**ESSEX COUNTY COLLEGE**

**Social Sciences Division**

**PLS 107 *–* Contracts**

**Course Outline**

**Course Number & Name:**  PLS 107Contracts

**Credit Hours:**  3.0 **Contact Hours:**  3.0 **Lecture:**  3.0 **Lab:** N/A **Other:**  N/A

**Prerequisites**:  Grade of “C” or better in PLS 101

**Co-requisites:** None **Concurrent Courses:** None

**Course Outline Revision Date:**  Fall 2010

**Course Description**: This course provides an introduction to the basic elements of contract law and contract formation and discharge, including offer, acceptance, consideration, capacity, intent, discharge, and remedies. Students will learn to draft simple clauses and contracts. The course also examines the roles of the paralegal, the code of professional ethics, and other related standards of proper conduct.

**Course Goals:** Upon successful completion of this course, students should be able to do the following:

1. discuss and examine the codes of professional conduct;
2. provide an overview of the area of contract law;
3. identify, define, and explain the concept of offer;
4. identify, define, and explain the concept of acceptance;
5. identify, define, and explain the concept of consideration;
6. identify, define, and explain the concept of legality of subject matter and contractual capacity;
7. identify, define, and describe the concept of contractual intent;
8. identify and describe a basic contract provision;
9. identify, define, and describe the uniform commercial code;
10. identify, define, and describe third party contracts;
11. identify, define, and describe the concept of discharge of obligations;

1. identify, define, and describe contract remedies; and
2. draft simple contracts.

**Measurable Course Performance Objectives (MPOs)**: Upon successful completion of this course, students should specifically be able to do the following:

1. Discuss and examine the codes of professional conduct:

1.1 *discuss and examine judicial conduct;*

1.2 *discuss and examine attorney ethical standards;* and

1.3 *discuss and examine paralegal professionalism*

2. Provide an overview of the area of contract law:

2.1 *define and describe contracts;*

2.2 *define and discuss the basic contract requirements;* and

2.3 *describe the classification of contracts*

3. Identify, define, and explain the concept of offer:

3.1 *define and describe the concept of offer;* and

3.2 *define and discuss the essential terms of an offer*

4. Identify, define, and explain the concept of acceptance:

4.1 *identify, define, and describe the concept of acceptance;*

4.2 *describe and explain the method of acceptance*;

4.3 *describe and explain the termination of the ability to accept;* and

4.4 *draft sample contract clauses*

5. Identify, define, and explain the concept of consideration:

5.1 *define and describe the concept of consideration*;

5.2 *determine and describe what is not consideration*;

5.3 *define and describe the concept of sufficiency of consideration;* and

5.4 *define and describe promissory estoppel*

6. Identify, define, and explain the concept of legality of subject matter and contractual capacity:

6.1 *describe and explain the concept of legality of the subject matter*; and

6.2 *describe and explain the concept of contractual capacity*

7. Identify, define, and describe the concept of contractual intent:

7.1 *define and describe contractual intent;*

7.2 *define and describe fraud and misrepresentation;*

7.3 *define and describe duress;* and

7.4 *define and describe mistake*

8. Identify and describe a basic contract provision:

8.1 *define, describe, and explain the statute of frauds;*

8.2 *define, describe, and explain covenants;*

8.3 *define, describe, and explain conditions;* and

8.4 *define, describe, and explain court doctrines of rules of construction and the parole evidence rule*

**Measurable Course Performance Objectives (MPOs)** (continued):

9. Identify, define, and describe the uniform commercial code:

9.1 *describe and explain the general background of the uniform commercial code;*

9.2 *describe and explain Article I, General Provisions of the UCC;*

9.3 *describe and explain Article II, Sales of the UCC;*

9.4 *describe and explain Article II-A, Leases of the UCC;* and

9.5 *describe and explain Article IX, Secured Transactions of the UCC*

10. Identify, define, and describe third party contracts:

10.1 *describe and explain third party beneficiary contracts, generally*;

10.2 *describe and explain third party creditor beneficiary contracts*;

10.3 *describe and explain third party donee beneficiary contracts;*

10.4 *describe and explain assignment;* and

10.5 *describe and explain delegation*

11. Identify, define, and describe the concept of discharge of obligations:

11.1 *define and describe the methods of discharge*

12. Identify, define, and describe contract remedies:

12.1 *define and describe legal remedies;*

12.2 *define and describe equitable remedies;* and

12.3 *define and describe arbitration*

13. Draft simple contracts:

13.1 *define, describe, and explain duration and termination of contracts;*

13.2 *identify, define, describe, and explain contract remedies;*

13.3 *define, describe, and explain choice of law;*

13.4 *define and describe arbitration;*

13.5 *describe the concept submission to jurisdiction;*

13.6 *explain the significance of signatures in contracts;* and

13.7 *synthesize all the above elements to produce a written simple contract*

**Methods of Instruction**: Instruction will consist of a combination of any of the following instructional methods: legal case reviews, lectures, group activities, role play, oral presentations, document drafting, chart, essays, research assignments, films, cable, news, websites, television programs, field trips, and community outreach projects.

**Outcomes Assessment:** Quiz and exam questions (if applicable) are blueprinted to course objectives. Checklist rubrics are used to evaluate non-test type assessment instruments (e.g., observation and reaction papers, oral/written presentations, debates, and projects), for the presence of course objectives. Data collected will be analyzed to provide direction for the improvement of program instruction, viability of class assignments, relevancy of assigned course materials, and evaluation of instructional time spent on specific topics.

**Course Requirements:** All students are required to:

1. Maintain regular and prompt attendance to all class sessions.
2. Complete homework assignments and quizzes (if applicable).
3. Complete all written and oral exercises (scored grading) inside and outside of class as assigned.
4. Complete the Midterm and Final Assessment Activities (e.g., paper, presentation, and/or project).
5. Voluntarily participate in class discussions, class exercises, and group projects.
6. Complete all assessment activities as scheduled.
7. Follow any specific class requirements mandated by the instructor.

**Methods of Evaluation:** Final course grades will be computed as follows:

**% of**

**Grading Components final course grade**

* Attendance/Class Participation  **15 – 25%**

Attendance points will be computed based on the ratio of the number of days attending the course during a regular semester (i.e., 28 contact days). A similar procedure will be used to determine participation points.

* **Notebook containing Course Handouts, Program Summaries** 5 – 10%

**and Table of Contents**

The notebook is a practical exercise designed to assess students’ abilities to organize large volumes of information and allows students to create a reference source of all material related to course objectives for themselves.

* Topic Sentence Outlines **5 – 10%**

Topic sentence outlines are practical exercises designed to enhance students’ reading comprehension and study skills.

* Oral Report **0 – 5%**

The brief oral report is designed to provide students with an opportunity during each class session to report on a fact pattern or story taken either from a newspaper, advertisement, local news or cable program, television program, paralegal or legal publication and demonstrate the correlation between the information and the subject matter currently being addressed in the course. Additionally, this exercise provides students with an opportunity to enhance their oral communication skills.

* **Legal Case Brief in PowerPoint**  15 – 25%

The PowerPoint presentation first requires students to provide an economic, historical, political, and social context for the development of law or legislation addressed in the legal case brief including the role of the paralegal in the particular case. It also provides students with the opportunity to enhance their technological skills in an academic environment while engaging in legal analysis related to course objectives.

**Methods of Evaluation** (continued)**:**

**% of**

**Grading Components final course grade**

* **Programs, Lectures, Seminars and/or Workshops** 5 – 10%

Internal or external relevant programs, lectures, seminars and workshops, which are related to the course objectives, are informational for the student, who will be required to prepare brief written summary of the event/program. These opportunities provide students with a chance to engage in academic scholarship.

* **Debate** 5 – 10%

Debates are oral arguments designed to provide students with an opportunity to enhance their oral communication skills while engaging in legal analysis related to course objectives.

* **Legal Letter** 5 – 10%

Legal letters are designed to enhance students’ written communication skills while engaging in legal analysis related to course objectives.

* **Extra Credit Opportunities**  5 – 10%
  + Voter registration – The student should provide written evidence of participation in the electoral process.
  + Notary Public – Students are encouraged to research, process, and complete a notary public application for approval to include on their resumes to enhance their marketability.
  + Membership in Paralegal Association of New Jersey (PANJ) – Students are encouraged to join the Paralegal Association of New Jersey to include on their resume to enhance their marketability.

**Note**: The instructor will determine (as appropriate) the specific component(s) appropriate for the course and provide specific weights which lie in the above-given ranges at the beginning of the semester.

**Academic Integrity:** Dishonesty disrupts the search for truth that is inherent in the learning process and so devalues the purpose and the mission of the College. Academic dishonesty includes, but is not limited to, the following:

* plagiarism – the failure to acknowledge another writer’s words or ideas or to give proper credit to sources of information;
* cheating – knowingly obtaining or giving unauthorized information on any test/exam or any other academic assignment;
* interference – any interruption of the academic process that prevents others from the proper engagement in learning or teaching; and
* fraud – any act or instance of willful deceit or trickery.

**Academic Integrity** (continued):

Violations of academic integrity will be dealt with by imposing appropriate sanctions. Sanctions for acts of academic dishonesty could include the resubmission of an assignment, failure of the test/exam, failure in the course, probation, suspension from the College, and even expulsion from the College.

**Student Code of Conduct:** All students are expected to conduct themselves as responsible and considerate adults who respect the rights of others. Disruptive behavior will not be tolerated. All students are also expected to attend and be on time for all class meetings. No cell phones or similar electronic devices are permitted in class. Please refer to the Essex County College student handbook, *Lifeline*, for more specific information about the College’s Code of Conduct and attendance requirements.

Note: Students shall conduct themselves in a professional manner at all times. See National Federation of Paralegals Associations, Inc. Model Code of Ethics and Professional Responsibility and Guidelines for Enforcement.

**Course Content Outline:** based on the text **Basic Contract Law for Paralegals**, 5th edition, by Jeffrey A Helewitz; published by Aspen Publishers.

**Unit Topics to be Covered**

1 Introduction – Course introduction & overview; visit to the Martin Luther King, Jr Library for a library literacy session and introduction to/overview of West law legal search engine; contract defined; basic contract requirements; classification of contracts; sample clauses

2 Offer – Offer defined; essential terms of an offer; sample offers

3 Acceptance – Acceptance defined; method of acceptance; termination of the ability to accept; sample clauses

4 Consideration – Consideration defined; what is not consideration; sufficiency of the consideration; promissory estoppel; special agreements

5 Legality of Subject Matter and Contractual Capacity – Legality of the subject matter; contractual capacity

6 Contractual Intent – Contractual intent defined; fraud and misrepresentation; duress; mistake

7 Contract Provisions – The statute of frauds; covenants; conditions; court doctrines: rules of construction and the parole evidence rule

8 The Uniform Commercial Code – General background; Article I, General Provisions; Article II, Sales; Article II-A, Leases; Article IX, Secured Transactions

9 Third Party Contracts – Third party beneficiary contracts: generally; third party creditor beneficiary contracts; third party done beneficiary contracts; assignment; delegation

10 Discharge of Obligations – Methods of discharge

11 Remedies – Legal remedies; equitable remedies; arbitration provisions

12 Drafting Simple Contracts – Duration and termination; remedies; choice of law; arbitration; submission to jurisdiction; signatures

Note**:** In PLS 107, the instructor must cover the 12 units listed above minimally in any reasonable order throughout the duration of the semester/term. In addition, the instructor must provide economic, historic, political, and social context for the relevant aspects of the legal process. Suggested assessment activities to be performed at midterm and at the conclusion of the course are listed below.

Suggested Midterm Assessment Activities – Prepare topic sentence outlines of each chapter of the first half of the textbook including answers to questions in each chapter; discuss a relevant personal experience related to a contract issue pertaining to most recent course area addressed in class; write a reaction paper after visiting a municipal or town council meeting to observe the process of awarding public contracts

**Suggested Final Assessment Activities** – Prepare topic sentence outlines of each chapter of the last half of the textbook including answers to questions in each chapter; submit a notebook containing course handouts, program summaries, and a table of contents; debate a consumer law case; complete a legal concepts and terminology assessment activity; draft a credit card agreement considering the concerns of the consumer and the credit card company and draft a legal letter to the client (either the consumer or credit card company)