

Syllabus Contracts II

Winter, 2009

Professor Downs

<u>Date</u>	<u>Text</u>	<u>Supplement</u>	<u>Readings</u>
Jan. 8	<u>Filing Gaps – Implied Warranties</u> pp. 431-445	UCC 2-314, 315, 316	
Jan. 13	<u>Express Warranties, Unfairness</u> pp. 446-462	UCC 2-313, 1-304 Rest. 205	
Jan. 15	<u>Adhesion Contracts</u> pp.463-487	UCC 2-302	Chirelstein pp. 76-84
Jan. 20	<u>Sources of Policing-Unconscionability</u> pp. 487-507	Rest. 208	(Cont.)
Jan. 22	<u>Uncon – Franchises/Arb Clauses</u> pp. 507-522		
Jan. 27	<u>Good Faith</u> pp. 522-543	UCC 1-201(19), 2-103(1)(b)	
Jan. 29	<u>Public Policy-Illegal Contracts</u> pp. 543-562	Rest. 178, 181, 187, 188.	
Feb. 3	<u>Public Policy-Employment/Family Contracts</u> pp. 562-582		
Feb. 5	<u>Remedies for Breach-Specific Performance</u> pp. 583-606		UCC 2-716 Rest. 359, 360
Feb. 10	<u>Measuring Expectation</u> pp. 606-619	<u>Rest. Chap 16</u> , UCC 1-106 2-711, 712, 713, 706	Chirl 159-168
Feb. 12	<u>Lost Volume Sellers – Losing Contracts</u> pp. 619-629	UCC 2-706, 708, 709. 703, 704, Rest. 347	Chirl – 168-182
Feb 17-19	First Mini-Term. No Contracts II Classes		
Feb. 24	<u>Limitations on Damages</u> <u>Avoidability</u> pp. 629-644		UCC 2-712, 706, 713, 708, 709, 723, 724, 703, 711, 716
Feb. 26	<u>Avoidability and Cost of Remedy</u> pp. 644-656		(Cont.)

March 3	<u>Foreseeability</u> pp. 657-672	Rest. 351 & 352 UCC 2-715(2)(a)	
March 5	<u>Certainty</u> <u>Liquidated Damages</u> pp. 672-690	Rest. 352, 353 UCC 1-106, 2-718	Chirl 182-201
March 10	<u>Performance & Breach-Conditions</u> pp. 691-708	Rest. 224-229 UCC 2-104(1), 2-103	Chirl 105-117
March 12	<u>Mitigating Doctrines-Prevention</u> pp. 709-723	Rest. 84, 229 UCC 2-209(5), 2-208	
March 17	<u>Mitigating Doctrines-Substantial Performance</u> <u>Divisibility</u> pp. 723-735	Rest. 241, 250-253 UCC 2-601, 508, 608, 612, 609, 610 1-203, 2-103(1)(b)	
March 19	<u>Mitigating- Restitution</u> <u>Suspending Performance & Termination of K</u> pp. 735-757	Rest. 374, UCC 2-718(2) Rest. 232, 237, 241-243, UCC 2-717	
Mar 24-26	No Contracts II Classes – Spring Break & Second Mini-Term		
March 31	<u>Hindrance and Prevention</u> <u>Prospective Nonperformance</u> pp. 757-776	Rest. 205, UCC 2-605(1) Rest. 251, 253, UCC 2-609, 711 2-712, 713, 723, 615	
April 2	<u>Pros. Nonperform. (cont.)</u> pp. 776-794	(Cont.) Rest. 250-256, UCC 2-609(1)	
April 7	<u>Assurance of Due Performance</u> pp. 794-806	(Cont.)	
April 9	<u>Basic Assumptions-Mistake</u> pp. 807-821	Rest. 152-158	
April 14	<u>Basic Assumptions-Impracticability of Performance</u> pp. 821-842	Rest. 261, 265, 272 UCC 2-509, 510, 709(1)(a), 501(1), 2-615.	
April 16	<u>Force Majeure Clauses & Frustration of Purpose</u> pp. 842-858	(Cont.) Rest. 265, UCC 2-319(1)(b), 2-615	

April 21 Frustration of Purpose – Half Measures (Cont.)
pp. 858-879

April 23 Review (Last Class)

End of Semester