

# CONTRACTS I

Professor Michelle Boardman  
Fall 2021 Law 102 005  
Monday 6:05-8:05 p.m.

Required texts: A **physical copy** of the correct edition of each book is mandatory. Bring both books to class.

**Casebook:** *Contract Law and Theory*, Robert Scott & Jody Kraus (5th ed.)

**Supplement:** *Contract Law and Theory: Selected Provisions* (5th ed.)

## Assignments

Your primary reading will be from the casebook. If the casebook reading refers to a Code or Restatement section that is in the *Selected Provisions* supplement, read and ponder that section. You will find that reading a section several times is necessary but not always sufficient.

August 23:	1-30, then watch <a href="https://www.youtube.com/watch?v=ZdackF2H7Qc">https://www.youtube.com/watch?v=ZdackF2H7Qc</a> and then <a href="https://www.youtube.com/watch?v=Z4TQmazYyCU">https://www.youtube.com/watch?v=Z4TQmazYyCU</a>
August 30:	42-52, 103-115
September 6:	Labor Day
September 13:	66-94
September 20:	131-150
September 27:	152-155, 162-186
October 4:	203-220, 225 n.3 to 235 (not <i>Pavel</i> ), and Offer & Acceptance analysis homework
October 11:	Fall Break: Monday classes meet on Tuesday.
October 12:	Monday schedule: 246-278
October 18:	281-299, 30-42, 302 notes-306 (not <i>Wagner</i> )
October 25:	316-341
November 1:	341-362
November 8:	380-389, 401-420
November 15:	420-437, 448-458, 460-463
November 22:	438-447, 52-61, 504-11
Thanksgiving Break	
Final Exam:	currently scheduled for December 1, 6:00 p.m.

## Discussion outside of class

You can meet with me during announced office hours or by appointment, in person or in my Zoom room. Most questions can be answered by reviewing the assigned reading, reviewing your notes, or talking with your classmates; think of this as practice for real lawyering. If you pose a question to me, you must also make a good faith attempt at an answer. You may email questions, and answers, to [mboardma@gmu.edu](mailto:mboardma@gmu.edu). A link to office hours will be available on TWEN. I understand that office hours held during ordinary business hours may not be practical for you. I will make myself available as needed.

TWEN password: promise

## Grading

The final exam will be open book, open note, and will include a series of essay and shorter answer questions, potentially including multiple choice. I reserve the right to increase your grade one step (B+ to A-, for example) based on quality class participation. I reserve the right to decrease your grade one step for lack of reading preparation. There may be a mid-term exam or other graded work at mid-semester.

### Learning Outcomes

This course is about contract law. Among other skills, at the end of Contracts I, students will understand and be able to apply:

- Consideration, including doctrines of contract enforcement and unenforceable promises.
- Offer and acceptance, and contract formation in general, under both the common law and the U.C.C. Art.2 Sale of Goods.

This course is also about how to read and apply cases in a common law system. At the end of Contracts I, students will have an understanding of:

- How and when to apply the common law, the Second Restatement of Contracts, and the U.C.C.
- How to read and analyze a legal opinion in the context of other sources of law.
- How to use analogical reasoning to predict, or advocate for, a legal outcome in a novel factual circumstance.

### Law in the Time of Covid<sup>1</sup>

I will assume that you will continue to remain informed about University and Law School safety policy as the semester continues. If you need to alter your class attendance for illness of any kind, reach out to the Assistant Dean for Academic Affairs. You are not required to share your health information with me directly. I am not permitted to share any student's health information with anyone else. The Virginia Department of Health will be in charge of contact tracing, if necessary, and the Department will determine if anonymous information about a student's health needs to be shared.

Some students will be taking the course remotely. There may be times when we are all remote. Students online should attempt to replicate in-class behavior as nearly as possible. This means that your computer camera must remain on at all times; if you would not get out of your seat for a given reason in person to "leave the room," do not do so from home. However, because one never knows when one might need to jump out of one's chair after a hot coffee spill, might I suggest always wearing actual clothing below the waist. As I was unable last semester to completely bar the humans I live with from occasionally wandering into the room, I do understand that any student attending online may have the occasional interruption. Quiet pets welcome. We will as a group usually take a short break in the middle of class.

This class is taught by Socratic method, which means I ask questions and, at times, answer yours. All students will be called upon at random, in addition to being able to volunteer.

Class recording by students is prohibited. Under Academic Regulation 4-2.2, no portion of a class session or an examination may be preserved by means of a recording device such as an audio recording device or camera. Any exceptions to this policy must be expressly permitted in writing by me. I will, if possible, be recording most course sessions and making these available to students upon express direction from the Assistant Dean for Student Academic Affairs, in order to accommodate a student for certain absences, including illness.

Finally, I strongly recommend that you buy a home printer. I also strongly recommend that all students take notes by hand. I double-dog-dare-you recommend that any student who is experiencing the class through their computer take notes by hand. We will discuss these recommendations in class.

---

<sup>1</sup> With apologies to Gabriel Garcia Marquez.