



## CLASS POLICIES CONTRACTS §§A and B

**SEMESTER:** Fall 2011

**TEXTS**

**REQUIRED:**

Michael Hunter Schwartz and Denise Riebe, *CONTRACTS: A CONTEXT AND PRACTICE CASEBOOK* (Carolina Academic Press, 2009)

Steven J. Burton, *CONTRACT LAW: SELECTED SOURCE MATERIALS* (Thompson West, most recent edition available)

Michael Hunter Schwartz, *EXPERT LEARNING FOR LAW STUDENTS* (2d ed. Carolina Academic Press 2008)

Michael Hunter Schwartz, *EXPERT LEARNING FOR LAW STUDENTS WORKBOOK* (2d ed. Carolina Academic Press 2008)

Margaret Z. Johns & Rex R. Perschbacher, *THE UNITED STATES LEGAL SYSTEM: AN INTRODUCTION* (2d ed., Carolina Academic Press 2007)

**SUPPLEMENTAL BOOKS (Optional):**

Marvin A. Chirba, *CONCEPTS AND CASE ANALYSIS IN THE LAW OF CONTRACTS* (Foundation Press, most recent edition) (*This supplemental text is useful, short and inexpensive.*)

John D. Calamari & Joseph M. Perillo, *CONTRACTS* (West Publishing Co., most recent edition) (*This supplemental text includes much more information than any law student could or should aspire to learn, but it provides detailed explanations and therefore is helpful to some students.*)

**PROFESSOR:**

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- **Expectations:** I expect you to:
  - have fun (the research on learning shows that students learn more in class when they feel like class is fun);
  - care as passionately about your learning as I do;
  - treat the class as a professional obligation;
  - impose high expectations on me, on yourself, and on your peers;
  - be respectful to me and your peers;
  - discover for yourself why Contracts is the single most exciting course in law school!
  
- **Course Objectives:**
  - I. Affective Objectives.
    - A. The teacher and students will have an enjoyable and challenging learning experience;
    - B. The students will choose to self-regulate their learning and develop themselves as professionals.
  
  - II. Values Objectives. Students will:
    - A. Demonstrate respect for students, staff, and faculty.
    - B. Develop an attitude of cooperation with students, faculty, lawyers, and judges.
    - C. Understand the multiple roles of a contract lawyer.
    - D. Formulate his or her version of the moral lawyer.
    - E. Demonstrate honesty, reliability, responsibility, judgment, self-motivation, hard work, and critical self-reflection.
  
  - III. Skills Objectives. Students will:
    - A. Given a contract dispute between two or more parties and the facts relating to the dispute,
      1. Be able to identify the contract law issues raised by the facts;
      2. Be able to develop the arguments reasonable lawyers representing all involved parties would make with respect to those issues;
      3. Be able to predict how a court would evaluate those arguments and resolve the dispute.
    - B. Be able to effectively self-regulate their learning in the course.
  
  - IV. Content Objectives. Students will know, with a high degree of accuracy, the rules that govern:
    - A. Contract formation
    - B. Defenses to actions for breach of contract
    - C. The remedies for breach of contract

- **Teaching and Learning Methods:**

- Socratic
- Lecture
- Clicker questions
- Cooperative learning experiences
- Law practice simulations
- Charts and other graphic organizers
- Contract drafting exercises
- Optional online multiple choice tests
- \*\*Others in accordance with student requests

- **Class Participation:** Legal education is a cooperative venture, and lawyers who practice contracts law must be able to orally communicate their ideas. Class participation therefore is a mandatory part of this course, and your class participation may be reflected in your course grade (*see* below in this section and **Course Grading** below). I expect you to be prepared to speak during every class session and to hold your peers to the same standard. If I regard you as unprepared, I will mark you unprepared and ask you to speak with me after class. Any student whom I have marked unprepared may challenge my conclusion by submitting written answers to each of the exercises assigned from *CONTRACTS: A CONTEXT AND PRACTICE CASEBOOK*. (*Note: This requirement may **not** be met at any time other than immediately after class.*) Students will have their final grade *lowered* 0.1 for the first time they are deemed unprepared and 0.1 for each additional time they are deemed unprepared thereafter.

PLEASE NOTE: THERE IS A SIGNIFICANT DIFFERENCE BETWEEN BEING UNPREPARED AND BEING UNABLE TO “ANSWER” ONE OF MY QUESTIONS. I will not reduce your grade simply because you venture an incorrect answer (unless, of course, your answer reflects inadequate preparation).

PLEASE ALSO NOTE: Life happens to everyone and, on occasion, excellent lawyers are not prepared when they should be. In such instances, the good lawyers let everyone involved know in advance and collaborate to reschedule. I therefore will excuse you from participating in class once during the semester if you let me know you are unprepared **prior to the commencement of class that day** and tell me why you are unprepared. Because you are professionals, I do not expect you to treat my willingness to be understanding as an excuse for not doing required coursework. Thus, I am unlikely to grant requests for excuses made because you have not yet “used up” your excuse.

- **Course Grading:** The grade you earn will be based on three components: (1) your completion of the pass-fail quizzes described below (10%), (2) your performance on a midterm examination to be administered sometime between the seventh and tenth week of class (15%) and (3) your performance on the final examination (75%).

- **Pass-Fail Quizzes:** You will be taking a large number of quizzes that test your knowledge and skill development. All are pass-fail. The quizzes will consist of one of the following:

- An essay question, or
- A set of multiple choice questions.

A mastery level essay quiz will receive an overall evaluation of proficient or exemplary. **Any student who scores below the proficient level on a quiz can have her grade raised to the proficient level by providing proficient or exemplary feedback on a peer's essay or by completing, in depth, an analysis of her/his errors using Exercise 16-2 from Expert Learning for Law Students Workbook. Mistakes in complying with this requirement or late submissions will cause the student to receive a failing grade on the quiz.**

A mastery level multiple choice quiz will receive a score of 80% correct or better. If you score worse than 80%, you can raise your score to a passing score by explaining, for each question you missed, why your answer is incorrect and why the correct answer is correct.

- **Midterm:** The midterm examination will be a take-home, one question essay examination.
- **Final:** The final examination will be a closed book, closed notes exam. It will consist of three parts. The first part will be multiple choice questions. The second part will include short essay questions and may also include short answer questions. The third part will consist of one or two essay questions. The format of the final exam is subject to change.
- **Adjustment for Extraordinary Class Participation:** I may adjust your final course grade for extraordinary class participation or extraordinary course webpage contributions as follows:
  - I will adjust two-tenths upward (e.g., from a 3.0 to a 3.2) the grades of students whose class participation is consistently superior. To achieve this “extraordinary” standard, students must volunteer to participate during most class sessions (whether I call on them or not), must always be prepared for class and paying attention when I call on them, and must contribute ideas and analysis that reflect original and valuable insight.
  - I will adjust two-tenths upward (e.g., from a 3.0 to a 3.2) the grades of students whose postings to the course webpage are consistently superior. To achieve this “extraordinary” standard, the student must post at least ten comments, and each of the comments must reflect original and valuable insight.
- **Class Attendance:** I will pass around the attendance sheet at the beginning of each session. If you arrive late, leave during class time or depart early (without prior permission from me), I will mark you absent for that session. **IF YOU MISS MORE THAN FOUR**



CLASSES DURING THE SEMESTER, I WILL WITHDRAW YOU FROM THE CLASS. The class meets Tuesdays and Thursdays from 8-9:15 am. I may need to reschedule one or two sessions. I also am planning to offer optional extra sessions that focus on exam preparation and success.

- **Assignments:** Assignments include materials found in all texts. *Because my teaching is student-centered and therefore adjusts based on how well the students are learning, it is likely the assignments will be modified over the course of the semester.*
- **Office Hours, Appointments and E-mail:** Students may use office hours to address their concerns and confusion regarding any of the course material or for other guidance. *I make my own appointments.* My office hours are: Mondays, Tuesdays and Wednesdays 1-3 pm. I always arrive to class at least fifteen minutes before the scheduled start of class, and I do take questions at such times. I will respond promptly to questions posed by e-mail (*see my e-mail address* above).
- **Course Web Page:** The course will have its own webpage on TWEN platform. The password is—BOOM!; please use all capital letters and the exclamation mark as shown. The course webpage includes multiple discussion boards, downloadable outlines of every topic to help you organize your lecture notes, “think aloud” demonstrations of the legal analysis skills and other helpful information and links. When posting to the discussion boards on the course webpage, please pay attention to the forum to which you are posting.
- **First Week Program Journaling Requirement:** During the first week of class, you are required to keep a journal in which you will be responding to specific prompts. This requirement is designed to help you reflect on what you are learning and how you will use what you are learning in law school, in studying for the bar exam and when you are practicing law. In fact, in many countries, all law schools must teach their graduates the skill of reflecting on their work. This journal requirement is your introduction to this skill. Your journal entries also will assist the law school in meeting your educational needs. Each Journaling Assignment consists of a set of questions to which you are expected to respond. Each Journaling Assignment should be a total (for all questions combined) of no less than 300 words and no more than 1000 words.

**You will be turning in all journaling assignments to your study group leader on Monday, August 22.**

- **Disability Services:** Washburn University School of Law strives to assure equal access and full participation by persons with disabilities. If you require services because of a disability, you may notify Lynette Petty, Assistant Dean, in the Law Clinic, Room 160, or email her at [lynette.petty@washburn.edu](mailto:lynette.petty@washburn.edu). This voluntary self-identification allows the University to prepare any necessary and appropriate support services to facilitate your learning.

Any requests for exam accommodations should be directed to Dean Petty and should be

made at least four weeks prior to the exam to allow adequate time to document and process the request.

- **Select Mission of the University:** Washburn University shall prepare qualified individuals for careers, further study and lifelong learning through excellence in teaching and scholarly work. Washburn University shall make a special effort to help individuals reach their full academic potential. *Washburn University Board of Regents, 1999*
- **Academic Misconduct Policy:** All students are expected to conduct themselves appropriately and ethically in their academic work. Inappropriate and unethical behavior includes (but is not limited to) giving or receiving unauthorized aid on examinations or in the preparation of papers or other assignments, or knowingly misrepresenting the source of academic work. Washburn University's Academic Impropriety Policy describes academically unethical behavior in greater detail and explains the actions that may be taken when such behavior occurs. For guidelines regarding protection of copyright, consult [www.washburn.edu/copyright/students](http://www.washburn.edu/copyright/students). For a complete copy of the Academic Impropriety Policy, contact the office of the Vice President for Academic Affairs, Morgan 262, or go online to: [www.washburn.edu/admin/fac-handbook/FHSEC7.htm#VIII](http://www.washburn.edu/admin/fac-handbook/FHSEC7.htm#VIII).
- **Official E-Mail Address:** Your Washburn University e-mail address will be the official address used by the University for relaying important messages regarding academic and financial information. It may also be used by your instructors to provide specific course information. E-mail messages sent to your Washburn University e-mail address will be considered your official notification for important information. If you prefer to use an alternate e-mail address to receive official University notices, you can access your MyWashburn e-mail account, choose the "Options" tab, and select "Settings", scroll to the bottom of the screen and enter the e-mail address you would like your Washburn emails forwarded to in the "mail forwarding" area. Click on save changes. This will complete the process of forwarding your Washburn e-mail.