

ITT Technical Institute
PL2525
Fundamentals of Contract Law
Onsite Course

SYLLABUS

Credit hours: 4.5

Contact/Instructional hours: 45 (45 Theory Hours)

Prerequisite(s) and/or Corequisite(s):

Prerequisites: PL1310 Introduction to Civil Litigation or equivalent

Course Description:

This course is an overview of fundamentals of contract law, including contractual elements and standard contractual provisions, contract provisions in selected practice areas, the Statute of Frauds and the Uniform Commercial Code. Students draft simple contracts and study the ethics of contractual relationships.

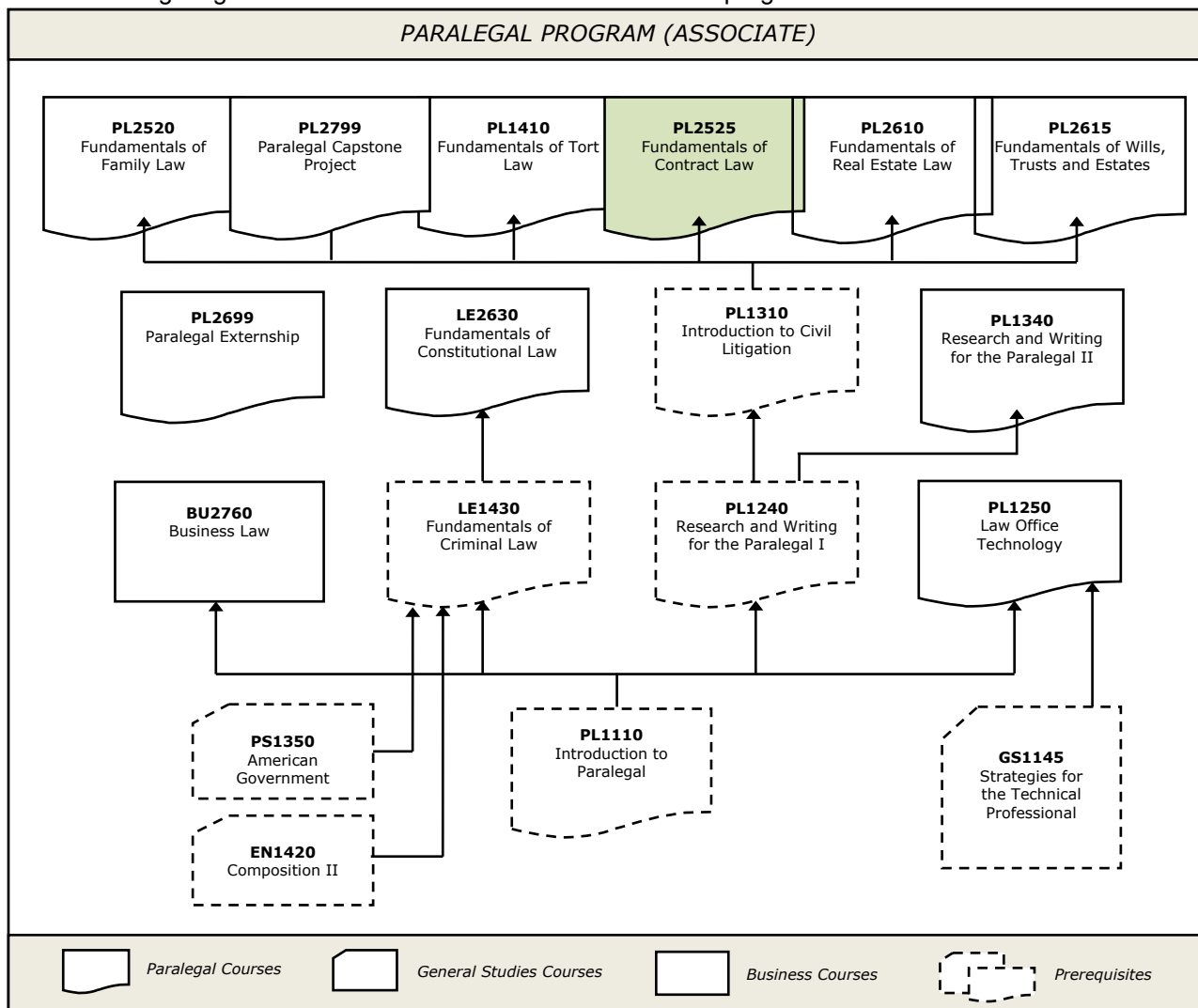
Where Does This Course Belong?

This course is required for the Paralegal associate's degree program. This program covers the following core areas:

- Legal research and writing
- Ethical standards
- Various law specialties

Graduates of this program may begin their career in a variety of entry-level positions such as corporate paralegal, paralegal real estate, litigation paralegal, and court paralegal.

The following diagram demonstrates how this course fits in the program:



Course Summary

Major Instructional Areas

1. General formation of and elements to contracts
2. Remedies for breach of contract and the type of damages that are available
3. Relationship and applicability of the Uniform Commercial Code (UCC) to contracts, to sale of goods, and to lease agreements
4. The Statute of Frauds
5. Special contract forms and the effect of actions taken with respect to negotiable instruments
6. Ethical standards in contract law

Course Objectives

1. Create a contract based on case scenario(s).
2. Explain the processes necessary to create an enforceable contractual agreement.
3. Determine whether a contract exists based on different scenarios.
4. Explore contracts in an electronic world.
5. Recite the elements of a legal binding contract.
6. Describe fraud as it relates to contracts.
7. Formulate the remedies for breach of contract.
8. Examine the Uniform Commercial Code (UCC).
9. Explain the Statute of Frauds.
10. Distinguish damages available for breach of contract.
11. Draft a warranty form.
12. Examine various legal issues surrounding contracts.
13. Describe special contract forms.
14. Determine appropriate responses to ethical issues related to contract law.
15. Use the ITT Tech Virtual Library to conduct contract law research.

Learning Materials and References

Required Resources

Textbook Package	New to this Course	Carried over from Previous Course(s)	Required for Subsequent Course(s)
Reed, K. M., & Cheeseman, C. R. (2009). <i>Contract law for paralegals: Traditional and e-contracts</i> . Upper Saddle River, NJ: Prentice Hall.	■		■

Recommended Resources

Books, Professional Journals

Books

- Frey, M. A., & Frey, P. H. (2009). *An introduction to the law of contracts*. (4th ed.). Boston, MA: West Legal Studies.

Web sites

- Cornell University Law School: <http://www.law.cornell.edu/wex/> (accessed 1/10/12)
Freely available legal dictionary and legal encyclopedia
- FindLaw: <http://www.findlaw.com> (accessed 1/10/12)
Legal information and lawyer profiles

Professional Associations

- National Federation of Paralegal Associations
<http://www.paralegals.org> (accessed 1/10/12)
The NFPA works to promote a global presence for the paralegal profession and leadership in the legal community.
- National Association of Legal Assistants
<http://www.nala.org/> (accessed 1/10/12)
NALA is a national organization that supports local organizations that provide resources and promote professionalism, scholarship and leadership in the legal community.

ITT Tech Virtual Library (accessed via Student Portal)

Log on to the ITT Tech Virtual Library at <http://www.library.itt-tech.edu/> to access online books, journals, and other reference resources selected to support ITT Tech curricula.

Books

You may click Books>eBooks on EbscoHost to find the following book.

- Elias, S., & Levinkind, S. (2007). *Legal research: How to find and understand the law*. (14th ed.). Berkeley, CA: Nolo.

NOTE: All links are subject to change without prior notice.

Information Search

Use the following keywords to search for additional online resources that may be used for supporting your work on the course assignments:

- Contracts
- Contract law
- Uniform Commercial Code
- Agreements
- Mutual assent
- Contractual capacity
- E-contracts
- Remedies for breach of sales contracts
- Sales and lease warranties
- Performance of sales contracts
- Contract law ethics

Course Plan

Suggested Learning Approach

In this course, you will be studying individually and within a group of your peers. As you work on the course deliverables, you are encouraged to share ideas with your peers and instructor, work collaboratively on projects and team assignments, raise critical questions, and provide constructive feedback.

Use the following advice to receive maximum learning benefits from your participation in this course:

DO	DON'T
<ul style="list-style-type: none">▪ Do take a proactive learning approach.▪ Do share your thoughts on critical issues and potential problem solutions.▪ Do plan your course work in advance.▪ Do explore a variety of learning resources in addition to the textbook.▪ Do offer relevant examples from your experience.▪ Do make an effort to understand different points of view.▪ Do connect concepts explored in this course to real-life professional situations and your own experiences.	<ul style="list-style-type: none">▪ Don't assume there is only one correct answer to a question.▪ Don't be afraid to share your perspective on the issues analyzed in the course.▪ Don't be negative about the points of view that are different from yours.▪ Don't underestimate the impact of collaboration on your learning.▪ Don't limit your course experience to reading the textbook.▪ Don't postpone your work on the course deliverables – work on small assignment components every day.

Course Outline

Unit 1: INTRODUCTION TO CONTRACT LAW

Upon completion of this unit, students are expected to:

- Describe a basic contract and identify its necessary elements.
- Compare and contrast bilateral and unilateral contracts.
- Compare and contrast express and implied-in-law (quasi) contracts.
- Evaluate contracts and categorize valid, void, voidable, and unenforceable contracts.
- Examine the Uniform Commercial Code (UCC) and the Restatement of the Law of Contracts.
- Apply the objective theory of contracts and point out how the reasonable person standard validates it.
- Give examples of formal and informal contracts.
- Compare and contrast executed and executory contracts.

**Out-of-class
work:**
9 hours

READING ASSIGNMENT	GRADED ACTIVITIES / DELIVERABLES		
	Grading Category	Activity/Deliverable Title	Grade Allocation (% of all graded work)
• Reed & Cheeseman, Chapter 1	Assignment	Unit 1 Assignment 1: Name That Contract	2%
		Unit 1 Assignment 2: UCC Assignment	2%

Unit 2: OFFER AND ACCEPTANCE

Upon completion of this unit, students are expected to:

- Define offer and acceptance as it relates to agreement.
- Identify terms that can be implied in a contract.
- Compare and contrast special offers such as auctions, rewards, and advertisements.
- Distinguish between termination of offers and counteroffers, and describe the process and effects of termination of offers versus counteroffers.
- Explain how an offer can be accepted, including acceptance by silence.
- Explain contract agreement process including defining consideration and identifying when there is inadequacy of consideration.
- Analyze contracts and recognize when they are lacking consideration.
- Apply doctrines of preexisting duty, past consideration, and promissory estoppels.

**Out-of-class
work:**
9 hours

READING ASSIGNMENT	GRADED ACTIVITIES / DELIVERABLES		
	Grading Category	Activity/Deliverable Title	Grade Allocation (% of all graded work)
• Reed & Cheeseman, Chapters 2-3	Assignment	Unit 2 Assignment 1: Elements of a Contract	2%
	Project	Unit 2 Project Part 1: Elements of a Contract	2.5%

Unit 3: CONTRACTUAL CAPACITY AND LEGALITY

Upon completion of this unit, students are expected to: <ul style="list-style-type: none"> • Describe the infancy doctrine. • Define contractual capacity and identify issues such as legal insanity and intoxication and how they affect it. • Identify illegal contracts that are contrary to statutes and those that violate public policy. • Identify unconscionable contracts. • Determine and identify which unconscionable contracts are unlawful. • Analyze when covenants not to compete and exculpatory clauses are lawful. • Describe types of fraud in contracts. • Explain genuineness of assent. • Explain how mutual mistake of fact excuses performance. • Describe intentional misrepresentation (fraud), duress, and undue influence. 			Out-of-class work: 9 hours
READING ASSIGNMENT	GRADED ACTIVITIES / DELIVERABLES		
	Grading Category	Activity/Deliverable Title	Grade Allocation (% of all graded work)
<ul style="list-style-type: none"> • Reed & Cheeseman, Chapters 4-5 	Assignment	Unit 3 Assignment 1: Contractual Capacity	2%
	Project	Unit 3 Project Part 2: Counteroffers and Contracts	2.5%
	Quiz	Unit 3 Quiz 1 (covering Units 1 and 2)	5%

Unit 4: CONTRACTS IN WRITING AND THIRD-PARTY CONTRACTUAL RIGHTS AND OBLIGATIONS

Out-of-class work:
 9 hours

Upon completion of this unit, students are expected to:

- Explain the Statute of Frauds.
- Select contracts that must be in writing under the Statute of Frauds.
- Illustrate the effect of noncompliance with the Statute of Frauds.
- Summarize how the Statute of Frauds applies to the sale of goods.
- Apply the Parole Evidence Rule.
- Describe assignment of contracts and the contract rights that fall under this category.
- State a person's rights under a contract of intended beneficiary.
- Define covenant.
- Distinguish among conditions precedent, conditions subsequent, and concurrent conditions.
- Demonstrate when the performance of a contract is excused because of objective impossibility or commercial impracticability.

READING ASSIGNMENT	GRADED ACTIVITIES / DELIVERABLES		
	Grading Category	Activity/Deliverable Title	Grade Allocation (% of all graded work)
<ul style="list-style-type: none"> Reed & Cheeseman, Chapters 6-7 	Assignment	Unit 4 Assignment 1: Drafting Contracts and Third Parties	2%
	Project	Unit 4 Project Part 3: Drafting a Contract and Assigning a Third Party	2.5%

Unit 5: REMEDIES FOR BREACH OF CONTRACT

Upon completion of this unit, students are expected to:

- Define breach of contract.
- Describe remedies for breach of contract including damages and equitable remedies.
- Explore seller's and buyer's performance of sales and lease contracts and remedies.

Out-of-class work:
9 hours

READING ASSIGNMENT	GRADED ACTIVITIES / DELIVERABLES		
	Grading Category	Activity/Deliverable Title	Grade Allocation (% of all graded work)
<ul style="list-style-type: none"> Reed & Cheeseman, Chapter 8; Chapter 12 	Assignment	Unit 5 Assignment 1: Remedies for Breach of Contract	2%
	Project	Unit 5 Project Part 4: Creating Enforceable and Unenforceable Contracts (PORTFOLIO)	2.5%
	Quiz	Unit 5 Quiz 2 (covering Units 3 and 4)	5%

Unit 6: CONTRACTS IN AN E-WORLD

Upon completion of this unit, students are expected to:

- Describe Internet domain names and the federal consumer act that protects them.
- Describe e-contracts including their formation, performance requirements, and remedies available.
- Explain federal acts that have made certain internet actions illegal and the cyber crimes that have resulted.

Out-of-class work:
9 hours

READING ASSIGNMENT	GRADED ACTIVITIES / DELIVERABLES		
	Grading Category	Activity/Deliverable Title	Grade Allocation (% of all graded work)
<ul style="list-style-type: none"> Reed & Cheeseman, Chapter 9 	Assignment	Unit 6 Assignment 1: E-Contracts	2%
	Project	Unit 6 Project Part 5: Statute of Frauds and Contracts	2.5%
	Exam	Midterm Exam (covering Units 1-5)	20%

Unit 7: THE UNIFORM COMMERCIAL CODE AND THE SALES AND LEASES OF GOODS

**Out-of-class
work:**
9 hours

Upon completion of this unit, students are expected to:

- Define sales contracts governed by Article 2 of the UCC.
- Define lease contracts governed by Article 2A of the UCC.
- Apply the basic UCC principles of good faith and reasonableness.
- Compare and contrast the formation of sales and lease contracts.
- Define and illustrate the UCC's firm offer rule, additional terms rule, and written confirmation rule.
- Identify when title to goods passes in shipment and destination contracts and explain who bears the risk of loss when goods are lost or damaged in shipment in comparison to when they are stolen and resold.
- Define shipment and delivery terms.
- Compare and contrast good faith purchaser for value and buyer in the ordinary course of business.

READING ASSIGNMENT	GRADED ACTIVITIES / DELIVERABLES		
	Grading Category	Activity/Deliverable Title	Grade Allocation (% of all graded work)
<ul style="list-style-type: none"> • Reed & Cheeseman, Chapters 10-11 	Assignment	Unit 7 Assignment 1: Sales and Lease Contracts	2%
	Project	Unit 7 Project Part 6: UCC Contract	2.5%

Unit 8: WARRANTIES

**Out-of-class
work:**
9 hours

Upon completion of this unit, students are expected to:

- Explain express warranties.
- Describe the implied warranty of merchantability and the implied warranty of fitness for a particular purpose.
- Distinguish implied warranty of merchantability and the implied warranty of fitness from other warranties.
- Evaluate warranty disclaimers and determine if they are unlawful.
- Describe the warranties of good title and no infringements.

READING ASSIGNMENT	GRADED ACTIVITIES / DELIVERABLES		
	Grading Category	Activity/Deliverable Title	Grade Allocation (% of all graded work)
<ul style="list-style-type: none"> • Reed & Cheeseman, Chapter 13 	Assignment	Unit 8 Assignment 1: Warranties	2%
	Project	Unit 8 Project Part 7: Warranty Language	2.5%

Unit 9: TORTS AND CONTRACT LAW**Out-of-class
work:**
9 hours

Upon completion of this unit, students are expected to:

- Explain the relationship of tort law to contract law and illustrate how they intermingle.
- Illustrate the doctrine of strict liability.
- Describe defects in warnings and adequate packaging.
- Summarize the damages recoverable in a product liability lawsuit and outline the criteria that must be met.

READING ASSIGNMENT	GRADED ACTIVITIES / DELIVERABLES		
	Grading Category	Activity/Deliverable Title	Grade Allocation (% of all graded work)
• Reed & Cheeseman, Chapter 14	Assignment	Unit 9 Assignment 1: Tort Law v. Contract Law	2%
	Quiz	Unit 9 Quiz 3 (covering Units 7 and 8)	5%

Unit 10: SPECIAL FORMS**Out-of-class
work:**
9 hours

Upon completion of this unit, students are expected to:

- Compare and contrast negotiable and nonnegotiable instruments.
- Identify an agency contract and explain the liability it creates on a third party.
- Define the term collective bargaining agreement.
- Identify the effect of bankruptcy on labor contracts.

READING ASSIGNMENT	GRADED ACTIVITIES / DELIVERABLES		
	Grading Category	Activity/Deliverable Title	Grade Allocation (% of all graded work)
• Reed & Cheeseman, Chapter 15	Project	Unit 10 Project Part 8: Portfolio	2.5%
	Quiz	Unit 10 Quiz 4 (covering Unit 9)	5%

Unit 11: COURSE REVIEW AND FINAL EXAM**Out-of-class
work:**
9 hours

READING ASSIGNMENT	GRADED ACTIVITIES / DELIVERABLES		
	Grading Category	Activity/Deliverable Title	Grade Allocation (% of all graded work)
• No assigned readings	Exam	Final Exam	20%

Evaluation and Grading

Evaluation Criteria

The graded assignments will be evaluated using the following weighted categories:

Category	Weight
Assignment	20%
Project	20%
Quiz	20%
Exam	40%
TOTAL	100%

Grade Conversion

The final grades will be calculated from the percentages earned in the course, as follows:

Grade	Percentage	Credit
A	90–100%	4.0
B+	85–89%	3.5
B	80–84%	3.0
C+	75–79%	2.5
C	70–74%	2.0
D+	65–69%	1.5
D	60–64%	1.0
F	<60%	0.0

Academic Integrity

All students must comply with the policies that regulate all forms of academic dishonesty, or academic misconduct, including plagiarism, self-plagiarism, fabrication, deception, cheating, and sabotage. For more information on the academic honesty policies, refer to the Student Handbook and the Course Catalog.

(End of Syllabus)