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Spring 1-2016

LEG 183.01: Contracts

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**UNIVERSITY OF MONTANA-MISSOULA
COLLEGE OF TECHNOLOGY
BUSINESS TECHNOLOGY DEPARTMENT
COURSE SYLLABUS**

Created by Thomas Stanton

ACADEMIC MISCONDUCT STATEMENT: All students must practice academic honesty. Academic misconduct is subject to an academic penalty by the course instructor and/or disciplinary sanction by the University.

All students need to be familiar with the Student Conduct Code. The code is available for review online at http://www.umt.edu/vpsa/policies/student_conduct.php.

COURSE NUMBER AND TITLE: U183T CONTRACTS

PREREQUISITES: None

COURSE DESCRIPTION:

Sources of law affecting the formation, enforceability, and interpretation of contracts. Includes the necessary elements of a contract, the basic doctrines of contract law, and practical approaches to drafting a contract.

CREDITS AWARDED UPON SUCCESSFUL COMPLETION: 2

REQUIRED TEXT: Basic Contract Law for Paralegals, Sixth Edition, by Jeffery A. Helewitz. Students will also need internet access for case research.

COURSE OBJECTIVES AND SKILL DEVELOPMENT:

1. Define a legally binding contract
2. Identify the six basic elements of a valid contract
3. Classify contracts as bilateral, unilateral, executed, executory, valid, void, voidable, unenforceable, output, *malum in se*, *malum prohibitum*,
4. Explain and define the concepts of offer and acceptance, consideration, legality, capacity, contractual intent
5. Recognize concepts relating to provisions of the UCC, promissory estoppel, accord and satisfaction, infants and minors, undue influence, duress,
6. Discuss counteroffers, effect of silence, mirror image rule, mailbox rule, termination of offer, benefit/detriment, preexisting duty rule, sufficiency, Statute of Frauds, fraud, mistake, rules of construction, conditions, parole evidence rule, third party contracts, assignments, breach, impossibility, frustration, tender, remedies
7. Distinguish a covenant and a condition, types of beneficiaries, types of assignments, methods of discharge, rescission and restitution

INSTRUCTIONAL METHODS:

- 1) Lecture
- 2) Interactive topic discussion
- 3) Chapter question answer and discussion
- 4) In class Projects
- 5) Case and case topic research, reading, and analysis

METHODS OF VALUATION:

Students will be graded in the following general areas:

- Attendance
- Distributed Practical Assignments
- Case/case topic research homework
- Mid-Term Examination
- Final Examination.

The categories will be graded in an objective manner. The categories will be computed into a final grade using a point allocation system and weight factoring formula.

GRADING SCALE

- A: 100-93%
- B: 92-85%
- C: 84-77%
- D: 76-70%
- F: below 70%

PRACTICAL ASSIGNMENTS TO DEVELOP PARALEGAL COMPETENCIES:

This is a first year, second semester course which provides an in depth study in the area of contracts. As a result, students will continue with developing text case analysis and will begin development of practical case and case topic research.

Students will read legal texts and cases.

Students will do topical legal research on specific areas of contracts as they relate to text chapter materials. Research homework will be in the areas of offer, acceptance, consideration, capacity, legality, contractual intent, bilateral contract, unilateral contract, Statute of Frauds, breach, and UCC (secured transactions).

Students will outline research findings and present practical examples of chapter concepts in class.

Students will begin to understand the various rules of law as they relate to contracts.

PROJECTED OUTLINE OF SUBJECT AREAS WITH TIME INCREMENTS FOR EACH:

Week 1

Wednesday: 50 minutes

- Introductions, Brief Review of Entire Text Materials, Methods of Study, Course objectives and expectations.

Week 2

Monday: 50 minutes

- Chapter 1: Overview of Contracts

Including: Definition of a Contract, Basic Contract Requirements, Classification of Contracts, Key Terms relating to obligation, formation, timing, and enforceability, Practical examples of contract formation, Practical examples of agreements lacking contractual element

Wednesday: 50 minutes

- Chapter 1 Cases: *Villareal v. Art Institute of Houston*, *Rohaley v. Compere*
Assignment 1 Due

Week 3

Monday: 50 minutes

- Chapter 2: Offer

Including: Definition of Offer, Essential Terms of Offer, Key Terms, Practical Examples of Offers, Practical Examples of Counteroffers

Wednesday: 50 minutes

- Chapter 2 Cases: *G.B. "Boots" Smith Corp. v. Cobb*, *Phil Watkins, P.C. v. The Krist Law Firm, P.C.*

Assignment 2 Due

Week 4

Monday: 50 minutes

- Chapter 3: Acceptance

Including: Definition of Acceptance, methods of acceptance, termination of ability to accept, effect of silence, rejection, revocation, practical examples of acceptance, practical examples of failure of acceptance

Wednesday: 50 minutes

- Chapter 3 Cases: *Speedy Ketcherside v. McLane*, *Cook's Pest Control v. Rebar*

Week 5

Monday: 50 minutes

- Chapter 4: Consideration

Including: Definition of Consideration, What is not consideration, sufficiency, promissory estoppel, agreements without consideration, practical examples of failure of consideration, special examples of valueless consideration

Wednesday: 50 minutes

- Chapter 4 Cases: *Stark v. Soteria Imaging Services, Inc.*, and *Nebraska Health Imaging, Davis v. McCurry*

Assignment 3 and 4 Due

Week 6

Monday: 50 minutes

- Chapter 5: Legality of Subject Matter

Including: Concepts of *Malum in Se* and *Malum Prohibitum*, Contractual Capacity, Key Terms, Effect of age, mental capacity, intoxication

Wednesday: 50 minutes

- Chapter 5 Cases: *Calloway d/b/a Calloway & Associates v. E.H. Smith Electrical Contractors, Inc. et al.*, *Bandal v. Baldwin*

Assignment 5 Due

Week 7

Monday: 50 minutes

- Review for Midterm

Wednesday: 50 minutes

- ***MID TERM EXAM***

Assignment 6 Due

Week 8

Monday: 50 minutes

- Chapter 6: Contractual Intent

Including: Definition of Contractual Intent, Fraud, Duress, Misrepresentation, mistake, and practical examples of those concepts

Wednesday: 50 minutes

- Chapter 6 Cases: *Lancaster v. Lancaster*, *LaFournaise v. Montana Developmental Center*

Assignment 6 Due

Week 9

Monday: 50 minutes

- Chapter 7: Contract Provisions

Including: Statute of Frauds, Covenants, Conditions, Rules of Construction, practical examples of covenants and conditions, actual examples of rules of construction, examples of contracts inside and outside the statute of frauds

Wednesday: 50 minutes

- Chapter 7 Cases: *Maintenance Technologies International, LLC v. Vega*, *The Catholic Charities of the Archdiocese of Chicago v. Thorpe*

Week 10

Monday: 50 minutes

- Chapter 8: The Uniform Commercial Code

Including: General Background, Article I, Article II, Article II-A, Article IX, practical examples of liens created by Article IX, effect of debt on economy

Wednesday: 50 minutes

- Chapter 8 Cases: *In re Hoskins*, *Hergert v. Bank of the West*

Assignment 7 Due

Week 11

*** Spring Break***

Week 12

Monday: 50 minutes

- Chapter 9: Third Party Contracts

Including: Definitions and examples of beneficiaries, creditor beneficiaries, donee beneficiaries, assignments, delegations, diagrams of the parties involved, practical examples of formation of assignments, practical examples of creation of beneficiaries

Wednesday: 50 minutes

- Chapter 9 Cases: *Burks v. Federal Insurance Company*, *Imperial Hotels Corp. v. Dore et al.*

Assignment 8 Due

Week 13

Monday: 50 minutes

- Chapter 10: Discharge of Obligations

Including: Methods of Discharge, excuse, performance, breach, agreement, impossibility, illegality, death, frustration

Wednesday: 50 minutes

- Chapter 10 Cases: *OWBR LLC, d/b/a Outrigger Wailea Resort v. Clear Channel Communications, Inc.*, *Werner v. Ashcroft Bloomquist, Inc.*

Assignment 9 Due

Week 14

Monday: 50 minutes

- Chapter 11: Remedies

Including: definition and description of various legal and equitable remedies: compensatory, punitive, consequential, liquidated, injunction, specific performance, rescission, restitution. Quasi contract remedies, waivers, arbitration

Wednesday: 50 minutes

- Chapter 11 Cases: *Morabito v. Harris*, *Salter v. Al-Hallaq*

Assignment 10 Due

Week 15

Monday: 50 minutes

- Review for Final Examination

Wednesday: 50 minutes

- Review Chapter Cases

Finals Week

Final Examination as per UM-COT schedule

*****Final Examination*****

SYLLABUS REVISION DATE: January 2016

ATTENDANCE POLICY: All students are expected to attend every class unless excused by the instructor prior to class. Failure to attend will adversely affect a student's grade, possibly to the point of failure.

CLASS MEETING TIME AND PLACE: Mondays and Wednesdays, 11:10 AM to 12:00 Noon, in Room HB 06.

DISABILITY ACCOMODATION STATEMENT: If any student requires special consideration for any reason, it is the responsibility of the student to contact the instructor to discuss the matter and mutually craft a resolution prior to any situation that might give rise to the special consideration requested.

INSTRUCTOR CONTACT INFORMATION: Thomas H. Stanton,
Tom.Stanton@umontana.edu, (406) 243-7850, Faculty Office, (North-East corner
Business Administration Building, East Campus), Office hours by appointment or see
schedule on office door.

MISSED/LATE COURSE WORK POLICY:

Late or incomplete homework and/or class presentation will not be accepted for credit.
An exception to this policy may be created by the instructor on a case by case basis
depending on circumstances. Such circumstances must be submitted in writing along
with the late or incomplete homework.

TESTING POLICY:

Make up tests or quizzes will not be given unless the instructor is contacted at least one
hour prior to the scheduled time for the test or quiz.