

George Mason University, Antonin Scalia Law School

Contracts (JM)

Law 075 – R01

Syllabus, Spring 2024

Tuesdays, 6:05-9:00pm

Remote (via Zoom)

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Course Materials:

The course materials are as follows:

- **Required:** Robert E. Scott and Jody S. Kraus, *Contract Law and Theory* (6th ed., 2023) (“Scott”);
- **Optional:** Tracey E. George and Russell Korobkin, *Selections from the Restatement (Second) Contracts and Uniform Commercial Code for First Year Contracts*.

These texts been ordered to the bookstore.

Grading:

Your grade for the course will be determined on the following basis:

- Final exam (70%); and
- Class participation (30%).

Students are responsible for the assigned materials for each class session and are expected to participate in class discussion. Students should be prepared to explain and discuss the basic aspects of assigned cases, i.e. the parties, the controversy, the legal doctrines at issue, and the holding.

Anticipated Learning Outcomes:

By the end of the course, students should:

- Know the requirements of a valid (enforceable) contract;
- Understand the limits of contracts in the real world;
- Understand how to think proactively about potential issues or problems in contractual relationships and how to address them in contract language;

- How courts approach contract disputes and thus how the potential for litigation informs contract negotiations and the settlement of disputes.

Syllabus Subject to Modification

This syllabus sets out an expected schedule of course materials. It is understood, however, that there should be flexibility where circumstances, or the needs of the class, necessitate it. Some issues or cases may require more time devoted to them than initially expected, and modifications to the syllabus may be made as a result. Sometimes circumstances beyond our control, for example a technical issue impacting the remote presentation or the sudden appearance of a cat, may require modification of the schedule. Any modifications will be announced in class as well as via Blackboard.

Class Assignments (Tentative Schedule)

January 16:

- Review of syllabus, introductions, study/reading strategies;
- Scott, 5-9 (*Bailey v. West*), 14-18 (*Lucy v. Zehmer*), 23-33 (“Essay: An Introduction to Theories of Contract Law;” *Trimmer v. Van Bomel*)

January 23:

- Scott, 42-50 (“Which Promises Will Be Enforced;” *Hamer v. Sidway*; *St. Peter v. Pioneer Theatre Corp.*), 53-57 (*Williams v. Walker-Thomas Furniture Co. I and II*).

January 30:

- Scott, 96-99 (“The Compensation Puzzle;” *Freund v. Washington Square Press, Inc.*), 108-111 (“Specific Performance;” *Van Wagner Adver. Corp. v. S&M Enters.*), 113-118 (“Essay: Why Isn’t Specific Performance Generally Available;” *Hadley v. Baxendale*).

February 6:

- TBD.¹

February 13:

- TBD.

February 20:

- TBD.

¹ Due to a delay by publisher in providing review copy of textbook, the remaining assignments will be provided on or about January 30, 2024.

February 27:

- TBD.

March 5:

SPRING BREAK

March 12:

- TBD.

March 19:

- TBD.

March 26:

- TBD.

April 2 (tentative due to anticipated birth of instructor's second child):

- TBD.

April 9:

- TBD.

April 16:

- TBD.