

# Table of Contents

Preface .....	VII
Introduction and Methodology .....	XV
Unit I: <i>Contracts</i> .....	1
Chapter 1: Contract Formation and Breach .....	3
A. Specialty and Simple Contracts .....	3
B. Unilateral and Bilateral Contracts .....	4
C. Consideration for Simple Contracts .....	5
D. Breach of Contract .....	7
<i>Carlill v. Carbolic Smoke Ball Co</i> .....	10
<i>Analysis</i> .....	10, 12, 13, 16, 17
<i>Questions on the Text</i> .....	11
<i>Lefkowitz v. Great Minneapolis Surplus Store</i> .....	19
<i>Terminology</i> .....	21
<i>Terminology Review</i> .....	24
Language Exercises Chapter 1 .....	27
Chapter 2: Offer and Acceptance .....	30
A. Validity of Acceptance .....	30
<i>Analysis</i> .....	31
B. Right to Revoke the Offer and the Acceptance .....	32
<i>Questions on the Text</i> .....	33
C. Consideration and Option Contracts .....	34
<i>Petterson v. Pattberg</i> .....	35
<i>Analysis</i> .....	36
<i>Questions on the Text</i> .....	37, 38
<i>Terminology</i> .....	43
<i>Terminology Review</i> .....	45
Language Exercises Chapter 2 .....	46

<b>Chapter 3: Consideration</b> . . . . .	49
A. Exclusive Dealership Contracts . . . . .	49
<i>Wood v. Lucy, Lady Duff-Gordon</i> . . . . .	49
<i>Questions on the Text</i> . . . . .	50, 52
B. Apparent Give-Aways . . . . .	54
<i>Maughs v. Porter</i> . . . . .	54
<i>Questions on the Text</i> . . . . .	54, 56, 57, 58
C. Detrimental Reliance . . . . .	58
<i>Allegheny College v. National Chautauqua County Bank</i> . . . . .	58
<i>Questions on the Text</i> . . . . .	59, 64, 65
<i>Analysis</i> . . . . .	62
<i>Terminology</i> . . . . .	66
<i>Terminology Review</i> . . . . .	68
<b>Language Exercises Chapter 3</b> . . . . .	70
<b>Chapter 4: Defenses to Claims of Breach and Rights of Avoidance</b> . . . . .	72
A. Impossibility . . . . .	72
<i>Taylor and Another v. Caldwell and Another</i> . . . . .	72
<i>Questions on the Text</i> . . . . .	73, 78
<i>Analysis</i> . . . . .	75
B. Frustration of Purpose . . . . .	79
<i>Krell v. Henry</i> . . . . .	79
<i>Questions on the Text</i> . . . . .	81
C. Mistake, Misrepresentation and Fraud . . . . .	81
<i>Wood v. Boynton</i> . . . . .	81
<i>Analysis</i> . . . . .	82, 84, 87
<i>Questions on the Text</i> . . . . .	83, 86, 89
<i>Terminology</i> . . . . .	89
<i>Terminology Review</i> . . . . .	93
<b>Language Exercises Chapter 4</b> . . . . .	95
<b>Chapter 5: Contract Interpretation</b> . . . . .	98
A. The Plain-Meaning or Four-Corners Rule and Beyond . . . . .	98
<i>Pacific Gas and Electric Company v. G.W. Thomas Drayage &amp; Rigging Company, Inc.</i> . . . . .	98
<i>Analysis</i> . . . . .	99, 101, 104
<i>Questions on the Text</i> . . . . .	103, 106
B. The Parol Evidence Rule . . . . .	107
<i>Rebecca D. Masterson et al. v. Lu E. Sine et al.</i> . . . . .	110

<i>Analysis</i> . . . . .	111
<i>Questions on the Text</i> . . . . .	112, 114
<i>Terminology</i> . . . . .	115
<i>Terminology Review</i> . . . . .	119
<i>Vocabulary</i> . . . . .	119
Language Exercises Chapter 5 . . . . .	121
Chapter 6: Uniform Commercial Code . . . . .	123
A. Application of the <i>U.C.C.</i> . . . . .	125
1. Choice of Law . . . . .	126
2. Conflict of Laws . . . . .	126
B. Scope of the <i>U.C.C.</i> . . . . .	127
C. Modifications of the Requirements for Effective Acceptance of an Offer . . . . .	128
1. Demise of the Mirror-Image Rule . . . . .	129
<i>Analysis</i> . . . . .	130
<i>Questions on the Text</i> . . . . .	131
2. Method and Medium of Acceptance . . . . .	132
<i>Analysis</i> . . . . .	133
<i>Questions on the Text</i> . . . . .	134
3. Open Terms and Gap Fillers . . . . .	135
<i>Questions on the Text</i> . . . . .	138
D. Modification of the Consideration Requirement . . . . .	138
1. Options . . . . .	139
2. Pre-Existing Legal Duty Rule . . . . .	140
<i>Questions on the Text</i> . . . . .	141
<i>Terminology</i> . . . . .	141
<i>Terminology Review</i> . . . . .	143
<i>Suggested Reading &amp; Web Sites</i> . . . . .	144
Language Exercises Chapter 6 . . . . .	146
Unit II: Torts . . . . .	149
Chapter 1: Intentional Torts . . . . .	151
A. Battery . . . . .	151
<i>Analysis</i> . . . . .	152
<i>Mink v. University of Chicago</i> . . . . .	153
<i>Analysis</i> . . . . .	154, 157, 159, 161

<i>Questions on the Text</i> .....	162
B. Assault .....	162
<i>Prosser &amp; Keeton on The Law of Torts: Assault</i> .....	163
<i>Questions on the Text</i> .....	164
Terminology .....	164
Terminology Review .....	166
Language Exercises Chapter 1 .....	169
<b>Chapter 2: Negligent Torts</b> .....	172
A. Duty of Care .....	172
<i>Weirum v. RKO General, Inc.</i> .....	174
Analysis .....	176, 184, 187
<i>Wrongful Death Act</i> .....	178
<i>Survival Statutes</i> .....	180
<i>Questions on the Text</i> .....	188
B. Breach of Duty .....	189
<i>United States et al. v. Carroll Towing Co., Inc., et al.</i> .....	190
1. <i>The Master - Servant Relationship</i> .....	194
<i>Questions on the Text</i> .....	195
2. <i>Contributory and Comparative Negligence</i> .....	198
3. <i>The Standard of Care</i> .....	200
C. Cause in Fact .....	201
<i>Untaken Precautions (Mark F. Grady)</i> .....	201
<i>Questions on the Text</i> .....	202
D. Proximate Cause .....	202
<i>Palsgraf v. Long Island Railroad</i> .....	204
<i>Questions on the Text</i> .....	205, 206
1. <i>Transferred Intent</i> .....	207
<i>Prosser &amp; Keeton on The Law of Torts</i> .....	207
2. <i>The Domains of Judge and Jury in Negligence Cases</i> .....	208
<i>Questions on the Text</i> .....	209, 212, 215
Analysis .....	211
E. Damages .....	216
<i>BMW of North America, Inc. v. Ira Gore, Jr.</i> .....	220
Analysis .....	222, 225, 227, 230
<i>Questions on the Text</i> .....	231
Terminology .....	232
Terminology Review .....	240

<i>Vocabulary</i> . . . . .	242
<b>Language Exercises Chapter 2</b> . . . . .	247
<b>Chapter 3: Products Liability</b> . . . . .	251
A. Construction Defects . . . . .	252
<i>Escola v. Coca Cola Bottling Co</i> . . . . .	252
<i>Analysis</i> . . . . .	253
<i>Res Ipsa Loquitur</i> . . . . .	254
<i>Questions on the Text</i> . . . . .	256, 258
B. Design Defects . . . . .	258
<i>Greenman v. Yuba Power Products, Inc</i> . . . . .	258
<i>Analysis</i> . . . . .	259, 260, 262
<i>Questions on the Text</i> . . . . .	261
C. Failure to Warn . . . . .	265
<i>Sindell v. Abbott Laboratories</i> . . . . .	266
<i>Questions on the Text</i> . . . . .	267, 270, 272
<i>Terminology</i> . . . . .	273
<i>Terminology Review</i> . . . . .	275
<i>Suggested Reading &amp; Web Sites</i> . . . . .	276
<b>Language Exercises Chapter 3</b> . . . . .	278
<b>Answers to Language Exercises</b> . . . . .	281
<b>Answers to Questions on the Text</b> . . . . .	299
<b>Bibliography</b> . . . . .	333
<b>Glossary of Terminology</b> . . . . .	341