

Contracts II, Spring 2008

Professor Ross E. Davies
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Classes:

Tuesdays and Thursdays, 10:00-11:15 a.m., in Room 121

Office hours:

Thursdays, 11:30-1:00 p.m., in Room 121

Required texts:

Ross E. Davies, *Contract Law: The Basic Course, Part Two* (2007) (“Casebook”) (free pdf – from the instructor)

James E. Byrne, ed., *Restatement 2d Contracts and UCC Article 2* (3d ed. 2007) (“Supplement”) (buy)

Not required but strongly recommended: Bryan A. Garner, ed., *Black’s Law Dictionary* (8th ed. 2004) (buy)

Reading assignments:

Assignments are subject to change based on the pace of the course and the whim of the instructor.

Jan. 8: 565	Jan. 29: 731-777	Feb. 19: 843-866	Mar. 18: 953-990	Apr. 15: 1094-1154
Jan. 10: 566-613	Jan. 31: 731-777	Feb. 21: 866-882	Mar. 20: 990-1014	Apr. 17: cushion
Jan. 15: 613-644	Feb. 5: 777-790	Feb. 26: 882-897	Apr. 1: 1015-1033	Q&A
Jan. 17: 644-689	Feb. 7: 790-842	Feb. 28: 897-919	Apr. 3: 1033-1054	TBA
Jan. 22: 689-704	Feb. 12: 790-842	Mar. 4: 919-942	Apr. 8: 1054-1074	EXAM
Jan. 24: 704-730	Feb. 14: 790-842	Mar. 6: 942-952	Apr. 10: 1074-1094	Apr. 28, noon

All page numbers above refer to the Casebook. Read all the provisions of the *Restatement 2d of Contracts* (“Restatement” or “Rest. 2d”) and the *Uniform Commercial Code* (“UCC”) – including all of the associated commentary and illustrations – listed at the beginning of each chapter as part of the first assignment from that chapter. Please see the course description for the fall term for more commentary on the reading, and on class participation.

Grading:

Your grade in this course will be based on a final exam and participation. The exam will be a 3-hour, open-book/open-notes sit-down event featuring a mix of short-essay, short-answer, and (perhaps) multiple-choice questions. Please recall that because each class will be mostly a question-and-answer session (with me asking most of the questions), it will be hard to understand what is going on unless you have done the reading, and followed it with some serious thinking before class. In other words, the key to doing well in (and enjoying) Contracts is showing up ready for class and ready to participate constructively or follow along intelligently. Your grade in the course may be adjusted up or down one half-step from your exam grade (for example, from B to B- or from B to B+) based on participation.

New Business:

Here are four things for you to think about:

1. The assignment for Tuesday is material you probably read last fall. We are revisiting it because (a) these cases are relevant to formation (which you might remember as our main interest in the fall) but also a good point of entry for identification, interpretation, and enforcement (which we will be paying special attention to in the spring term; (b) the facts of these cases are pretty flexible tools for studying many of the things we will be covering this term, and so you would be well-served by a ready familiarity with them; and (c) it’s a good way to ease back into the joys of the study of contract law.
2. While you are contemplating the return to homework, you might note that some of the assignments appear short or repetitive. The short ones are a byproduct of our re-use of some of the cases we studied in the fall term. The repetitive ones reflect the fact that some of the material we will be studying is best chewed very thoroughly – the parol evidence rule, interpretation, conditions, and the like. And so that is what we will do.
3. For the spring exam you will have a choice: you may take the exam on your own, or you may collaborate with as many as four of your classmates. I will cover the details during the first class session on Jan. 8.
4. Finally, you might also note that we will meet only four times in March. That’s because we all have spring break, and I will also be out of town for a week in March. And so we will be voting in class on Monday, January 8th, one whether to make up the two lost March classes by (a) extending our January classes and the first two February classes to 11:30 a.m. or (b) converting the January 24 and February 21 Thursday office hours into regular 75-minute class periods. The majority will choose.

Welcome back – I’m looking forward to another term with you.