

Contracts and Sales I

Fall Semester 2004

Mark Sidel

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

Instructor

Mark Sidel

Office: 475 BLB
Office hours: Monday and Tuesday, 1:00 – 2:00 pm
Wednesday and Thursday, 3:30 – 4:30 pm
Friday, 2:00 – 3:00 pm
Any changes will be posted on the bulletin board outside my office
On several Fridays office hours will need to be rescheduled
because I will be out of town
Email: mark-sidel@uiowa.edu
Telephone: 384-4640

Meeting times and place

Class meetings: Monday and Tuesday, 9:20 – 10:50 am, in BLB room 125
No class on: Monday, September 6 (holiday)
Makeup classes: To be announced in class
Library orientation: Tuesday, August 31 in class
Tuesday, September 14 in class

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* (2004 ed.) (West Publishing Co. 2004)

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. I may well add several other cases from other sources, and if I do I will hand those out in class.

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. We will begin class promptly at 9:20 am. Please arrive in class punctually to avoid disrupting other students.

Students are expected to be well prepared in class. I reserve the option of increasing students' 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.

Writing assignments

There are six writing assignments in this course – a legal method exercise in two parts (case briefing assignment (due August 26) and case holdings and synthesis assignment (due August 31)); two written memos (the first due September 24, the second due October 15); a client letter that will be a rewrite of the second written memo; and an in-class practice exam (dates to be announced). 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 I strongly urge you to use this resource. 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

Please come by to see me in office hours during the first or second week of class so that I can meet each of you individually.

I will hold a conference of about twenty minutes with each of you during the week of September 27 to discuss the first memo.

Final exam

The final exam will be held on Friday, December 17 (1:00 pm) 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.

Previous years' memo assignments, practice exams, final exams

These are posted at myweb.uiowa.edu/sidel, along with a few links to interesting (or uninteresting) materials about some of the cases we read.

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 65%. The writing assignments will be weighted as follows:

First assignment (case briefing assignment):	Pass/fail	Use name
Second assignment (holdings and synthesis):	Pass/fail	Use name
Third assignment (first memorandum):	10% of final grade	Anonymous
Fourth assignment (second memorandum):	15% of final grade	Anonymous
Fifth assignment (client letter):	10% of final grade	Anonymous
Sixth assignment (practice exam):	Pass/fail	Anonymous

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

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

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 24: Casebook 1-18 (in Hawkins, 3-7, focus on the promise issue and not the damages issue, which we will return to later)
- [Class August 24; no class August 23]
- Briefing assignment due Thursday, August 26, 3:00 pm, room 486*
- Week of August 30: Casebook 18-33
- [Class August 30; library orientation August 31]
- The first library orientation (required) will be held on Tuesday, August 31 during class in room 125*
- Case holdings and synthesis assignment due Tuesday, August 31, 3:00 pm, room 486*
- Week of September 6: 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 33-44
- [No class September 6, regular class September 7]
- Week of September 13: Casebook 44-5966, 66-89
- [Class September 13, library orientation September 14]
- The second library orientation (required) will be held on Tuesday, September 14 during class*
- Week of September 20: Casebook 59-66, 66-89
- First memo due Friday, September 24, 3:00 pm, room 486*

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

Week of September 27: Casebook 89-107, 117-137 [skipping 107-116]
Conferences on first memos

Week of October 4: Casebook 138-161

Week of October 11: Casebook 161-189

Second memo due Friday, October 15, 3:00 pm, room 486

Week of October 18: Casebook 189-205

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

Week of October 25: Casebook 206-216, 227-251

Week of November 1: Casebook 251-285

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

Week of November 8: Casebook 286-305, 3-7 (Hawkins damages issues)

Week of November 15: Casebook 305-311, 322-337, 337-345

Client letter due Friday, November 19, 3:00 pm, room 486

Week of November 22: Casebook 345-372

Week of November 29: Contract drafting exercise to be distributed separately

Other 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. You are urged to discuss all of these with your colleagues, though you must do your own writing.

1. Case briefing assignment

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

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*.

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.

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.

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.

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

We'll have a small section dinner will be at our house on Friday, October 15 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 356-6565 or 321-7913 if you get lost and need more directions.