

**WESTERN STATE UNIVERSITY COLLEGE OF LAW  
SYLLABUS AND READING ASSIGNMENTS**

**COURSE:**               **CONTRACTS II 112B & D**  
**SECTIONS:**           **B, D**  
**SEMESTER:**          **Spring 2012**  
**PROFESSOR:**       **Marianne Dellinger**

**REQUIRED BOOKS**

*Contracts; A Context and Practice Casebook* by Michael Schwartz et al., Carolina Academic Press (2009).

*Selections for Contracts* by Farnsworth, et. al, Foundation Press (2011).

**OPTIONAL MATERIALS**

Some students choose to purchase study aids and commercial outlines. Be aware that doing so can all too easily be overdone. You will not have much time to read outside the class materials. However, should you wish to consult additional materials, I find the below helpful. A word of caution: You should never rely on commercial outlines instead of creating your own. Use a commercial outline *only* to go in more depth with areas of the law that you may find particularly challenging. Do *not* try to read everything in such sources. Instead, outline and practice sample problems early and consistently throughout the semester.

Many students are surprised by the level of difficulty of law school tests. You should practice both multiple choice questions and essay-style problems very frequently and consistently to get used to this level of difficulty before the actual tests. Thus, I very highly recommend that you use the below materials for exam practice starting a week or so into the semester and continue doing so throughout the semester! You are enrolled in a professional graduate-level program. Do not expect me to provide you with all the sample problems you may wish to have. I will post many. *For more, use the wealth of materials available to you in the library and online!*

*Siegel's Contracts Essay and Multiple-Choice Questions and Answers* (Aspen). This book features exercises that are referable by topic. The essays often overlap between the topics, which makes this book good for final exam preparation and issue-spotting practice.

*Q&A, Contracts* – Although occasionally very difficult, this book of multiple choice questions will challenge you and is similar to the multiple choice question style you will encounter on my test and on the bar. Highly recommended. Is on reserve in the library.

*Black Letter Outlines – Contracts* (5<sup>th</sup> edition) by John Calamari and Joseph Perillo (West). This book, which is on reserve in the library, features True/False-style practice questions, short essay questions, and some multiple choice questions; all with suggested answers.

*Examples and Explanations – Contracts* by Brian A. Blum. This book explains the law very well in narrative style. It also contains very good sample problems with answers, although you should note that the answers are not written in IRAC-style. The book is on reserve in the library.

*Law in a Flash – Contracts*. These handy flashcards feature a fact pattern on one side with a suggested answer on the back. Some of the questions are slightly too easy, but overall, the cards are very good and easy to use for even a few minutes at a time. (Check online for used copies to save money.)

## **COURSE OBJECTIVES**

The course has been designed to help you reach the following main goals:

- 1) To develop your understanding of doctrinal Contracts law at the 1L-level.
- 2) To develop critical legal analytical skills. In particular, I expect you to hone your ability to identify relevant facts and legal issues, to carefully identify, analyze and utilize cases, rules of law and public policy, and to reach reasonable conclusions on other cases based on that analysis.
- 3) To develop your ability to express your understanding of the law and legal issues in a professional manner.
- 4) To demonstrate reliability, responsibility, good judgment, self-motivation, hard work, professionalism, courtesy, and critical self-reflection.

## **CLASSROOM ATTENDANCE**

Attendance is mandatory. You are allowed to miss a maximum of four classes (day section)/two classes (night section). *If you exceed that amount, you will be dropped from the course!*

Although I will be taking attendance, it is always your own responsibility to keep track of your absences. I will not notify you if you approach the maximum number of absences allowed. (There is no need to notify me through email or otherwise if you plan to be absent, but do not exceed the maximum number of absences.) Absences, if at all occurring, should be reserved for exceptional circumstances. Each class will cover much legal ground. If you have missed or will miss class, please review a classmate's notes and see me as soon as possible after the absence if you still have questions about the material.

*Arriving late in class will count as a class absence.* See also information below under "Class start and end times."

## **CLASSROOM PARTICIPATION AND BEHAVIOR**

### Participation:

I expect you to always be prepared for class and active classroom participation. Legal education is a cooperative venture and you will learn more the more engaged you remain with the material. I will call on people in various ways including cold-calling. However, I understand that things could happen unexpectedly and prevent you from being able to prepare for a given class. If that should happen, please notify me before each class by placing a small piece of paper on my podium with your name on it. You get *one* such "freebie" per semester. If you have not notified me ahead of class of your desire to pass and yet are not prepared to participate, I will deduct 0.1

grade point from your semester grade. Additionally, I will ask *you* to call on “co-counsel;” in other words to cold-call on one of your fellow students.

Conversely, I may reward people whose classroom contributions are outstanding by increasing their grades by 0.1 grade point. Note that I only do so in very few cases and not merely for speaking up in class or answering questions. Rather, this extra credit is for people who consistently demonstrate a solid and deep understanding of the law and its applications. It is my policy not to inform students in person about whether or not they have earned this extra credit (your grade will reflect it).

Note that I understand that students may feel slightly intimidated by the law school experience, especially in the beginning of their law school experience, but as part of your professional preparations, you should contribute to class by speaking (loudly so that I and others can hear you) about the materials *in your own words*. Please, no reading aloud from any kind of texts whether or not you have prepared these. There is rarely such a thing as a “silly answer,” so please do not worry about making mistakes in class. You and everyone else will learn from this should it happen. You will never be downgraded for venturing an incorrect answer. I expect everyone to treat the classroom a safe haven for practicing how to speak about the law and legal issues. I will help and guide you along as I may see fit or challenge you to think longer and harder about certain questions. This process is part of becoming a lawyer and being able to think about the law on your feet and to express your opinions about the law accurately and succinctly.

#### Class start and end times:

Classes will start punctually. Please be seated and ready to start on time. Being on time is a simple courtesy towards me and your fellow students and an expression of your professionalism. *Arriving late in class will count as a class absence.* Leaving early without prior permission also counts as an absence. Please plan to be present and active throughout the entire class session. Unless you have medical reasons that require you to leave during class, do not exit and re-enter the classroom.

Day classes: If time allows, I may from time to time assign a very short break during class.

Evening classes: I will assign a break of approximately 15 minutes at an appropriate time during class. Both sections: I will start again after the break even without your presence and may count any post-break tardiness as an absence.

All classes will end as close to the assigned time as possible, but as classes are meant to be fluid, they may end a few minutes early *or* late *very* few times. If the latter should happen, please do not start packing up until our discussions have been completed as this is disturbing to the vast majority of students who want to be active towards the very end. I am aware of what time it is and will be wrapping up within a few minutes.

#### Professional behavior:

I welcome and expect diverse points of view and good legal discussions, including those that show how reasonable legal minds may differ on some issues. However, I expect you to be courteous and respectful towards both your fellow students and me at all times. Should you nonetheless and contrary to my expectations behave disrespectfully or unethically, I may ask you

to leave the class. Such an occurrence would be counted as one absence and result in you losing an additional 0.1 grade point. I do not foresee this to be a problem.

#### Internet usage:

*Internet usage is strictly forbidden during class time unless authorized by me for class purposes!* It is very distracting for students who want to focus on class to have to put up with flickering screens in the background. Additionally, I consider it highly unprofessional behavior towards both me, your fellow students and the legal profession if you use the Internet when you should be studying. I will deduct 0.1 grade point per semester from each student that I catch using the Internet and may ask that student to leave the class session. (Know that I invariably catch some students using the Internet at some point during the semester. Note my “hands-up” rule explained at the beginning of the semester).

#### PowerPoint slides:

I regularly use PowerPoint slides for my classes. I will upload a copy of the slides to TWEN after each class. Thus, please do not copy the slides ad verbatim during class; pay attention to the class instead and take notes wisely. It is my policy not to post the slides ahead of classes. The slides do *not* cover everything you need to know for the tests. *However, they will address very important points, issues, rules of law and other significant aspects of the class that I consider testable.* The slides are meant to be one of your greatest assets in outlining the course and practicing for the tests. I very highly recommend that you rely on these in such work. Similarly, I recommend that you use these on a regular and frequent basis throughout the semester. I will not be able to review the entire course at the end of the semester! I will also not be able to individually check all my students’ outlines.

#### Recording classes:

Recording classes is strictly forbidden without my prior permission. If you violate this rule, I may deduct 0.1 grade point from your semester grade. Recording anyone without his/her prior permission may additionally be a violation of California and/or other law.

#### Seating chart:

*You must remain in your chosen seat for the rest of the academic year.* Should you nonetheless move seats, I may deduct 0.1 grade point from your final semester grade. If you are not marked on the seating chart, I may drop you from the class.

#### Food and drink:

Evening classes: feel free to bring food and eat during classes, but please be as quiet as possible. Day classes: please limit your food intake to snacking if necessary, and please be as quiet as possible. Beverages are always OK for both sections.

### **COURSE WEBSITE**

Enrollment in the WEST website for this course is mandatory. Make sure that you can receive email notifications from the course site. I will regularly be posting materials on the site just as I

will be using its email functionality to communicate with the entire class at one time. *You are responsible for all information conveyed this way!*

## **EXAMINATION AND GRADING**

The final test for this semester will consist of one or more essay(s) and possibly some short-answer questions. A policy describing the tests and grading in more detail will be distributed during the semester.

## **PRACTICE TESTS**

I highly encourage you to do as many practice tests as early and consistently as possible. Do not postpone this until late in the semester. The study of law does not lend itself well to last-minute cramming. In my opinion, you will learn the law the best by outlining and practicing throughout the semester, then revising your outlines and practicing even more in addition to studying the new material.

The optional materials listed above feature both multiple choice and essay-style questions with suggested answers. Additionally, I will post a few sample problems during the semester. The suggested answers will only include the material covered up to the point in time when the problems are posted. Accordingly, you should use them shortly after they are posted and, if referring to them later in the semester, be aware that additional legal issues may be present that I would expect you to discuss had the problems been applicable to final tests.

*You should not presume that you will be ready for final tests only by reviewing my tests. Use commercial sources as well.*

If you desire individual feedback on problems reviewed in class, you must first demonstrate that you have engaged in self-assessment using the information we have already provided to the class; and to ask specific questions. For example: "When I compared my answer to the answer you posted, I am not sure why the stated fact that ... requires an application of the rule of law that ... In an attempt to resolve my question on my own, I re-read the case of...; and I studied the portion of the...treatise concerning this aspect of the law. In doing so, I came to the conclusion that ... because ... which differs from your posted answer."

Should you want me to review your written practice tests, please print and place in my mailbox or give me a hardcopy of the problem no later than 24 hours before the office hour during which you plan to see me for reasons of efficiency. Please copy any possible sample answers as well.

## **OFFICE HOURS**

To be announced. I have an open-door policy, so please feel free to stop by my office any time I am there.

## **EMAIL**

I respond to email as quickly as possible, usually within a few hours on weekdays and as quickly as I can on weekends during the semester. You are very welcome to email me instead of coming to office hours if you have any unresolved legal issues with which you may be struggling.

However, I encourage you to attempt to find an answer before doing so in order to develop and practice your legal analytical and research skills.

### **VARIED INSTRUCTIONAL METHODS**

Pedagogical research shows that adults learn better when a range of different instructional methods are used. I will do so to the greatest extent possible and look forward to your flexibility and enthusiasm in this regard.

### **READING ASSIGNMENTS**

Changes may be made to the below reading assignments as classes will be conducted in a relatively fluid manner to reflect the needs, speed and other possible variations of each class. Any such changes will be made in one or more of the following manner: (1) individual email notifications through TWEN; (2) class announcements; (3) an updated syllabus posted on TWEN (with notification to class). *You are responsible for always keeping up to date with the exact readings required for each class.* If you are in doubt, please ask a classmate; do not email me. Any material not covered during one session will be covered during the next session along with the new assignment, so do not fall behind on the readings.

### **LAW SCHOOL SUCCESS**

In my experience, the following needs much repetition: you should rely on the class PowerPoint slides for accurate and sufficiently deep rule knowledge. You should outline on a very frequently, ideally weekly, basis. Similarly, you should practice for the tests early and frequently. This includes using commercial sources. Ours is a substantive class, not an exam practice class. It is simply not realistic for you to expect that we will have time to both cover all you need to know about Contracts and for you to practice for the tests during class time. Consider at all times that this is a rigorous graduate study program. This means that much individual effort will be required from you.

While I will do all I realistically can to help you succeed, you are ultimately responsible for your own learning. Take early steps to ensure your success. Evaluate your progress and adjust accordingly.

*It is my honor and pleasure to be your law professor! Enjoy the semester!*