

CONTRACTS II
LAW 103-004 (CRN#12229)
Spring 2022

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COURSE SCHEDULE/MEETING TIMES/TYPE:

Monday and Wednesday: 1:50pm - 3:15pm.

OFFICE HOURS: TBA

REQUIRED TEXTS:

Robert E. Scott and Jody S. Kraus, *Contract Law and Theory* (5th 2014);
Restatement (2d) of Contracts and UCC Article 2

COURSE OVERVIEW/DESCRIPTION :

Contracts II examines issues of interpretation, performance/breach, defenses, and remedies. Differences between the common law and UCC approaches will be highlighted, with occasional comparison to contract law in foreign jurisdictions.

LEARNING OUTCOMES:

- Understand the rule-vs-standard debate through careful studies of the statute of frauds and the parole evidence rule
- Recognize and apply the different approaches towards contractual interpretation
- Understand what constitutes adequate performance and breach of contracts
- Appreciate additional defense doctrines (mistake, impracticability, frustration of purpose)
- Distinguish and compute money damages (expectation/reliance/restoration/disgorgement)

BASIS OF EVALUATION & ASSESSMENTS:

Grading will be based on a final exam on April 28 (12:00pm).
Exam format: multiple-choice questions and essay questions.

INSTRUCTOR EXPECTATIONS AND COURSE RULES/STRUCTURE:

Please come to each class having completed all assigned readings.

COURSE SCHEDULE:

(Tentative; please refer to the course site on Blackboard for the latest update)

Topic 1: Statutory of Frauds

Classes 1 and 2: 514-532 (18 pages) + Overview

Topic 2: Parol Evidence Rule & Interpretation

Classes 3 & 4 : 537-553 (16 pages) and 553-561 (8 pages)

Class 5: 428-431 561-574 (17 pages)

Class 6: 574-588 (13 pages)

Class 7 588-609 (21 pages)

Topic 3: Performance

Class 8 613-20 and 74-85 (19pages)

Class 9 620-636 (17 pages)

Class 10 636-639 646-9 (skip n. 1) (6 pages) & 649-669 (20 pages)

Class 11 669-677, 66-74 (16 pages)

Topic 4: Mistake and Excuse

Class 12 691-710 (19 pages)

Class 13 710-729, 85-90 (26 pages)

Class 14 729-738 (10 pages)

Class 15 738-757 (19 pages)

Class 16 759-772 (13 pages)

Topic 5: Breach

Class 17 775-794 (19 pages)

Class 18 811-828 (18 pages)

Topic 6: Remedies [8 classes]

Class 19 94-108, 841-846 (16 pages Overview)

Class 20 846-856 (11 pages Expectation Damages)

Class 21 108-115, 857-865 (17 pages SP)

Class 22 865-886 (22 pages Reliance Damages and Restitution)

Class 23 887-894 (8 pages; Punitive Damages - skip n. 4) + 914-920 (7 pages Certainty)

Class 24 921-929, 115-124 (17 pages - Foreseeability)

Class 25 929-940 (12 pages - Duty to Mitigate)

Class 26 overview of Liquidated Damages + Review

Optional Office Hours

Apr 28 12:00noon Final Examination (open book)

EMAIL COMMUNICATION: Students must use their MasonLive email account to receive important University information, including communications related to this class.

ATTENDANCE:

Regular and punctual attendance are required to earn academic credit. Attendance requirements for academic credit will follow the policies set forth in Academic Regulation 4-1. Should a student anticipate the possibility of missing a substantial number of class sessions (e.g. a serious illness), he or she should immediately contact the Assistant Dean, Student Academic Affairs. There is no substituted work available for this course (see AR 4-1.2).

The instructor will track attendance by visually surveying the class in Zoom. If you are not present for at least 75 percent of a session, you will be considered absent from that session (AR 4-1.1). Should technical difficulties arise, please call in using the Zoom telephone number.

CLASS RECORDINGS PROHIBITED:

No portion of a class session or an examination may be preserved by means of a recording device such as an audio recording device or camera (AR 4-2.2). Any exceptions to this policy must be expressly permitted in writing by me. Requests to access a particular meeting to accommodate a COVID-related absence should be made to the Assistant Dean, Student Academic Affairs.

EXAM CONFLICTS: In accordance with AR 4-4.1, excuses and requests for permission not to sit for an examination when scheduled must be presented, with appropriate documentation, to the Assistant Dean, Student Academic Affairs. Except in emergencies, such requests should be presented no later than two weeks before the date of the examination. All requests for extensions or rescheduling of deadlines will be processed through the Assistant Dean, Student Academic Affairs, whose decision will be final.

COVID INSTRUCTIONAL CONTINGENCY PLAN: Any adjustment to teaching brought about as result of the Covid health emergency will be handled consistently with university policy.

COVID HEALTH & SAFETY REQUIREMENTS:

While our class will meet exclusively virtually, remember that under current University health and safety protocols, face coverings and social distancing are required for all persons on campus. Any student or instructor who anticipates being on campus for any reason should refer to the most up-to-date University policies here: <https://www2.gmu.edu/coronavirus>.

ACADEMIC INTEGRITY: It is expected that students adhere to the Antonin Scalia Law School Honor Code. The Honor Code prohibits lying, cheating, or stealing. This includes a student obligation to never represent the work of another as their own, and to never provide or accept unauthorized assistance on any school related assignment. The Honor Code is available here: <https://sls.gmu.edu/honor/>.

CLASSROOM ACCOMMODATIONS: Disability Services at George Mason University is committed to providing equitable access to learning opportunities for all students by upholding laws that ensure equal treatment of people with disabilities. If you are seeking accommodations for this class, please visit <http://ds.gmu.edu/> for detailed information about the Disabilities Registration Process. Faculty may not receive or respond to requests for an accommodation. All requests must be handled by the office of Disability Services. You may contact Disability Services directly via email at ods@gmu.edu or phone at (703) 993-2474. If you have any questions about how in-class or testing accommodations are implemented at the law school, please contact the Assistant Dean, Student Academic Affairs for more information.

ADDITIONAL SCHOOL POLICIES AND RESOURCES:

STUDENT HONOR CODE - [Click Here](#)

ACADEMIC REGULATIONS - [Click Here](#)

UNIVERSITY LIFE: University Life provides student support resources such as **Counseling and Psychological Services** (<https://caps.gmu.edu/>), **Student Health Services** (<https://shs.gmu.edu/>), and the **Student Support and Advocacy Center** (<https://ssac.gmu.edu/>). For more information about University Life on the Arlington Campus, please visit: <https://ularlington.gmu.edu/>