



CLASS POLICIES AND ASSIGNMENTS FOR SCHWARTZ CONTRACTS II CLASS

SEMESTER: Spring 2010

TEXTS

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

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)

TEXTS

RECOMMENDED: Marvin A. Chirba, *CONCEPTS AND CASE ANALYSIS IN THE LAW OF CONTRACTS* (Foundation Press, most recent edition)

John D. Calamari & Joseph M. Perillo, *CONTRACTS* (West Publishing Co., most recent edition)

PROFESSOR: Michael Hunter Schwartz (Phone number: (785) 670-1666, e-mail: michael.schwartz@washburn.edu)

- **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 Remedies is the single most exciting course in law school!

- **Course Objectives:**

- I. Affective Goals.

- 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. 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. Continue to 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 Goals. Students will:

- A. Given a contract between two or more parties and facts relating to a dispute,
 1. Be able to identify the contract law issues raised by the contract and 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 Goals. Students will know, with a high degree of accuracy, the rules that govern:

- A. The remedies for breach of contract
 - B. The parol evidence rules
 - C. Contract interpretation
 - D. The creation, effect and occurrence of express conditions
 - E. The creation, effect and occurrence of constructive conditions
 - F. The excuse and discharge of conditions
 - G. Contract performance law under Article II of the UCC
 - H. If time permits:
 1. Third party beneficiaries
 2. Assignment and delegation

- **Teaching and Learning Methods:** To be decided on the first day of class

- **Course Grading:** To be decided on first day of class. Below is a proposal.
 - **Take-Home Midterm 1—10% of Course Grade:** Because the vote was close, I have decided to make this exam partly a short essay and partly 15 or so multiple choice questions. The exam will occur after we finish the remedies materials (damages, reliance, restitution and specific performance)
 - **Take-Home Midterm 2—25% of Course Grade:** You will be given a contract and a hypothetical client and asked to explain the terms of the contract to your client in a client letter.
 - **Contract Drafting Exercises—5% of Course Grade:** Throughout the semester, I will ask you to draft 5 contract terms (each worth 1% of your course grade). If you turn in your work on time and your work reflects a good faith effort and is solely your own work, you will get full credit. For your benefit, however, I will give you evaluative feedback on your work.
 - **Final Exam—60% of Course Grade:** You will have 5-6 hours to complete your exam. The exam will include essay, short essay and multiple choice questions. It may also include short answer questions. You *will* be allowed (and encouraged but not required) to type your exams and should *not* use exam soft.

- **Assignments: Attached are the assignments for the first four weeks of class.** Assignments include materials found in the casebook, the UCC/ Restatement supplement, and the Expert Learning books. *Because my teaching is student-centered and therefore adjusts based on how well the students are learning, I have only provided the assignments for the first four weeks of class, and it is likely the schedule of assignments will be modified over the course of the semester.*

- **Office Hours, Appointments and E-mail:** My office hours are: Tuesdays and Thursdays, 1-5 pm. I also make appointments to accommodate students in need of my attention. I always arrive to class several minutes before the scheduled start of class, and I do take questions at such times. I will respond very promptly to any question posed by e-mail (*see my e-mail address above*).

- **Course Web Page:** The course will have use the same TWEN webpage we used last semester.

- **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 life long 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.

Assignments and Activities (Jan. 12-February 4)

Week, Day	Subjects	Student Class Preparation Activities	Classroom Learning Activities
Day 1: Tues., Jan. 12	Course Design Contract Meaning <ul style="list-style-type: none"> • Introduction to contract reading 	<ul style="list-style-type: none"> • Be prepared to discuss the following: <ul style="list-style-type: none"> ○ Number and weight of exams ○ Number and weight of quizzes ○ Preferred teaching methods ○ Peer and prof. expectations • Read pages 411-418 of <i>CONTRACTS: A CONTEXT AND PRACTICE CASEBOOK</i> and answer the questions therein 	<ul style="list-style-type: none"> • Design course • Discuss sample contract and assigned problems
Day 2: Thurs., Jan. 14	Contract Meaning <ul style="list-style-type: none"> • Liquidated (Agreed) Damages Clauses 	<ul style="list-style-type: none"> • Read the Chapter Problem, page 359 of <i>CONTRACTS: A CONTEXT AND PRACTICE CASEBOOK</i> • Read pages 359-366 and 369-371 of <i>CONTRACTS: A CONTEXT AND PRACTICE CASEBOOK</i> and answer the questions therein (case is <i>Leeber</i>) (skip <i>Hayes</i> case and related exercises) • Pass-Fail Assignment: Draft liquidated damages clause in the Chapter Problem (answer must be typed and printed) 	<ul style="list-style-type: none"> • Discuss assigned case and problems • Correct the assigned liquidated damages clause and then hand it in
Days 3-5: Tues., Jan 19 Thurs., Jan. 21 Tues., Jan 26	Contract Meaning <ul style="list-style-type: none"> • Parol Evidence Rule 	<ul style="list-style-type: none"> • Read the Chapter Problem on page 419 of <i>CONTRACTS: A CONTEXT AND PRACTICE CASEBOOK</i> (Day 3) • Study Rest. 2d Contracts, §§209-211, 213-215 • Read pages 420-457 of <i>CONTRACTS: A CONTEXT AND PRACTICE CASEBOOK</i> and answer the questions therein (cases are <i>Mitchill</i>, <i>Masterson</i>, <i>Lee</i>, <i>Luria</i>, <i>Morris</i>, <i>Bethlehem Steel</i>, and <i>Pacific Gas & Electric</i>) (Note: Day 3: 420-442; Day 4: 442-451; Day 5: 451-457) • Prepare for oral arguments for the Chapter Problem (Day 5) 	<ul style="list-style-type: none"> • Discuss assigned cases and restatement sections • Discuss analysis of hypos and answers to questions • Oral arguments (Day 5)

<p>Days 6-8: Thurs., Jan. 28 Tues., Feb. 2 Thurs., Feb. 4</p>	<p>Contract Meaning</p> <ul style="list-style-type: none"> • Interpretation <ul style="list-style-type: none"> ○ Finding ambiguity ○ Resolving ambiguity 	<ul style="list-style-type: none"> • Read the Chapter Problem on pages 459-462 of CONTRACTS: A CONTEXT AND PRACTICE CASEBOOK • Study Rest. 2d Contracts, §§ 201, 204-207 • Read pages 463-488 of CONTRACTS: A CONTEXT AND PRACTICE CASEBOOK and answer the questions therein (cases are <i>Frigaliment, Landon, Raffles, and Haines</i>) (Note: Day 6: 463-470; Day 7: 470-483; Day 8: 484-488) • Chapter Problem: Prepare for a meeting with the president of Omhaha; you will have five minutes to present your evaluation and recommendation (Day 8) 	<ul style="list-style-type: none"> • Discuss assigned cases and restatement sections • Discuss analysis of hypos and answers to questions • Meetings with president (you will be assigned to be either the lawyer or the president)
---	---	---	--