

## **The Law of Contracts with a Focus on Construction**

### **Course Description:**

This detailed ten-week course, titled "The Law of Contracts," offers a structured and comprehensive exploration of contract law, emphasizing the construction industry. It aims to deepen students' understanding of the principles and practices that underpin all contractual agreements, crucial for preventing disputes and achieving business goals. By the end of this course, students will be well-equipped to interpret and draft effective contracts with a keen insight into construction-related legal frameworks.

### **Course Objectives:**

- Understand key concepts and classifications of contracts.
- Learn the principles of offer, acceptance, and consideration.
- Explore the Statute of Frauds and its application in construction contracts.
- Analyze contract modifications, capacities of parties, and assignments.
- Assess conditions, breaches, and remedies in contract law with a focus on construction.

### **Detailed Course Outline and Schedule:**

#### **September 3, 2024**

##### **Definitions**

Introduction to key concepts such as contracts, promises, agreements, and their classifications including express, implied, executory, executed, unilateral, bilateral, void, and voidable contracts, alongside the essential elements required for contract formation.

#### **September 10**

##### **Offer and Acceptance**

Delve into mutual and conditional assent, the nuances of making and accepting offers, including implied offers and the importance of communication and certainty in terms. Discussion includes the interpretation of preliminary negotiations in construction contracts.

#### **September 17**

##### **Consideration**

Explore the legal requirements for consideration in contracts, emphasizing the concept of a bargain and the adequacy of consideration. Includes an introduction to the doctrine of promissory estoppel, especially relevant in construction where reliance on promises can be significant.

#### **September 24**

##### **Statute of Frauds**

Study the Statute of Frauds with a focus on contracts related to real estate and construction, emphasizing written requirements and exceptions under California Civil Code Section 1624.

**October 1**

**Modification of Contracts**

Examine how contracts, particularly in construction, are modified, including the roles of mutual assent and consideration, and the enforceability of oral modifications.

**October 8**

**Capacities of Parties**

Discuss legal capacity to contract, focusing on minors, intoxicated persons, and corporations, alongside defenses such as fraud, duress, undue influence, or mistake.

**October 15**

**Assignment of Contracts; Joint and Several Contracts**

Address the legal implications of assigning rights and delegating duties in construction contracts, including the conditions under which assignments and delegations are effective or prohibited.

**October 22**

**Conditions**

Clarify the role of conditions in contracts, exploring how conditions precedent, subsequent, and the doctrine of substantial performance apply particularly in the construction context.

**October 29**

**Breach of Contract**

Analyze various forms of contract breaches and their remedies, with a focus on breaches that commonly occur in construction projects and the corresponding legal responses.

**November 5**

**Remedies for Breach**

Conclude with a comprehensive look at the remedies available for contract breaches, including damages, specific performance, and alternative dispute resolution methods, tailored to the construction industry.

**Assessment Methods:**

Participation and attendance  
Assignments and case studies

No Required Texts and Materials

**Instructor Information:**

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**Course Schedule:**

Weekly classes on Tuesdays

**Time:** 7:00 PM - 10:00 PM

**Location:** Hyflex, either in person at 1300 Stevenson Hall, SSU or online

**Additional Notes:**

Students are encouraged to participate actively in discussions and projects.

Guest lectures and industry expert sessions may be arranged to provide practical insights into contract law in the construction industry.

By the end of this course, students will have a thorough understanding of contract law principles and their application in the construction industry, enabling them to navigate and manage contracts effectively.