

## **Syllabus Fall 2017**

### Contracts

Associate Professor Max Helveston

Office: 806 Lewis

Exam: Dec. 13, 2017, 9:30 AM Room TBA.

### **Course Objectives:**

By the end of this class, you should have a working knowledge of the basic elements of contract law: the process of and requirements for forming contracts; the analysis of what terms were agreed to by contracting parties; the evaluation of performance and/or breach; and what remedies may be available to the parties in the event of a breach.

In addition, as with all of your first-year courses, you should view this class as an opportunity to develop your lawyering skills, including the ability to read and comprehend legal opinions, the ability to analyze and synthesize case law, and the ability to advocate - orally and in writing - for a legal position. Throughout the course I will be emphasizing several additional themes: case-by-case variances in the judicial decision-making process; how contract law can be viewed as the embodiment of basic economic and psychological tenets; and how practicing lawyers would litigate the issues raised in the cases we discuss.

At the end of this course, you will be able to:

- analyze a fact pattern and evaluate whether an enforceable contract exists;
- describe the different types of remedies a court could award for the breach of a contract and provide reasons in favor of awarding one remedy over the others;
- analyze contractual language, describe different ways in which contractual text could be interpreted, and identify arguments supporting each interpretation;
- recall the rules governing contractual breach, apply these rules to complex fact patterns, and determine which party violated an agreement; and
- analyze contractual language, identify disconnects between existing language and client desires, and create superior drafts of contractual provisions.

### **Class Policies:**

In general: I expect everybody in this course to behave professionally both in class and when contacting me outside of class.

1. **Schedule & Book:** This course will be meet on Tuesday and Thursday from 10:00 a.m. to 11:40 a.m. Our textbook will be Cases and Materials on Contracts: Making and Doing Deals, 4th ed. by Epstein, Markell, and Ponoroff. Supplementary materials will be distributed over the course of the semester via the course's Desire2Learn (D2L) page.

2. **Supplement:** In addition to the textbook, you will need to purchase **CasebookPlus** access. **CasebookPlus** is an online supplement created by the publisher that contains: (1) a digital copy of our textbook, (2) access to a number of hornbooks for the course and, more importantly, (3) access to self-assessment quizzes. As we shall discuss in-class, completion of the self-assessment quizzes is a mandatory part of the course. If you buy a new version of the book at the DePaul bookstore, **CasebookPlus** should come with your purchase. If you buy a used version of the book, you will have to purchase **CasebookPlus** access separately (go to: [http://store.westacademic.com/Epstein\\_Markell\\_and\\_Ponoroffs\\_Cases\\_and\\_Materials\\_on\\_Contracts\\_Making\\_and\\_Doing\\_Deals\\_9781683280088.html](http://store.westacademic.com/Epstein_Markell_and_Ponoroffs_Cases_and_Materials_on_Contracts_Making_and_Doing_Deals_9781683280088.html)).
3. **D2L:** This course will make heavy use of D2L. Please make sure you have access to the site and contact DePaul's IT department if you have technical difficulties.
4. **Grading:** Grades will be based upon three factors - class participation (10%), performance on assignments during the term (40%), and performance on the final exam (50%).
  - a. Students will get full points for class participation if they show up to class, do all of the reading, and contribute to in-class discussions.
  - b. Throughout the term, you will be asked to complete several assignments. Most assignments will be graded on a completion/non-completion basis (e.g., the self-assessment quizzes). Two assignments—the mid-semester drafting exercise and the end of semester short answer assignment—will be graded. More details about my expectations for the graded assignments will be provided during the term.
  - c. The final exam will be closed book and last three hours.
5. **Office Hours:** I will announce the time I will hold office hours during the first lecture. I will create a discussion board topic each week where you may post to sign-up for specific slots. If my office hours conflict with your schedule or there are no longer slots available, please e-mail to set up a time to meet.
6. **Absences:** While I understand that some of you will have to miss class due to work or personal commitments, I believe that the time we spend in class is an important part of your legal education. If you have to miss class, I expect that you will notify me by posting in the "Absent" discussion board topic via e-mail **prior to the start of lecture**. Failure to notify me will result in a reduction in your grade.
7. **Contacting me:** The best way to get a hold of me is e-mail - [mhelvest@depaul.edu](mailto:mhelvest@depaul.edu). I will do my best to respond to all e-mails promptly. That said, if you have sent me an e-mail and haven't gotten a response within a few days, forward your initial e-mail to me again. I expect e-mails to be written in a professional manner (i.e., complete sentences, no internet grammar) and to respect my time (specific, targeted questions are appropriate, vague requests to explain broad concepts we discussed in lecture are not).

8. **Cell Phones/Laptops:** Cell phones should be off while in class and laptops are permitted in class **for note taking purposes only**. Students whose phone/laptop use interferes with the classroom learning experience will be docked class participation points and may be asked to leave class.

9. **Recording Class:** As per the rules set forth in the Student Handbook, you may not record lecture without my permission.

10. **Academic Integrity:** DePaul University is a learning community that fosters the pursuit of knowledge and the transmission of ideas within a context that emphasizes a sense of responsibility for oneself, for others and for society at large. Violations of academic integrity, in any of their forms, are, therefore, detrimental to the values of DePaul, to the students' own development as responsible members of society, and to the pursuit of knowledge and the transmission of ideas. Violations include but are not limited to the following categories: cheating; plagiarism; fabrication; falsification or sabotage of research data; destruction or misuse of the university's academic resources; alteration or falsification of academic records; and academic misconduct. Conduct that is punishable under the Academic Integrity Policy could result in additional disciplinary actions by other university officials and possible civil or criminal prosecution. Please refer to your Student Handbook or visit Academic Integrity at DePaul University (<http://academicintegrity.depaul.edu>) for further details.

11. **Disabilities:** Students seeking disability-related accommodations are required to register with DePaul's Center for Students with Disabilities (CSD) enabling you to access accommodations and support services to assist your success. There are two office locations:

- Loop Campus – Lewis Center #1420 – (312) 362-8002
- Lincoln Park Campus – Student Center #370 – (773) 325-1677

Students are also invited to contact me privately to discuss your challenges and how I may assist in facilitating the accommodations you will use in this course. This is best done early in the term and our conversation will remain confidential.