

## **Contracts I**

Section 5  
Fall Semester 2003  
Mark Sidel

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

#### **Instructor**

Mark Sidel

Office: 475 BLB  
Office hours: Tuesday, 2:30 – 3:30 pm  
Wednesday, 10:00 – 11:30 am; 2:30 – 3:30 pm  
Any changes will be posted on the bulletin board outside my office  
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); October 6-7 (Sidel away)  
Makeup classes: To be announced in class  
Library orientation: Wednesday, August 27, 10:20 – 11:15 am, room 115  
Tuesday, September 2, 10:20 – 11:15 am, room 225

#### **Course materials**

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

Burton and Eisenberg (eds.), *Contract Law: Selected Source Materials* (2003 ed.) (West Publishing Co. 2002)

Helene S. Shapo, Marilyn R. Walter, Elizabeth Fajans, *Writing and Analysis in the Law*  
(revised 4<sup>th</sup> ed., Foundation Press, 2003) (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, laptop use and other matters**

Students are expected to attend class regularly. 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.

Laptops may be used in class, but they may only be used to take notes for class or to refer to case briefs or other notes that you have written. Laptops may not be used for any other purposes. Violations of this rule will be dealt with through the law school's disciplinary procedures.

### **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 29 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. I'll provide more information on the exam and the policy on use of materials during the exam in November.

## **Evaluation**

You will receive a total of four academic credits for your work in this course. The writing assignments count for 35% of the final grade, and the final examination for the other 70%. The writing assignments will be weighted as follows:

First assignment (case briefing assignment):	Pass/fail
Second assignment (holdings and synthesis):	Pass/fail
Third assignment (first memorandum):	10% of final grade
Fourth assignment (second memorandum):	15% of final grade
Fifth assignment (client letter):	10% of final grade
Sixth 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 35% 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. This schedule may be adjusted depending on our pace of discussion in class.

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

- Week of August 25: 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 26, no class August 25]
- The first library orientation (required) will be held on Wednesday, August 27, 10:20 – 11:15 am, room 115*
- Briefing assignment due Wednesday, August 27, 3:00 pm, room 486*
- Week of September 1: Casebook 18-33
- [Class only September 2, no class September 1]
- The second library orientation (required) will be held on Tuesday, September 2, 10:20 – 11:15 am, room 225*
- Case holdings and synthesis assignment due Wednesday, September 3, 3:00 pm, room 486*
- Week of September 8: 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) (to be distributed separately)
- Casebook 34-48
- Week of September 15: Casebook 48-66, 66-89
- Week of September 22: Casebook 89-107, 117-137  
[skipping 107-116]
- First memo due Friday, September 26, 3:00 pm, room 486*

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

Week of September 29: Casebook 138-161

*Conferences on first memos*

Week of October 6: [No class October 6 and 7]  
[Makeups to be announced]

Week of October 13: Casebook 161-189

*Second memo due Friday, October 17, 3:00 pm, room 486*

Week of October 20: Casebook 189-205

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

Week of October 27: Casebook 206-216, 227-251

Week of November 3: Casebook 251-285

*Client letter due Friday, November 7, 3:00 pm, room 486*

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

Week of November 10: Casebook 286-305, 3-7 (Hawkins damages issues)

Week of November 17: Casebook 305-311, 322-337, 337-345

Week of November 24: Casebook 345-372

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

Week of December 1: Additional materials to be distributed separately

## **Overview of the six written assignments and deadlines**

Six 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. Case briefing assignment

The first assignment is the first part of a *legal methods exercise*, and consists of a *case briefing assignment*.

The *case briefing assignment* will be handed out on Tuesday, August 26 and must be returned to Amanda Bibb in BLB room 486 on Wednesday, August 27 by 3:00 pm. You may put your name on this.

### 2. Case holdings and synthesis assignment

The second assignment is the second part of the *legal methods exercise*, consisting of the formulation of several *case holdings, and a synthesis of a series of cases*.

The *case holdings and synthesis assignment* will be handed out on Tuesday, August 26 and must be returned to Ms. Bibb in BLB room 486 by 3:00 pm on Wednesday, September 3 by 3:00 pm. You may put your name on this.

### 3. Case memorandum

The third 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 allowed. 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 26 and must be returned to Ms. Bibb in BLB room 486 by 3:00 noon on Friday, September 26.

### 4. Statutory/documentary memorandum

The fourth assignment consists of drafting a *memorandum on a factual problem requiring close analysis of a document or statute*. The materials to be used in writing the memo will be provided; no library research is allowed. 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 17.

5. Client letter

The fifth assignment involves rewriting the fourth assignment (the statutory/documentary memo). 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 Friday, October 17 and must be returned to Ms. Bibb in BLB room 486 by 3:00 pm on Friday, November 7.

6. Practice exam

The sixth 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, September 5 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, going past UIHC, the tennis courts, across the small bridge into University Heights, and continuing up Melrose into University Heights. When you get to the top of the hill, which is the corner of Melrose and Sunset, make a left on Sunset and go straight about seven blocks to Sunset 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.