Contracts I

Professor Andrew Morriss
Course Information and Syllabus, Fall 2012

Class Sessions: Thursday & Friday 8:20 a.m. – 9:35 a.m., in room A255
Office Hours: Tuesday & Thursday 3:30 – 4:30 p.m. or by appointment
Office: 319
Email: amorris@law.ua.edu or andy.morriss@gmail.com
Cell phone: 216-272-9187
Assistant: Ms. Wendy Graham, office #343; Email: wgraham@law.ua.edu

A. COURSE INFORMATION

I. Course Materials

CaseFiles** – available at http://www.CaseFileMethod.com/ - you will need to visit this website, create an account (including paying for the materials) and download the casefiles. We will be using these materials INSTEAD of a casebook in both Contracts I and Contracts II and when you open an account, you will be purchasing both semesters’ materials. (If you end up not enrolling in the spring, refunds can be obtained).

The vast majority of our classes will revolve around the CaseFiles. To prepare for class, you should read through the assigned CaseFile and think about the problem. It would be useful to make some notes about the answer to the problem in preparation for class. In addition to our discussion of the CaseFiles, several students will be assigned to prepare a written summary of the solution to the CaseFile after the class has concluded. (Each student will be required to do 2 of these over the course of the semester.) These summaries must be submitted to both Ms. Graham and to me via email, within 24 hours of the conclusion of the class at which the CaseFile was discussed. Generally 1,500 words should be adequate. The summary should state the solution to the problem you think best after the conclusion of the discussion and support this solution with a discussion of the relevant precedents, etc. from the CaseFile. It should not repeat the material covered in the CaseFile itself (e.g. summarizing the facts, cases, etc. in a general way.) It must take the form of a memo to the partner who assigned the problem in the CaseFile’s memo. No materials other than the class discussion and the CaseFile itself should be used in preparing the summary. A summary that is more than 2 hours late loses all points but must still be turned in. The time of receipt by Ms. Graham is the final, non-appealable determination of when the CaseFile summary was turned in. If you have any doubts about when she is going to receive it, send it a little early.

* I am sometimes out of town on these days, so it is always best to check in advance. I will try to be available at these times as much as possible.
** “CaseFiles” were briefly renamed “Case and Controversy”, but have now returned to their original name. Ignore any references on the website to “Case and Controversy” – this is just language that hasn’t been cleaned up yet.
Your CaseFile summary should have your name on it. I will read the summaries and return them to you as promptly as possible with a grade from 0-5. A summary that is well-written (grammar and spelling count), clear, and answers the question will get a 5. An ungraded version of each summary will be posted on the class website on TWEN. (Since each CaseFile will have several people writing a summary of it, you will have a complete set of summaries by multiple authors for use in studying for the final exam. This will reduce the need to take extensive notes in class and allow you to focus on the discussion.)

A list of who is assigned to prepare summaries for each particular CaseFile will be posted on the class on TWEN website. If you wish to trade your assignment with a classmate for his or her assignment (because you love a particular topic, are going to miss the class which you were assigned, or for whatever reason), you may do so only by both parties to the trade going in person to see Ms. Graham before the first assignment is due and registering the trade with her.

During the term, I will use TWEN [The Westlaw Educational Network] site to post slides and supplemental materials. Make a habit of logging into TWEN site before each class session. Read and print the relevant materials available for each class and bring them with you. To access the site, go to lawschool.westlaw.com. The passwords for TWEN and the course’s website will be provided to you (together with a tutorial) during orientation. See Mr. David Lowe, the Computer Services Librarian for help as needed.

CaseFiles are quite focused on particular problems (a virtue) but they lack the larger context provided by the note material in casebooks (both a virtue, since it makes them much shorter, and a vice, since it means you don’t get the benefit of the material in the notes). To remedy this, we’ll read some supplemental material each term. In the fall semester, we’ll read a classic (and reasonably short) book on contract law: Charles Fried, Contract as Promise (Harvard University Press 1982. We will spend a day discussing it in class, once we’ve read some actual contract law. You have plenty of time to read it but do not let the discussion date creep up on you as this is a book that requires some thought while reading. However, you should also not start now, since you haven’t read enough legal materials to make sense of it. Next semester we’ll read some additional theory oriented books and articles as well.

Finally, we will have two drafting exercises during the fall semester as well as more in the spring semester. For the fall semester exercises, I will provide handouts via TWEN.

II. Course Objectives

We have three things to accomplish together this semester. The first is to learn the vocabulary and grammar of contract law. Contract law uses a wide range of specialized terms and rules. Just as learning a foreign language requires memorizing some vocabulary and grammar rules, so learning contracts (and torts, property, etc.) will require you to master these terms and rules. It’s boring, but you have to know it to understand contract law. You may not be completely “fluent” in all the nuances of the vocabulary and grammar – that takes years of study, just as it does in a foreign language – but you will know the basics.
Our second goal is to learn how to use contract law concepts to solve problems (and when contract law might not be the right tool for a particular problem). This is more interesting and fun than learning contract’s vocabulary and grammar but it is still hard work. The CaseFiles that will be our primary class materials will give us multiple chances to work through how contract law can (or cannot) solve problems that your clients will encounter in real life.

Our third goal is to understand contract’s role in the law generally. Our discussions of specific problems in the context of the CaseFiles will shed some light on this, as will the other readings.

III. Use of Computers, Recording Devices & Internet Postings

In accordance with the University of Alabama School of Law Policy, you may use a computer for note-taking only. The use of a computer or any other devices to record a class or any part thereof is strictly prohibited. You may not directly or indirectly post on the Internet, copy or circulate (a) materials distributed in class or any compilation thereof; and (b) any summaries of class sessions, notes and/or outlines. Cell phones and other noise-making apparatuses should be turned off. Violation of this section may result in severe sanctions.

IV. Special Accommodations

The Law School provides appropriate accommodations to students with physical, learning and other disabilities. Students with disabilities are encouraged to contact Claude Arrington, Assistant Dean for Students/Academic Services so that your needs can be evaluated in a timely manner.

V. Attendance

In general, you are expected to attend class. Even more importantly, coming to class is the key to success in law school. In addition, you should attend class (a) because you’re paying for classes when you pay your tuition and so you should get your money’s worth and (b) because there is a strong correlation between being consistently present and prepared for class and doing well in the course. I’ve been teaching law for almost 20 years and used a variety of attendance policies. In every case, I have observed that those students who consistently attended class and were prepared did better on the final exam than those who did not. Whether you attend or prepare for any particular class, however, is up to you. You do not need to ask my permission to miss class and you do not need to provide me with excuses if you do miss a class.

Attending and being prepared not only helps you do better on the final exam, it earns you points in two ways. First, we will use the iClicker in almost every class. When you use it, the iClicker records whether you were present in class or not, and so I will have a record of whether you came to class and were awake enough to push a button on the iClicker from time to time. 5% of the final grade is based on the number of classes during which you are present.
as recorded by the iClicker (see Grading below). Note that these points are earned by being in class with the iClicker – being in class without the iClicker is not sufficient. Simply showing up and paying attention enough to push a button from time to time is thus worth doing. Second, you have the option of turning in an index card for each class with your name (legibly written) and the date of the class. Everyone gets a point for the first day of class. Note that if you arrive late, you cannot submit a card.

**Turning in a card signifies your representation that you are present in class, have prepared by reading the assignment, and are ready to discuss the materials assigned.**

Being prepared means:

- Knowing the facts, holding and reasoning for each case in a CaseFile in the assignment for the day.
- Having read any readings assigned and being prepared to answer questions about them.
- Answers must go beyond “I think so,” “yes/no,” and so on. You should be prepared to explain your answer in terms of the class materials.

I will use the cards turned in for each class to randomly select students to discuss cases. 10% of the final grade is based on the number of cards you turn in over the course of the semester (see Grading below). **If you turn in a card and are not prepared or if you turn in a card (via a friend) and are not present when I call on you, you lose 50% of the class participation points for the first offense and lose a letter grade in the course for each subsequent offense.**

Points are awarded for the cards based on the following scale:

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<tr>
<th>Number of Cards</th>
<th>Points</th>
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<tbody>
<tr>
<td>17 or more cards</td>
<td>10 points</td>
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<tr>
<td>16 cards</td>
<td>8 points</td>
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<tr>
<td>15 cards</td>
<td>5 points</td>
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<tr>
<td>14 cards</td>
<td>3 points</td>
</tr>
<tr>
<td>13 or fewer cards</td>
<td>0 points</td>
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</tbody>
</table>

After each class I will give the cards to my assistant, Ms. Graham. You can check your total card count with Ms. Graham. (Cards only count if she has them, so it is not a good idea to use small scraps of paper, etc. instead of index cards, since scraps of paper are easier to lose.) Ms. Graham’s records are the final determination of whether or not a card is turned in.

You may have noticed that our class is scheduled for two 75 minute periods per week but is only a two credit class. This is so that we can have the time necessary to fully explore the CaseFile problems (which usually takes longer than 50 minutes). However, if every scheduled class were held, this would take up substantially more time than a two-credit class. We will thus not have class on several days (about which I will alert you in advance). This both solves the “too many class hours” problem and means we will not need to have make-up classes when I have to be out of town or if I had to miss class due to an illness. There will be a total of 19 Contracts I classes.
VI. Outlines & Exam

The final exam will require knowledge and understanding of the doctrinal and theoretical issues that will be covered in class and assigned in your readings. It will also focus heavily on the problem solving skills that are central to the CaseFile method. The exam will consist of several short essay questions concerning a CaseFile you will be given in advance and a section of short answer questions on doctrine. Exams will be taken on a computer using the law school’s software (“ExamSoft”). If you have any questions regarding the software please contact Mr. Terry Davis at the IT Department in a timely manner.

The exam is closed book. You may work with your classmates in groups to discuss your outlines or the CaseFile distributed in advance in order to enhance your understanding of the materials. Indeed, I strongly encourage you to do so, since you will learn more by discussing the materials with others than you will by studying on your own.

VII. Memos

For each class, several of you will be assigned to write a memo summarizing the problem as described above. Memos should be written carefully and thoughtfully – which means carefully proof-reading them and avoiding grammatical errors, misspellings, etc.

B. Schedule

I will provide regular updates on the schedule, which I will provide in chunks via TWEN as we go along so that I can adjust it to our pace, etc.

<table>
<thead>
<tr>
<th>Class</th>
<th>Date</th>
<th>Reading Assignment</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>Thu, Aug 16</td>
<td>CaseFile 1.0 – Lotus Garage</td>
</tr>
<tr>
<td>2</td>
<td>Fri, Aug 17</td>
<td>CaseFile 2.0 – The Tamerlane</td>
</tr>
<tr>
<td>3</td>
<td>Thu, Aug 23</td>
<td>CaseFile 2.1 – Bad Advice</td>
</tr>
<tr>
<td>4</td>
<td>Fri, Aug 24</td>
<td>CaseFile 3.0 – ‘B’ is for Beresford</td>
</tr>
<tr>
<td>5</td>
<td>Thu, Aug 30</td>
<td>CaseFile 3.1 – Whitefish Genocide</td>
</tr>
<tr>
<td>6</td>
<td>Fri, Aug 31</td>
<td>CaseFile 3.2 – Thomas Tostados</td>
</tr>
</tbody>
</table>
C. Grading

- Attendance cards 10%
- CaseFile Memos (2 @5%) 10%
- Clicker participation 5%
- Final exam 75%