Contracts

Fall Semester, 2012
Professor Terry S. Kogan
Room 107
Wednesday, Thursday, Friday — 10:45 a.m. to 12:00 p.m.

First Assignment

Required texts:

1. KNAPP, CRYSTAL & PRINCE, PROBLEMS IN CONTRACT LAW (Wolters Kluwer 7th ed. 2012) ("KC&P") [The Problems set forth throughout KC&P are optional. However, they are excellent study tools.]

2. BYRNE, CONTRACTS TEXTS (Inst. Int. Banking Law & Practice, Inc., 4th ed. 2010), which includes: The Restatement (Second) of Contracts ("REST 2d CONTR") and the Uniform Commercial Code ("UCC"). Assigned sections of the Restatement 2d and/or the Uniform Commercial Code which appear in larger, boldface font are of particular importance and should be given special attention. When studying both the REST 2d CONTR and the UCC, the “Comments” are a critical part of each section.

Required Podcasts:

A series of Podcasts have been developed by the Professors to assist your introduction to a range of topics throughout this course, with a special emphasis on the Restatement (2d) of Contracts. Where a Podcast is indicated in the Syllabus ("Podcast "), you are required to view that Podcast prior to class. The Podcast can be accessed by clicking on the link in the Syllabus. (Note that links to Podcasts may not be available until the first week of classes.)

Recommended text:


Fall Break Assignment - The Statute of Frauds:

Over the Fall Break, you will be given a self-taught assignment on the Statute of Frauds, which will be discussed immediately upon your return.

Note: You will be called on randomly throughout the semester. Classroom participation counts in this course, both positively and negatively. If you regularly contribute to classroom discussions in a productive manner, your grade will be enhanced at the end of the course. On the other hand, if you are not prepared when called upon, your grade will reflect your lack of preparation.

Note: The University of Utah seeks to provide equal access to its programs, services and activities for people with disabilities. If you will need accommodations in this class, reasonable prior notice needs to be given to Barbara Dickey, Associate Dean of Student Affairs, and to the Center for Disability Services (CDS) to make arrangements for accommodations. CDS is located at 200 S Central Campus Drive, (Union Building), Rm. 162 or you can call 801-581-5020. All written information in this course can be made available in alternative format with prior notification.
Assignments

In general, we will cover two cases per class. It is advisable, however, to be prepared to discuss three cases ahead prior to each class.

I. An Introduction to Contract Law

   KC&P, pp. 1-20, 26-29 (Selected Bibliography)
   Allen v. Bissinger & Co., 62 Utah 226 (1923)

   REST 2d CONTR §§ 1, 2, 3, 4

PODCAST #1 – AN INTRODUCTION TO CONTRACT LAW

II. The Basis of Contractual Obligation: Mutual Assent and Consideration

PODCAST #2 – THE REQUIREMENT OF A BARGAIN

   A. Mutual Assent

      1. Intention to be Bound: The Objective Theory of Contract
         KC&P, pp. 31-43

   REST 2d CONTR §§ 17, 18, 19, 21

PODCAST #3 – MUTUAL ASSENT: OFFER AND ACCEPTANCE

   2. Offer and Acceptance: Bilateral Contracts

PODCAST #4 – OFFER

PODCAST #5 — ACCEPTANCE

   KC&P, pp. 43-60

   REST 2d CONTR §§ 22, 24, 26

   REST 2d CONTR – Mailbox Rule - §§ 40, 63, 65, 66, 68

PODCAST #6 — THE COUNTER-OFFER

   REST 2d CONTR § 46
   Normile v. Miller, 313 N.C. 98, 326 S.E.2d 11 (N.C. 1985)

   REST 2d CONTR §§ 25, 27, 30, 33, 35, 36, 38, 39, 41, 42, 43, 50, 56, 57, 58, 59,
   60, 61, 69