> <li>• Discuss analysis of hypos and answers to questions</li> </ul>   |

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|-----------------|---|---|---|
| Sept. 13 and 15 | <b>Mutual assent</b> <ul style="list-style-type: none"> <li>• Termination of the power to accept</li> <li>• Mailbox rules</li> </ul>            | <ul style="list-style-type: none"> <li>• Study Rest. 2d Contracts, §§ 36-43; 48, 63, 66-68</li> <li>• Read pages 63-83 of CONTRACTS: A CONTEXT AND PRACTICE CASEBOOK and respond to all the questions therein (cases are <i>Petterson</i>, <i>Dickinson</i>, <i>Akers</i>, and <i>Livingstone</i>)</li> </ul>   | <ul style="list-style-type: none"> <li>• Discuss assigned cases and restatement sections</li> <li>• Discuss analysis of hypos and answers to questions</li> <li>• If three students post their answers to Exercise 2-33 and three students critique those answers, I will post my answers</li> <li>• I will be posting a ten-question multiple-choice pass-fail test on the mailbox rules (to the course webpage) three days after we complete this unit. You must take this quiz on your own, but you can prepare for it with your group. The group with the highest average score will be awarded immunity in the following class session.</li> </ul> |
| Sept. 20        | <b>Mutual assent</b> <ul style="list-style-type: none"> <li>• Mutual assent under Article 2 of the U.C.C.</li> <li>• Chapter Problem</li> </ul> | <ul style="list-style-type: none"> <li>• Study U.C.C. §§ 2-204, 2-205, 2-206 and 2-207</li> <li>• Read pages 83-86 of CONTRACTS: A CONTEXT AND PRACTICE CASEBOOK and respond to all the questions therein (skip the <i>Wachter</i> case, only answer Question 1 in Exercise 2-38, and skip Exercise 2-39)</li> <li>• Prepare arguments on both sides regarding the Chapter Problem</li> </ul> | <ul style="list-style-type: none"> <li>• Discuss assigned U.C.C. sections and answers to questions</li> <li>• Compare mutual assent under common law principles and under Article 2 of the U.C.C.</li> <li>• Oral arguments regarding the Chapter Problem (in class, you will be assigned the role of counsel for Diamond, counsel for Pizarro or Judge).</li> <li>• <b>You will receive the second essay quiz today at the end of class.</b></li> <li>• <b>Your answer is due to me in class on September 22 before 8:00 am in typed, hard copy format.</b></li> </ul>   |

| Week, Day  | Subjects  | Student Class Preparation Activities   | Classroom Learning Activities  |
|--|---|--|--|
| Sept. 22 and 27  | <b>Consideration</b> <ul style="list-style-type: none"> <li>• Consideration in general</li> <li>• Adequacy</li> <li>• Past and moral consideration</li> </ul> | <ul style="list-style-type: none"> <li>• Read the Chapter Problem on pages 95-98 of CONTRACTS: A CONTEXT AND PRACTICE CASEBOOK</li> <li>• Study Rest. 2d Contracts, §§ 71, 79, 82-83, 86</li> <li>• Read pages 99-108, 111-115 of CONTRACTS: A CONTEXT AND PRACTICE CASEBOOK and respond to all the questions therein (cases are <i>Hamer</i>, <i>Schnell</i>, and <i>Mills</i>; you are skipping the <i>Batsakis</i> case) (only answer questions 3-4 in Exercise 3-8; only answer questions 2-3 in Exercise 3-10)</li> </ul> | <ul style="list-style-type: none"> <li>• Discuss assigned cases and restatement sections</li> <li>• Discuss analysis of hypos and answers to questions</li> <li>• Answer to Take-Home Second Essay Quiz Due</li> </ul>           |
| Sept. 29   | <b>No Class Today<br/>Make up Class on Friday, Oct. 1 at 8:00 am in Room 102</b>  | Not applicable.  | Not applicable.  |
| Oct. 1<br>(Make-up Class for Sept. 29)<br><b>8:00 am – 9:15 am in Room 102</b> | <b>Consideration</b> <ul style="list-style-type: none"> <li>• Invalid claims as consideration</li> <li>• Pre-existing duties as consideration</li> </ul>      | <ul style="list-style-type: none"> <li>• Study Rest. 2d Contracts, §§ 71, 73, 74 and U.C.C. §2-209(1)</li> <li>• Read pages 124-141 of CONTRACTS: A CONTEXT AND PRACTICE CASEBOOK and respond to all the questions therein (cases are <i>Fiege</i> and <i>Alaska Packers' Association</i>; skip the <i>AFC Interiors</i> case and the related exercises)</li> </ul>  | <ul style="list-style-type: none"> <li>• Discuss assigned cases and restatement and U.C.C. sections</li> <li>• Discuss analysis of hypos and answers to questions (some of these problems will be discussed in pairs)</li> </ul> |
| Oct. 4   | <b>Consideration:</b> <ul style="list-style-type: none"> <li>• Illusory promise</li> </ul>  | <ul style="list-style-type: none"> <li>• Study Rest. 2d Contracts, § 77</li> <li>• Read pages 131-145 of CONTRACTS: A CONTEXT AND PRACTICE CASEBOOK and respond to all the questions therein (cases are <i>Strong</i>, <i>Omni Group, Inc.</i>, and <i>Wood</i>; skip Exercise 3-24)</li> <li>• Read pages 145-147 and prepare an answer to the complaint; you must e-mail your answer by midnight.</li> </ul>   | <ul style="list-style-type: none"> <li>• Discuss assigned cases and restatement section</li> <li>• Discuss analysis of hypos and answers to questions</li> <li>• Small group discussion of answers (if time permits)</li> </ul>  |
| Oct. 6   | <b>Promissory estoppel</b>  | <ul style="list-style-type: none"> <li>• Read the Chapter Problems on pages 149-151 of CONTRACTS: A CONTEXT AND PRACTICE CASEBOOK</li> <li>• Study Rest. 2d Contracts, § 90</li> <li>• Read pages 151-169 of CONTRACTS: A CONTEXT AND PRACTICE CASEBOOK and respond to all the questions therein (cases are <i>Kirksey</i>, <i>Ricketts</i>, <i>East Providence Credit Union</i>, <i>Drennan</i>, and <i>Hoffman</i>)</li> </ul>   | <ul style="list-style-type: none"> <li>• Discuss assigned cases and restatement section</li> <li>• Discuss analysis of hypos and answers to questions</li> </ul>   |

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| Oct. 11                                  | <b>Finish promissory estoppel Review for Midterm</b>   | <ul style="list-style-type: none"> <li>• Finish promissory estoppel assignment, including outlines to Chapter Problem hypos</li> <li>• Prepare outlines of answers to the following hypos handed out in class: Phan-Dran (swimming pool), Samantha and Alexander (dog), Tex, Lizzy and Cook (survivor), Paul and Dona (Schwartzmobiles), and Dana and Paula (loan)</li> </ul> | <ul style="list-style-type: none"> <li>• Discuss analysis of hypos</li> <li>• <b>Your midterm will be e-mailed to you after class</b></li> <li>• <b>Your answer (typed and printed with your temporary exam number) must be handed in Oct. 12 before 5:00 pm to my secretary, Shirley Jacobson.</b></li> </ul> |
| Oct. 13                                  | <b>Contract Defenses</b> <ul style="list-style-type: none"> <li>• Misrepresentation</li> </ul>   | <ul style="list-style-type: none"> <li>• Read Exercise 5-2 on pages 175-177 of CONTRACTS: A CONTEXT AND PRACTICE CASEBOOK</li> <li>• Read pages 177-195 of CONTRACTS: A CONTEXT AND PRACTICE CASEBOOK and answer the questions therein (case is <i>Cousineau</i>)</li> </ul>  | <ul style="list-style-type: none"> <li>• Discuss assigned cases</li> <li>• Discuss analysis of hypos and answers to questions</li> <li>•</li> </ul>  |
| Oct. 18 and 20                           | <b>Contract Defenses</b> <ul style="list-style-type: none"> <li>• Duress</li> <li>• Illegality</li> </ul>  | <ul style="list-style-type: none"> <li>• Find and study the Restatement section addressing illegality (hint: it's not labeled "Illegality")</li> <li>• Read pages 217-222 and 230-239 of CONTRACTS: A CONTEXT AND PRACTICE CASEBOOK and answer the questions therein (cases are <i>Austin Instrument</i> and <i>Wood</i>)</li> </ul>  | <ul style="list-style-type: none"> <li>• Discuss assigned cases and the restatement section</li> <li>• Discuss analysis of hypos and answers to questions</li> </ul>   |
| Oct. 15<br>8:00 am – 9:15 am in Room 102 | <b>Contract Defenses</b> <ul style="list-style-type: none"> <li>• Mistake (Make-up Class #2 for j-section students; B-section students may attend if they wish)</li> </ul> | <ul style="list-style-type: none"> <li>• Read pages 199-214 of CONTRACTS: A CONTEXT AND PRACTICE CASEBOOK and answer the questions therein (cases are <i>Sherwood</i>, <i>Lenawee County Board of Health</i>, and <i>Wood</i>)</li> </ul>   | <ul style="list-style-type: none"> <li>• Discuss assigned cases</li> <li>• Discuss analysis of hypos and answers to questions</li> </ul>   |
| Oct. 25                                  | <b>Contract Defenses</b> <ul style="list-style-type: none"> <li>• Unconscionability</li> </ul>   | <ul style="list-style-type: none"> <li>• Study Rest. 2d §§ 12, 14-16, 208</li> <li>• Read pages 240-244 of CONTRACTS: A CONTEXT AND PRACTICE CASEBOOK and answer the questions therein (only case is <i>Williams</i>)</li> <li>• Be prepared to interview and advise your client in Exercise 5-2</li> </ul>   | <ul style="list-style-type: none"> <li>• Discuss assigned case and restatement sections</li> <li>• Discuss analysis of hypos and answers to questions</li> <li>• Client interview and advise</li> </ul>  |

| Week, Day             | Subjects   | Student Class Preparation Activities  | Classroom Learning Activities  |
|-----------------------|--|---|--|
| Oct. 27, Nov. 1 and 3 | <b>Remedies for Breach of Contract</b> <ul style="list-style-type: none"> <li>• Damages <ul style="list-style-type: none"> <li>◦ Measure of damages</li> </ul> </li> </ul>     | <ul style="list-style-type: none"> <li>• Read the Chapter Problem, page 255</li> <li>• Study Rest. 2d of Contracts, §§ 344-349</li> <li>• Read pages 255-283 of CONTRACTS: A CONTEXT AND PRACTICE CASEBOOK and answer the questions therein (cases are <i>Donovan, Neri, Wilson, Groves, and Peevyhouse</i>)</li> </ul>   | <ul style="list-style-type: none"> <li>• Discuss assigned cases and restatement sections</li> <li>• Discuss analysis of hypos and answers to questions</li> </ul>  |
| Nov. 8, 10, and 15    | <b>Remedies for Breach of Contract</b> <ul style="list-style-type: none"> <li>• Damages <ul style="list-style-type: none"> <li>◦ Limitations on damages</li> </ul> </li> </ul> | <ul style="list-style-type: none"> <li>• Study Rest. 2d Contracts, §§ 350-355</li> <li>• Read pages 283-289, 291-324 of CONTRACTS: A CONTEXT AND PRACTICE CASEBOOK and answer the questions therein (cases are <i>Rockingham County, Parker, Hadley, Victoria Laundry, Prutch, and Freund</i>; skip the <i>Hussey</i> cases) (only answer Question 2 in Exercise 6-12)</li> </ul>   | <ul style="list-style-type: none"> <li>• Discuss assigned cases and restatement sections</li> <li>• Discuss analysis of hypos and answers to questions</li> </ul>  |
| Nov. 17               | <b>Remedies for Breach of Contract</b> <ul style="list-style-type: none"> <li>• Damages <ul style="list-style-type: none"> <li>◦ Reliance damages</li> </ul> </li> </ul>       | <ul style="list-style-type: none"> <li>• Study Rest. 2d Contracts, § 349</li> <li>• Read pages 324-336 of CONTRACTS: A CONTEXT AND PRACTICE CASEBOOK and answer the questions therein (cases are <i>Reimer, Sullivan, and Hoffman</i>) (skip Exercise 6-27)</li> <li>• Prepare the lists of questions and documents for the Chapter Problem</li> </ul>  | <ul style="list-style-type: none"> <li>• Discuss assigned cases and restatement sections</li> <li>• Discuss analysis of hypos and answers to questions</li> <li>• Peer review of the lists of questions and documents for the Chapter Problem</li> </ul>   |
| Nov. 22               | <b>Remedies for Breach of Contract</b> <ul style="list-style-type: none"> <li>• Restitution</li> </ul>   | <ul style="list-style-type: none"> <li>• Read the Chapter Problem, pages 339-341 of CONTRACTS: A CONTEXT AND PRACTICE CASEBOOK</li> <li>• Study Rest. 2d Contracts, §§370-374</li> <li>• Read pages 342-357 of CONTRACTS: A CONTEXT AND PRACTICE CASEBOOK and answer the questions therein (cases are <i>Chodos, United States v. Algernon Blair, Earhart, and Kutzin</i>)</li> <li>• Be prepared to discuss your analysis of the issues in the Chapter Problem (You need not prepare a formal argument)</li> </ul> | <ul style="list-style-type: none"> <li>• Discuss assigned cases and restatement sections</li> <li>• Discuss analysis of hypos and answers to questions</li> <li>• Small group simulation of a law firm meeting to discuss the analysis of the issues and strategy regarding the Chapter Problem</li> </ul> |

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|--------------------------------|--|---|--|
| Nov. 24 and 29 and Dec. 1      | <b>Remedies for Breach of Contract</b> <ul style="list-style-type: none"> <li>• Coercive equitable relief <ul style="list-style-type: none"> <li>○ Specific performance</li> </ul> </li> </ul> | <ul style="list-style-type: none"> <li>• Read the Chapter Problem, pages 373-374 of CONTRACTS: A CONTEXT AND PRACTICE CASEBOOK</li> <li>• Study Rest. 2d Contracts, §§359-360, 362, 364, and 366, and U.C.C. §2-716</li> <li>• Read pages 374-393 and 406-407 of CONTRACTS: A CONTEXT AND PRACTICE CASEBOOK and answer the questions therein (cases are <i>Campbell Soup</i>, <i>Laclede Gas</i>, <i>Van Wagner</i>, and <i>Travellers</i>) (answer question 4 in Exercise 9-12) (skip the materials on equitable defenses and injunctions against breach)</li> <li>• Prepare an answer to the Chapter Problem</li> </ul> | <ul style="list-style-type: none"> <li>• Discuss assigned cases and restatement sections</li> <li>• Discuss analysis of hypos and answers to questions\</li> <li>• <b>Hand in evidence that you have completed your professional development obligation and your essay about your professional development work</b></li> </ul> |
| Extra Class Session (date TBD) | <b>Contracts Problem-Solving</b> <ul style="list-style-type: none"> <li>• Contract Law-Specific Problem</li> </ul>   | <ul style="list-style-type: none"> <li>• Prepare outlines of answers to assigned problems</li> </ul>  | <ul style="list-style-type: none"> <li>• Discuss problems</li> </ul>   |