

OAKLAND UNIVERSITY PARALEGAL PROGRAM
SYLLABUS

1901SLK

SUBSTANTIVE LAW – CONTRACTS 25060

Text: Helewitz, Jeffrey A., (2019). *Basic Contract Law For Paralegals* (9th ed.). New York: Wolters Kluwer.

Faculty: Allan Gordon, JD
Juris Doctor, MSU College of Law
Bachelor of Science, EMU

Professional experience as trial attorney in Michigan and Federal Courts 1973-2010; Past Administrator of mid-size and own law firm; Past University of Phoenix Graduate Law & Ethics Faculty Curriculum Chair; Past Oakland University Paralegal Faculty Curriculum Chair; OU Instructor; Current and Past University Instructor of business and legal education courses in Auto Law, Contracts, Litigation, Business Law, American Government, Intellectual Property Management, Employment Law, Political Science and Critical Thinking; Trial Attorney involved in the Michigan No-Fault automobile constitutional challenge case; Organized and administered free community Legal Aid Program; participated in Detroit Charter Revision Commission; Author of *No-Fault Auto Accident Law* (20th ed, 2016). W. Bloomfield, MI: NLI Publishing; Contributing writer- Philo, H.M. (1973). *Trial Handbook for Michigan Lawyers*. Rochester, NY: Lawyers Co-Op Publishing Co; Freelance writer with articles for Detroit Free Press, newsletters, seminars and legal publications.

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Availability: 9am-5pm Monday-Friday by telephone or e-mail
Meetings by appointment; or before class

Schedule: 6:30-9:30pm, Once Weekly, 14 Sessions= 42 Hours

Credit Hours: 4.2 CEU **Prerequisites:** None

Course Description: Comprehensive study of contract law & UCC sales, focusing on formation, modification, interpretation, enforcement, discharge, breach, remedies, ethics, model contract paragraphs, and case briefing, enhancing reasoning and advocacy skills.

Course Requirements: Written and oral presentation assignments, including problem solving, case briefing, model contractual paragraphs, scenarios, oral argument, internet discussion board, class participation, outside readings and Final Examination. Sessions further consist of Chapter Overview, Facilitation, Discussion, Oral Presentations, Arguments and Analysis. As facilitation is an integral part of the learning process, it is a factor in grading. Use of class text, MCLA, MCR, internet materials and net search. Use Moodle for Assignment details at <https://moodle.oakland.edu/>

Learning Outcomes: The following competencies should be achieved, providing the ability to apply and possess a fundamental understanding of Contract Law including- Mutual Assent, Offer, Acceptance, Consideration, Legality of Object, Legal Capacity, Some Contracts in Writing; Interpretation, Parol Evidence, Statute of Frauds; Modification, Assignment, Conditions; Enforcement, Discharge, Breach, Remedies; UCC Sales; Agency; Ability to Draft Model Contract Paragraphs. Enhancement of organizational skills, legal ethics, critical thinking, written and oral communication proficiencies.

Academic Honesty: Plagiarism is a serious academic offense that will not be tolerated and may result in failure for individual projects, course failure, and/or dismissal from the University. Submit work that represents your original words or ideas. Using another's work or idea without acknowledgement or permission, or cheating in any form, is a serious violation. For Academic Conduct Policy see www.oakland.edu/pace/paralegal - [Policies & Procedures](#)

Attendance: Attendance is a factor in awarding CEUs with 2 absences allowed per course.

Course Standards: It is the responsibility of each student to be prepared for each session. Visit Moodle online each week for Assignment Details and Updates. All assignments must be submitted on their due date. Students are expected to complete reading assignments prior to the scheduled class. It is required that students actively involve themselves in class discussions. Missing class, being late or unprepared will affect the Class Participation portion of a grade. All documents are to be computer generated, 8½ x 11, 12pt type, stapled in the upper left-hand corner, and comply with University standards. Students are responsible for arranging with a classmate to obtain missed notes, materials, and/or assignments.

Discussion Board Expectations: A Post and Reply are required and must be submitted by their due date. Be professional and respectful in content and tone. Due 2 Days before Session 7. Be prepared for a follow-up Class Discussion. These assignments are worth up to 2 Bonus Points.

No cell phone or other related electronic use in class. Set phones to vibrate, and leave class if a response is necessary.

Evaluation Methods:	Written Assignments & Presentations	45%
	Oral Arguments	10%
	Final Exam	35%
	Class Participation	10%
	Discussion Board	<u>EC</u>
		100%*

*-Above ratings could be affected, as course grade may be adjusted one level, based on class participation, oral arguments, discussion board, class scenario, final exam, extra credit and late assignments.

-A .5 is added to the total points for each Extra Credit.

-Late assignments are marked down .25 for each week late.

-All assignments must be satisfactorily completed for course credit.

A = 4.0	C = 2.0	94-100= 4.0	70-75= 2.0
A- = 3.7	C- = 1.7	90-93= 3.7	68-69= 1.7
B+ = 3.3	D+ = 1.3	86-89= 3.3	66-67= 1.3
B = 3.0	D = 1.0	80-85= 3.0	60-65= 1.0
B- = 2.7	F = 0.0 No credit/CEU	78-79= 2.7	0-59= 0.0
C+ = 2.3		76-77= 2.3	

All Sessions include Chapter Overview, Facilitation, Discussion, Oral Presentation, Argument and Analysis. Supplement Assignments with Internet Searches. Go online to Moodle for Assignment Details.

Session	Detailed Topic Outline	Activities/Assignments
1	<p>Intro, Overview of Course, Ethics</p> <p>A. Description of Course</p> <ol style="list-style-type: none"> 1. Overview of elements of Contract Law <ol style="list-style-type: none"> a. Formation, modification, interpretation, assignment, enforcement, breach, remedies, discharge of contracts b. UCC Sales 2. Briefing Cases <p>B. Basic Scheme of Course</p> <p>C. Course Materials-Text, Briefs, Problems, Extra Credit, Outside Readings, Internet Research, Moodle</p> <p>D. Ethics</p> <ol style="list-style-type: none"> 1. Difference between Law and Ethics 2. Ethical Responsibility of Business 	<p><u>Due Session 2</u></p> <p>Reading Materials: Ch 1 p1-16</p> <p>Moodle: Practice Model Brief</p>
2	<p>Intro to Law (Ch 1); Legal Process</p> <p>A. Classification of Law- Substantive & Procedural Law, Public & Private Law, Civil & Criminal Law</p> <p>B. Common Law & Equity</p> <p>C. Business Ethics</p> <p>D. Administrative Law</p> <p>E. Avenues to Shorten Trial Process- Dispute Resolution</p> <p>F. Jurisdiction & Venue</p> <p>G. Review Model Brief</p>	<p><u>Due Session 3</u></p> <p>Reading Materials: Ch 1 p1-16 con't</p> <p>Moodle: Brief Case- Contract Essentials</p>
3	<p>Intro to Contracts (Ch 1)</p> <p>A. Definition of Contract</p> <ol style="list-style-type: none"> 1. Promise(s), Act 2. Some Contracts in Writing, or Oral, or Implied by Conduct, or Implied by Operation of Law 3. Quasi Contracts <p>B. Essentials of Contract</p> <p>C. U.C.C.</p> <p>D. Classifications of Contracts- Formal & Informal; Express & Implied; Unilateral & Bilateral; Void, Voidable, Unenforceable; Executed & Executory</p>	<p><u>Due Session 4</u></p> <p>Reading Materials: Ch 2 p29-44; Ch 3 p59-74</p> <p>Moodle: Question 1- Offers; 4 ECs- Offer, Invitation</p>
4	<p>Contracts- Mutual Assent, Offer, Acceptance (Ch 2,3)</p> <p>A. Mutual Assent</p> <p>B. Offer</p> <p>C. Duration of Offer</p> <ol style="list-style-type: none"> 1. Lapse of Time 2. Revocation 3. Rejection 4. Counter-Offer 5. Death or Incompetency 6. Destruction of Subject Matter 7. Subsequent Illegality <p>D. Effectiveness</p> <p>E. Acceptance- Definiteness, Effective Moment</p>	<p><u>Due Session 5</u></p> <p>Reading Materials: Ch 6 p127-136; Ch 4 p83-98</p> <p>Moodle: Question 1- Acceptance; Question 2- Illegal Bargains; 1 EC- Legal Detriment</p>
5	<p>Contracts- Conduct Invalidating Assent, Consideration, Illegal Bargains</p> <p>A. Consent Not Effective When Not Knowingly and Voluntarily Given (Ch 6)</p> <ol style="list-style-type: none"> 1. Duress 2. Undue Influence 3. Fraud 4. Misrepresentation 5. Mistake <p>B. Consideration (Ch 4)</p> <ol style="list-style-type: none"> 1. Legal Sufficiency- something of value 2. Bargain for Exchange <p>C. Illegal Bargains- Statutory Violations, Violations of Public Policy</p>	<p><u>Due Session 6</u></p> <p>Reading Materials: Ch 5 p109-118; Ch 7 p157-160; Ch 9 p211-231</p> <p>Moodle: Brief Case- Incompetent Persons; Question 1- Minority Transfer; 1 EC- Minority</p>

Session	Detailed Topic Outline	Activities/Assignments
6	Contracts- Capacity (Ch 5), Written Contracts, Third Party Rights A. Minors' Liability B. Incompetent Persons C. Intoxicated Persons D. Contracts in Writing- Statute of Frauds (Ch 7) E. Parol Evidence Rule F. Rights of Third Parties (Ch 9) G. Third Party Beneficiary Contracts	<u>Due Session 7</u> Reading Materials: Ch 7 p145-162; Ch 10 p237-253; Ch 11 p263-278 Moodle: Discussion Board or Class Scenario, Q1
7	Contracts- Conditions, Discharge, Remedies A. Conditions (Ch 7) 1. Express, Implied in Fact, or Implied in Law 2. Concurrent, Precedent, Subsequent B. Discharge (Ch 10) 1. by Performance 3. by Agreement of the Parties 2. by Breach 4. by Operation of Law C. Remedies (Ch 11) 1. Monetary Damages- Compensatory, Incidental, Consequential; Punitive; Liquidated; Mitigation of Damages 2. Remedies in Equity- Specific Performance; Injunctions D. Discussion Board or Class Scenario, Q1	<u>Due Session 8</u> Reading Materials: Moodle: Agency Ch 3 p64, 74 Moodle: Brief Case- Fiduciary Duty
8	Contract Liability in Agency Relationships A. What is Agency? B. Employer/Employee and Independent Contractors C. Creation of Agency D. Duties of Agent to Principal; Principal to Agent E. Termination of Agency F. Contractual Liability of Principal to Third Parties G. Contractual Liability of Agent and Third Parties	<u>Due Sessions 9 & 10</u> Moodle: <u>Oral Arguments-</u> Case Briefs covering offers, timeliness, minority and parol evidence
9&10	Oral Arguments A. Oral Arguments of Contract Case Briefs B. Brief and Contract Questions	<u>Due Session 11</u> Reading Materials: Ch 8 p177-189, 197-200
11	Sales (Ch 8), Performance (Ch 10) A. Intro to Sales B. UCC Sales C. CISG- UN Convention on Contracts for International Sale of Goods D. Performance of a Contract for the Sale of Goods E. K Paragraphs (Ch 12)- Moodle Handout & Shark Tank Assignment	<u>Due Session 12</u> Reading Materials: Ch 12 p295-315; K Paragraphs on Moodle, See samples in Appendix A Moodle: Oral Dialogue-Shark Tank K
12	Contractual Paragraphs (Ch 12), Contracts in Review A. Legal Entities In Ks B. Model Contractual Paragraphs C. Oral Dialogue Assignment- Shark Tank K D. Course Review: Elements, Discharge, Performance, Breach, Remedy	<u>Due Session 13</u> Reading Materials: Ch 8 p181-187 Begin Study for Final Exam
13	Sales, Product Liability, Remedies A. Transfer of Title and Risk of Loss (Ch 8) B. Product Liability: Warranty and Strict Liability (Ch 8) C. Sellers and Buyers Remedies for Breach (Ch 11) D. Contract Provisions to Limit Remedies E. Finish Course Review for Final Exam	<u>Due Session 14</u> Study for Final Exam
14	Course Summation and EXAM A. Review Any Remaining Material; Questions & Answers B. Course Evaluations C. FINAL EXAM D. Course Discussion	

NOTE: ASSIGNMENT SCHEDULE IS SUBJECT TO CHANGE

The information provided in this Syllabus, Class, Online, or Program shall not be relied upon as legal advice.