

CONTRACTS I

Professor Michelle Boardman

Fall 2024 Law 102 002

Wednesday 1:50 – 3:50 p.m.

Required texts: A **physical copy** of the correct edition of each book is mandatory. You must have both books available to you during class.

Casebook: *Contract Law and Theory*, Robert Scott & Jody Kraus (6th 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 rarely sufficient.

- August 21: 3-34, then watch <https://www.youtube.com/watch?v=ZdackF2H7Qc> and then <https://www.youtube.com/watch?v=Z4TQmazYyCU>
- August 28: 50-61, 116-129
- September 4: Attend Monday classes
- September 11: 76-106, with less focus on *Taylor*
- September 18: 147-160, which includes a review of earlier cases read
- September 25: 183-203. Read the introductory essay (170-74) either after reading the cases, or read it both before and after. It may be more confusing than useful if only read before.
Read the two additional essays if you wish. 181-82 and 204-06. (Material Benefit Rule, 214-221. This is for your information in life and will not be on the exam.)
Note: This is a longer reading in total, should you choose to do all of it.
- October 2: 225-243. Skip the *Ciaramella* case, although I will explain the main point of it. Read 251 n.5-256. We will examine the Mailbox Rule in class.
- October 9: 271-306. Complex topic. Give yourself time to read, think, and re-read.
- October 16: 347-374, 384-386 n.3
- October 23: 416-425, 439-455, 460 n.8
- October 30: 461-479, 491-502
- November 6: 309-330, 34-44
- November 13: 548-563, which includes two cases at 61-73
- November 20: 563-584
- November 22-26: Thanksgiving Break
- November 27-28: Reading Period
- Tuesday, December 3: Final Exam, 12:00 p.m.

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, you will be able to volunteer, to respectfully question one another, and to express agreement, disagreement, or puzzlement.

Discussion outside of class

You can meet with me during announced office hours or by appointment, in person or in my Zoom room. Current office hours are Tuesday, 10:00 a.m. - noon. 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. A link to my Zoom room will be sent by email.

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.

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.

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 may, if it is possible, record course sessions and make these available to individual students upon a request that I grant, or upon express direction from the Assistant Dean for Student Academic Affairs, in order to accommodate a student for certain absences, including illness.