

Syllabus for Contracts Fall 2018

Professor Peter Molk, pmolk@law.ufl.edu

Class: Monday/Tuesday/Wednesday, 9:00-10:10

Office hours: Monday 10:15-11:30, or by appointment

COURSE OBJECTIVES AND LEARNING OUTCOMES:

This course will introduce you to fundamental principles of contract law. By the end of the course, you should be able to:

- Describe the common law and statutory foundations of contract law;
- Demonstrate an understanding of the contract law principles that govern the process of resolving contract law disputes;
- Explain the drafting choices that parties make when designing contracts;
- Explain how policy goals have contributed to the development of contract law and related doctrines; and
- Apply strategic and practical considerations throughout the entire process of filing and litigating a contract law dispute.

COURSE MATERIALS:

Our casebook is Knapp, Crystal, & Prince, *Problems in Contract Law: Cases and Materials* (8th ed. 2016). You do not need to purchase a statutory supplement, as those materials are freely available online.

EXPECTATIONS:

Class will start on time and end on time. I expect you to attend every class and to arrive on time. Regular class attendance is required as a condition of receiving course credit. If you miss more than **eight** classes, you will receive a failing grade for the course. Observance of religious holidays does not count toward your absences. Please notify me in advance of such religious absences by email. If you are going to miss class for another reason, you do not need to notify me.

ASSIGNMENTS:

The reading list is attached at the end of the syllabus. It is subject to change from time to time. The particular readings for each corresponding class will be emailed ahead of time. There are also four problems that will be assigned during the semester to be turned in for credit. They will be graded on a pass-fail basis. Problems must be completed, printed out, and handed to me by the start of the corresponding class. Problems submitted after class begins will receive no credit.

You should expect to spend approximately two hours on out-of-class preparation for every hour of in-class instruction.

EXAM AND GRADE:

Each of the four problems will be worth 5% of your final grade. The final exam constitutes the remaining 80% of your grade. To assist in your exam, you may use any non-human, non-real-time-internet resources you desire. The exam must be taken at the scheduled date and time except in a case of family or medical emergency or accommodation made by the Office of Student Affairs.

Participation and attendance will also be factored into your final grade and will count for no more than a one-step increase or decrease in your final grade, but such adjustments will be unusual except in the case of a history of late arrivals to class.

INFORMATION ON UF LAW GRADING POLICIES

The law school grading policy is available at: <http://www.law.ufl.edu/student-affairs/current-students/academic-policies#9>. Students receive grade points according to the following scale:

Letter Grade	Point Equivalent	Letter Grade	Point Equivalent
A	4.0	C	2
A-	3.67	C-	1.67
B+	3.33	D+	1.33
B	3.0	D	1.0
B-	2.67	D-	0.67
C+	2.33	E	0

STUDENT ACCOMODATIONS

Students requesting accommodation for disabilities must first register with the Disability Resource Center (<http://www.dso.ufl.edu/drc/>). Once registered, students will receive an accommodation letter, which must be presented to the Assistant Dean for Student Affairs (Dean Mitchell) when requesting accommodation. Students with disabilities should follow this procedure as early as possible in the semester.

ACADEMIC HONESTY

Academic honesty and integrity are fundamental values of the University community. Students should be sure that they understand the UF Student Honor Code at <http://www.dso.ufl.edu/students.php>.

STUDENT COURSE EVALUATIONS

Students can provide feedback on the quality of instruction in this course by completing online evaluations at <https://evaluations.ufl.edu>. Evaluations are typically open during the last two or three weeks of the semester, but students will receive notice of the specific times when they are open. Summary results of these assessments are available to students at <https://evaluations.ufl.edu/results/>.

Reading List

All readings are from the casebook unless otherwise specified.

Introduction and The Objective Theory of Contract Law

Review syllabus

29-41 (Focus on Ray v. Eurice)

Contract Formation: Mutual Assent and Consideration

Offer and Acceptance in Bilateral Contracts

41-58

Allied Steel v. Ford Motor Company

Offer and Acceptance in Unilateral Contracts

60-64

66-76

Postponed Bargaining

76-83

83-91 (through note 4)

Problem 2-1, pages 94-95 (prepare an answer, but do not turn it in)

Battle of the Forms

144-145

UCC §§ 2-102, 2-105(1), 1-103(b)

159-160

169-178

Mutual Assent in Electronic and Layered Contracting

21-26

188-202

Consideration

97-103

113-116

Other Enforceable Promises

Promissory Estoppel

213-222

232-240

Option Contracts and Pre-Acceptance Reliance

251-260

UCC § 2-2-205

260-270

Problem 3-2 (278-79) (Turn in for credit, maximum 750 words)

Restitution

282-292

318-325

The Statute of Frauds

Statute of Frauds

333-344

Contract Design and Interpretation

Contract Design Principles

Reading on contract design principles

Residential Contracting Agreement

Contract Interpretation Generally

381-401

Parol Evidence Rule

412-421

422-431 (do not read notes after this case)

Implied Terms Generally

471-481

Obligation of Good Faith

481-493

Feld v. Henry S. Levy & Sons, Inc.

503-513 (ignore discussion of fraud claim)

Warranties

530-540

UCC §§ 2-313, 314, 315, 316

Problem 6-3, 540-541 (Turn in for credit, maximum 750 words)

541-550

Defenses to Enforcement

Misrepresentation and Non-Disclosure

592-603

R2d §§ 164, 168, 162, 169

603-616

R2d §§ 160, 161

Unconscionability

622-633

Public Policy

661

662-675

Mistake

701-712

Duress

574-584

Changed Circumstances

724-727

743-753

Modification

755

757-765

Problem 8-3 (755-57) (Turn in for credit, maximum 750 words)

Breach

Express Conditions

785-808

Material Breach

809-818

UCC § 2-601

821-828

Anticipatory Repudiation

828-836

836-845

Remedy for Breach

Expectation Damages

851-853

853-857

953-959

857-877

Limits on Expectations Damages

877-899

Non-Recoverable Damages

919-928

939-941

Problem 10-1, 941-43 (Turn in for credit, maximum 750 words)

Reliance and Restitution Damages

971-981

988-1000

Specific Performance

1012 (first paragraph only)

1014-1025

Agreed Damages

1034-1051

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The casebook has many good problems in addition to those assigned. For additional practice, you might consider the following problems, among others:

2-2, 2-5, 4-1, 5-1, 6-2, 9-1, 9-2