



CLASS POLICIES CONTRACTS §B

SEMESTER: Fall 2010

TEXTS

REQUIRED:

Michael Hunter Schwartz and Denise Riebe, *CONTRACTS: A CONTEXT AND PRACTICE CASEBOOK* (Carolina Academic Press, 2009)

Steven J. Burton, *CONTRACT LAW: SELECTED SOURCE MATERIALS* (Thompson West, most recent edition available)

Michael Hunter Schwartz, *EXPERT LEARNING FOR LAW STUDENTS* (2d ed. Carolina Academic Press 2008)

Michael Hunter Schwartz, *EXPERT LEARNING FOR LAW STUDENTS WORKBOOK* (2d ed. Carolina Academic Press 2008)

Margaret Z. Johns & Rex R. Perschbacher, *THE UNITED STATES LEGAL SYSTEM: AN INTRODUCTION* (2d ed., Carolina Academic Press 2007)

SUPPLEMENTAL BOOKS (*Optional*):

Marvin A. Chirba, *CONCEPTS AND CASE ANALYSIS IN THE LAW OF CONTRACTS* (Foundation Press, most recent edition) (*This supplemental text is useful, short and inexpensive.*)

John D. Calamari & Joseph M. Perillo, *CONTRACTS* (West Publishing Co., most recent edition) (*This supplemental text includes much more information than any law student could or should aspire to learn, but it provides detailed explanations and therefore is helpful to some students.*)

PROFESSOR:

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- **Expectations:** I expect you to:
 - have fun (the research on learning shows that students learn more in class when feel like class is fun);

- care as passionately about your learning as I do;
- treat the class as a professional obligation;
- impose high expectations on me, on yourself, and on your peers;
- be respectful to me and your peers;
- discover for yourself why Contracts is the single most exciting course in law school!

- **Course Objectives:**

- I. Affective Objectives.
 - A. The teacher and students will have an enjoyable and challenging learning experience;
 - B. The students will choose to self-regulate their learning and develop themselves as professionals.

- II. Values Objectives. Students will:
 - A. Demonstrate respect for students, staff, and faculty.
 - B. Develop an attitude of cooperation with students, faculty, lawyers, and judges.
 - C. Understand the multiple roles of a contract lawyer.
 - D. Formulate his or her version of the moral lawyer.
 - E. Demonstrate honesty, reliability, responsibility, judgment, self-motivation, hard work, and critical self-reflection.

- III. Skills Objectives. Students will:
 - A. Given a contract dispute between two or more parties and the facts relating to the dispute,
 1. Be able to identify the contract law issues raised by the the facts;
 2. Be able to develop the arguments reasonable lawyers representing all involved parties would make with respect to those issues;
 3. Be able to predict how a court would evaluate those arguments and resolve the dispute.
 - B. Be able to effectively self-regulate their learning in the course.

- IV. Content Objectives. Students will know, with a high degree of accuracy, the rules that govern:
 - A. Contract formation
 - B. Defenses to actions for breach of contract
 - C. The remedies for breach of contract

- **Teaching and Learning Methods:**

- Socratic
- Lecture
- Clicker questions
- Cooperative learning experiences

- Law practice simulations
 - Charts and other graphic organizers
 - Contract drafting exercises
 - Optional online multiple choice tests
- **Class Participation:** Legal education is a cooperative venture, and lawyers who practice contracts law must be able to orally communicate their ideas. Class participation therefore is a mandatory part of this course, and your class participation may be reflected in your course grade (*see* below in this section and **Course Grading** below). I expect you to be prepared to speak during every class session and to hold your peers to the same standard. If I regard you as unprepared, I will mark you unprepared and ask you to speak with me after class. Any student whom I have marked unprepared may challenge my conclusion by submitting written answers to each of the exercises assigned from *CONTRACTS: A CONTEXT AND PRACTICE CASEBOOK*. (*Note: This requirement may **not** be met at any time other than immediately after class.*) Students will have their grade *lowered* 0.1 for the first time they are deemed unprepared and 0.1 for each additional time they are deemed unprepared thereafter.

PLEASE NOTE: THERE IS A SIGNIFICANT DIFFERENCE BETWEEN BEING UNPREPARED AND BEING UNABLE TO “ANSWER” ONE OF MY QUESTIONS. I will not reduce your grade simply because you venture an incorrect answer (unless, of course, your answer reflects inadequate preparation).

PLEASE ALSO NOTE: Life happens to everyone and, on occasion, excellent lawyers are not prepared when they should be. In such instances, the good lawyers let everyone involved know in advance and collaborate to reschedule. I therefore will excuse you from participating in class once during the semester if you let me know you are unprepared *prior to the commencement of class that day* and tell me why you are unprepared. Because you are professionals, I do not expect you to treat my willingness to be understanding as an excuse for not doing required coursework. Thus, I am unlikely to grant requests for excuses made because you have not yet “used up” your excuse.

- **Course Grading:** I will be assigning your grade based on five components: (1) your work in your structured study group based on your fellow group members’ and study group leader’s evaluations (5%); (2) your mandatory professional development work and essay (10%); (3) your completion of the pass-fail quizzes described below (10%), (4) your performance on a midterm examination to be administered sometime between the seventh and tenth week of class (15%) and (5) your performance on the final examination (60%).
- **Study Group Collaboration:** One explicit goal of the Washburn curriculum is to train prospective lawyers how to collaborate with their peers. You have been placed in a structured study group for the Fall 2010 semester. Your work in that group will determine your grade for this component. Your peers and study group leader will be evaluating you based on the following criteria on a scale from 1 (needs considerable improvement) to 7 (outstanding):

- Listening skills
- Quality of work
- Preparation for group sessions, and
- Leadership skills

Two additional points: (1) Half way through the semester, you will give each other a preliminary evaluation and explaining your scores. (2) The quality of your written feedback will count as 1/5 (20%) of your score on this component.

- **Mandatory Professional Development Work and Essay:**

- I have serious doubts about the common law school practice of evaluating students using a system that gives no credit to motivation, effort, and creativity and in which your entire course grade depend upon a single examination.
- All students who complete the work described below will get at least 70% of the points available for this portion of your grade. I am reserving the last 30% of your score to reward students who write insightful essays, who do considerably more than the minimum, and whose insights and efforts are otherwise excellent.
- Because you are in the best position to evaluate what you need to grow as a professional in the context of my course, I have decided to give you several options to meet this course requirement and to allow you to choose how to do so. No matter which option you choose, you must hand in, on the last regular day of class before the final, (1) **evidence of your efforts** and (2) a **two-page essay in which you identify which option(s) you have chosen, the bases for your choice(s), and what you have learned from your efforts.**
- Options
 - Option 1: Keeping a Professional Development Journal. You may satisfy your professional development obligation by continuing to keep a journal, making at least one entry every week responding to the “Professional Development Reflection Questions” in Contracts: A Context and Practice Casebook. You may answer as many or as few questions as you like as long as each entry is at least 500 words. Your evidence must include your journal and a statement that your entries are all 500 or more in length.
 - Option 2: Taking The Optional Multiple-Choice Quizzes and Reflecting on Your Results. Each week or two, I will be posting optional multiple-choice quizzes to the course webpage. The quizzes will be designed to test whether you have learned the skills, knowledge and values that are the

subject of that week's assignments and class discussions. To satisfy your professional development obligation in this way, you must take every quiz, evaluate, for each question you answered incorrectly on each quiz, why your answer was wrong and why the correct answer was correct, and decide how you will use your results on each quiz to improve your learning in this and your other classes.

- Option 3: Course Webpage Postings. You also can meet your professional development obligation by posting at least 10 significant comments to the course webpage for this class. (See below for a definition of "significant comments"). With 75 or so students, I cannot always meet the needs of every one of you. Postings give me an additional teaching resource, especially because students can meet the requirement by asking or answering questions. In fact, if you understand something well enough to clearly explain it to someone else, you have mastered it. Additionally, because I can resolve some student confusion outside the classroom, I can devote more classroom time to building your analytical skills and the other learning goals for the class. I also believe some students learn better from reading and writing, and the posting requirement supports that need. Finally, I want to try to promote collaboration and peer-help because, in my opinion, law school is too competitive.

What is a "significant comment"? You have considerable flexibility to decide what types of comments you wish to make. Significant comments include: (1) original statements about the cases and rules of law we are studying, the policies that underlie those rules and cases, and how to apply the rules and apply and distinguish the cases; (2) original examples or non-examples of any of the legal concepts we are studying; (3) questions about any of the materials we are studying (so long as the question does not reflect a failure to attempt course work); (4) original exam-like hypotheticals raising any of the issues we are studying; (5) answers of any other student's question or hypothetical; (6) critiques of another student's answer of a question or hypothetical, (7) reflections on your use of the self-regulated learning cycle for your work in this class; (8) reflections on the use, applicability and effectiveness of any learning strategy you have used in this class or in any other class, and (9) outlines, flowcharts, and practice hypos you have created in preparing for the midterm and final in this class.

- Option 4: Making it Real. Adult learners benefit from seeing the real-world implications of what they are learning. Consequently, I want to reward those of you who stay current on the news, enjoy scouring the Internet, and find applications of the concepts you are learning in real-life news stories or in contracts you have seen or signed. I also greatly appreciate students who take the time to figure out the relevant rule of law in the state where

they intend to practice law. To meet this obligation, you need to bring the newspaper article, Internet posting, contract, statute or court opinion within one week of our study of the concept to which your submission relates and submit a one paragraph explanation of how your submission relates to the concept we are learning/ have learned.

- Option 5: A Combination of the Choices. Finally, to meet your professional development obligation, you may do a combination of the other four options. If you choose this option, you are responsible for determining whether the portion of each option you have done, when combined with the other options you have chosen, reflects the required quantity of work. (For example, you can meet the requirement by completing all the requirements for 3 of the 6 quizzes (50%), by doing 3 of the required 14 journal entries (~21%), and by making three of the required 10 substantial postings to the course webpage (30%).)
- **Pass-Fail Quizzes:** You will be taking two (or, at most, three) quizzes that test your knowledge and skill development. Both are pass-fail. The quizzes will consist of one of the following:
 - An essay question
 - A drafting assignment, or
 - A set of multiple choice questions.

A mastery level essay quiz will receive a grade of B or better. **Any student who scores below the mastery level on a quiz can have her grade raised to the mastery level by (1) correcting the errors in his/her work, and (2) writing a one page essay explaining why the student did not perform as well as expected and the specific steps the student will take to improve her/his performance in the future. Mistakes in complying with this requirement or late submissions will cause the student to receive a failing grade on the quiz.**

- **Midterm:** The midterm examination will be a closed book, one and one-half hour, one question essay examination.
- **Final:** The final examination will consist of three parts. The first part will be multiple choice questions. The second part will be include short essay questions and may also include short answer questions. The third part will consist of two or three essay questions. The format of the final exam is subject to change.
- **Adjustment for Extraordinary Class Participation:** I may adjust your final course grade for extraordinary class participation as follows: I will adjust two-tenths upward (e.g., from a 3.0 to a 3.2) the grades of students whose class participation is consistently superior. To achieve this “extraordinary” standard, students must volunteer to participate

during most class sessions (whether I call on them or not), must always be prepared for class and paying attention when I call on them, and must contribute ideas and analysis that reflect original and valuable insight.

- **Class Attendance:** I will pass around the attendance sheet at the beginning of each session. If you arrive late, leave during class time or depart early (without prior permission from me), I will mark you absent for that session. **IF YOU MISS MORE THAN FOUR CLASSES DURING THE SEMESTER, I WILL WITHDRAW YOU FROM THE CLASS.** The class meets Tuesdays and Thursdays from 8-9:15 am. I may need to reschedule one or two sessions. I also am planning to offer optional extra sessions to focus on exam preparation and success.
- **Assignments:** Assignments include materials found in all texts. *Because my teaching is student-centered and therefore adjusts based on how well the students are learning, it is likely the assignments will be modified over the course of the semester.*
- **Office Hours, Appointments and E-mail:** Students may use office hours to address their concerns and confusion regarding any of the course material or for other guidance. *I make my own appointments.* My office hours are: Mondays, Tuesdays and Wednesdays 1-2 and 3:15-4:15. I always arrive to class at least fifteen minutes before the scheduled start of class, and I do take questions at such times. I will respond promptly to questions posed by e-mail (*see my e-mail address* above).
- **Course Web Page:** The course will have its own webpage on TWEN platform. The password is—BOOM!; please use all capital letters and the exclamation mark as shown. The course webpage includes multiple discussion boards, downloadable outlines of every topic to help you organize your lecture notes, “think aloud” demonstrations of the legal analysis skills and other helpful information and links. When posting to the discussion boards on the course webpage, please pay attention to the forum to which you are posting.
- **First Week Program Journaling Requirement:** During the first week of class, you are required to keep a journal in which you will be responding to specific prompts. This requirement is designed to help you reflect on what you are learning and how you will use what you are learning in law school, in studying for the bar exam and when you are practicing law. In fact, in many countries, all law schools must teach their graduates the skill of reflecting on their work. This journal requirement is your introduction to this skill. Your journal entries also will assist the law school in meeting your educational needs. Each Journaling Assignment consists of a set of questions to which you are expected to respond. Each Journaling Assignment should be a total (for all questions combined) of no less than 300 words and no more than 1000 words.

You will be turning in all journaling assignments to your study group leader on Monday, August 23.

- **Disability Services:** Washburn University School of Law strives to assure equal access and full participation by persons with disabilities. If you require services because of a disability, you may notify Lynette Petty, Assistant Dean, in the Law Clinic, Room 160, or email her at lynette.petty@washburn.edu. This voluntary self-identification allows the University to prepare any necessary and appropriate support services to facilitate your learning.

Any requests for exam accommodations should be directed to Dean Petty and should be made at least four weeks prior to the exam to allow adequate time to document and process the request.

- **Select Mission of the University:** Washburn University shall prepare qualified individuals for careers, further study and lifelong learning through excellence in teaching and scholarly work. Washburn University shall make a special effort to help individuals reach their full academic potential. *Washburn University Board of Regents, 1999*
- **Academic Misconduct Policy:** All students are expected to conduct themselves appropriately and ethically in their academic work. Inappropriate and unethical behavior includes (but is not limited to) giving or receiving unauthorized aid on examinations or in the preparation of papers or other assignments, or knowingly misrepresenting the source of academic work. Washburn University's Academic Impropriety Policy describes academically unethical behavior in greater detail and explains the actions that may be taken when such behavior occurs. For guidelines regarding protection of copyright, consult www.washburn.edu/copyright/students. For a complete copy of the Academic Impropriety Policy, contact the office of the Vice President for Academic Affairs, Morgan 262, or go online to: www.washburn.edu/admin/fac-handbook/FHSEC7.htm#VIII.
- **Official E-Mail Address:** Your Washburn University e-mail address will be the official address used by the University for relaying important messages regarding academic and financial information. It may also be used by your instructors to provide specific course information. E-mail messages sent to your Washburn University e-mail address will be considered your official notification for important information. If you prefer to use an alternate e-mail address to receive official University notices, you can access your MyWashburn e-mail account, choose the "Options" tab, and select "Settings", scroll to the bottom of the screen and enter the e-mail address you would like your Washburn emails forwarded to in the "mail forwarding" area. Click on save changes. This will complete the process of forwarding your Washburn e-mail.