

Contracts I

Section 8
Fall Semester 2002
Mark Sidel

Course information, coverage, assignments, office hours and other information

Instructor

Mark Sidel

Office: 475 BLB
Office hours: Tuesday, 2:15 – 3:15 pm
Wednesday 3:15 – 4:15 pm
Thursday 3:15 – 4:15 pm
(Subject to change; please check bulletin board outside 475 BLB)

Telephone: 384-4640
Email: mark-sidel@uiowa.edu

Meeting times and place

Class meetings: Monday and Tuesday, 12:40 – 2:10 pm, in BLB room 275
No class on: Monday, September 2 (holiday)
Library orientation: Wednesday, August 28 (12:40 pm, room 275)
Tuesday, September 3 (during regular class time, room 275)

Course materials

Steven J. Burton, *Principles of Contract Law* (2nd ed.) (West Publishing Co. 2001)
(We will cover chapters 1-4)

Burton and Eisenberg (eds.), *Contract Law: Selected Source Materials* (2002 ed.) (West Publishing Co. 2002)

Helene S. Shapo, Marilyn R. Walter, Elizabeth Fajans, *Writing and Analysis in the Law* (4th ed., Foundation Press, 1999) (recommended)

Class assignments

All assignments indicated below are in the Burton casebook. You are also responsible for reading and studying the relevant Restatement, UCC and other sections in the Burton/Eisenberg supplement.

Please bring the Burton casebook and the supplement to each class, as well as this syllabus (since there may well be some changes to the assignments to note). If we move ahead or fall behind, or if class changes are required, we will modify this schedule.

Attendance, class participation, and other matters

Students are expected to attend class regularly, and any significant absences may entail grade reductions. Please also make an effort to arrive in class punctually to avoid disrupting other students. We will begin class promptly at 12:40 pm.

Students are expected to be well prepared in class. In some cases I may increase a student's grade on account of the outstanding quality (not merely quantity) of class participation.

Important note on the schedule

I will be away at several times during the semester for talks at other law schools, conferences or for research. Where this affects office hours I will substitute make-up office hours and post those on my bulletin board outside room 475.

Writing assignments

There are five writing assignments in this course – a legal method exercise in two parts (case briefing assignment and case holdings and synthesis assignment); two written memos; a client letter that will be a rewrite of the second written memo; and an in-class practice exam. The writing assignments and deadlines are outlined in the attached handout.

Consultation with Writing Center

Our excellent Legal Writing Center is available throughout the semester for you to consult on your writing, and you are strongly urged to use this opportunity. You will find it very useful to turn in drafts to the Writing Center, then meet with Center staff to discuss your draft. In order to do this, you'll need to turn in your draft early to the Writing Center to give the staff time to read your work and meet with you. Any suggestions the Writing Center makes are just that – suggestions – which you are free to use or not use as you see fit.

Conferences

I will hold a conference of about twenty minutes with each of you during the week of September 23 to discuss the first memo.

Final exam

The final exam will be held on Friday, December 20 and may include short answer, essay, and/or multiple choice questions. More information on the exam and the policy on use of materials during the exam will be available toward the end of the course.

Evaluation

You will receive a total of four academic credits for your work in this course. The writing assignments count for 45% of the final grade, and the final examination for the other 55%. The writing assignments will be weighted as follows:

First assignment (legal methods exercise):	Pass/fail
Second assignment (first memorandum):	15% of final grade
Third assignment (second memorandum):	15% of final grade
Fourth assignment (client letter):	15% of final grade
Fifth assignment (practice exam):	Pass/fail

The first and second memos and the client letter will be evaluated anonymously; the grades earned will be used in calculating the course grade. If the average of your grade on the second memo and client letter is higher than the first memo, then your grade on the first memo will be disregarded and your grade on the second memo and client letter will account for the full 45% of your final grade. The grades on your written work will take account of spelling, punctuation, and grammar as well as legal analysis.

The successful completion of the legal methods exercise and the practice exam is a faculty mandated requirement for course credit, although no numerical grade will be given for those assignments.

A student's grade may be affected by his or her class participation and attendance, as indicated below.

The two written memos and the client letter will be evaluated anonymously. When you submit your papers to my assistant, Ms. Amanda Bibb, in BLB room 486, you will be assigned a number to identify your paper.

Schedule, weekly reading assignments, and written assignments

Book and chapter references are to the Burton casebook.

Chapter 1: Promises, agreements, and the requirement of a writing

Week of August 26: Casebook 1-18 (in Hawkins, 3-7, focus on the promise issue and not the damages issue, which we will return to later)

[Class only August 27, no class August 26]

Briefing assignment due Wednesday, August 28, 3:00 pm

Case holdings and synthesis assignment due Wednesday, September 4, 3:00 pm

Week of September 2: [No class September 2, Library orientation September 3]

Week of September 9: Casebook 18-33

Leonard v. Pepsico, Inc., 88 F. Supp. 2d 116 (S.D.N.Y. 1999); aff'd, 210 F.3d 88 (2d Cir. N.Y. 2000) (in supplementary materials)

Week of September 16: Casebook 34-66

First memo due Friday, September 20, 3:00 pm

Week of September 23: Casebook 66-107
[skipping 107-116]

Conferences on first memos

Week of September 30: Casebook 117-137

Chapter 2: Bargained-for exchange, reliance, and unjust enrichment

Week of October 7: Casebook 138-161

Second memo due Friday, October 11, 3:00 pm

Week of October 14: Casebook 154-183

Week of October 21: Casebook 183-205

Chapter 3: Freedom of contract, mistakes, unequal bargaining power, meaningful choice and one-sided terms

Week of October 28: Casebook 206-216, 227-251

Client letter due Friday, November 1, 3:00 pm

Week of November 4: Casebook 251-280

Week of November 11: Casebook 280-285, 286-297, 3-7 (Hawkins damages issues)

Chapter 4: Compensation vs. punishment, expectation damages (specific performance, general damages, limitations on damages), reliance damages, restitution

Week of November 11: Casebook 286-297, 3-7 (Hawkins damages issues)

Week of November 18: Casebook 297-311, 322-337

Week of November 25: Casebook 337-356

Week of December 2: Casebook 356-372

Chodos v. West Publishing Co., 292 F.3d 992 (9th Cir. Cal. 2002)

Overview of the four assignments and deadlines

Five written assignments are required in the small section program. Detailed instructions will be given to you when each of the assignments is distributed. The following should give you a general idea of the written assignments.

1. The first assignment is a *legal methods exercise* consisting of two parts: (1) a case briefing assignment, and (2) the formulation of several case holdings, and a synthesis of a series of cases.

The *case briefing assignment* will be handed out on Tuesday, August 27 and must be returned to Amanda Bibb in BLB room 486 on Wednesday, August 28 by 3:00 pm. You may put your name on this.

The *case holdings and synthesis assignment* will be handed out on Tuesday, August 27 and must be returned to Ms. Bibb in BLB room 486 by 3:00 pm on Wednesday, September 4 by 3:00 pm. You may put your name on this.

2. The second assignment involves drafting a *memorandum on a factual problem requiring close analysis of cases*. You can only use the cases I indicate in writing the memo; no library research is contemplated. Citation of materials other than those provided is not allowed. You are urged to bring a draft of the memo to the Legal Writing Center and to consult with the staff there.

This memo assignment will be handed out on Tuesday, August 27 and must be returned to Ms. Bibb in BLB room 486 by 3:00 noon on Friday, September 20.

3. The third assignment consists of drafting a *memorandum on a factual problem requiring close analysis of a document or statute* (3-5 pages). The materials to be used in writing the memo will be provided; no library research is contemplated. Citation of materials other than those provided is not allowed. You are urged to bring a draft of the memo to the Legal Writing Center and to consult with the staff there.

This memo assignment will be handed out on Monday, September 23 and must be returned to Ms. Bibb in BLB room 486 by 12:00 noon on Friday, October 11.

4. The fourth assignment involves rewriting the third assignment (the memo on the factual problem). Rather than rewriting the memo in memo format, you will convert it into a *client letter* to your client as a way of beginning to do some of this kind of writing as well.

The client letter assignment will be handed out on Monday, October 14 and must be returned to Ms. Bibb in BLB room 486 by 3:00 pm on Friday, November 1.

5. The fifth assignment is an *in-class practice exam*, intended to help you prepare for the final exam. Arrangements for this will be announced later.

The page-length limits, other instructions and the deadlines for turning in the legal writing assignments are firm instructions and deadlines. Points will be deducted from assignments that exceed the page-length limits, do not follow other assignment instructions, or are turned in late.

Small section dinner

The small section dinner will be at our house on Friday, October 18 at 6:00 pm. Partners, spouses and children are warmly invited. We'll host and provide dinner, so no need to bring anything.

Directions are as follows:

Mark Sidel
1423 Aburdeen Court
Iowa City, Iowa 52246

From the law school, go west (left) on Melrose through four traffic lights, going past UIHC, the tennis courts, and through University Heights. When you get to the fifth light, which is the corner of Melrose and Benton, make a left on Benton and go straight about seven blocks to Benton and Aber. Make a right on Aber and go two blocks to Aburdeen. Make a right on Aburdeen and we're the fifth house on the left, toward the top of the street. Park anywhere near the house. Call 594-6720 if you get lost and need more directions.