



# Preface

## **The Modern Approach to the Case Method**

This book is part of a growing trend to modernize the way in which law students are taught, and it is different from the traditional casebook. With most casebooks, you learn the law by extracting the rules out of the case and then organizing the rules into an outline. Although effective, the traditional method is inefficient and can be misleading because no one case can properly summarize the complexity of the law.

The modern approach is more like the way attorneys actually learn the law in practice. You first read an explanation of the rules—a summary that illustrates the scope and parameters of the law. After you have a foundation in understanding the rules, you then read the cases to find facts that are similar to or different than your client's facts. The real worth of reading cases is to learn how courts reason through a legal problem in different factual scenarios. If you understand the rule before reading the case, you can focus more on learning how to think and analyze legal issues like a lawyer by applying the law to new situations.

Although this book makes it easier to understand the law, you will still have to learn how to read and understand case law—just as with traditional casebooks. Additionally, you will be working through many more hypotheticals than are contained in other casebooks. By learning the law, studying the reasoning in the cases, and then applying the law by working through problems, you will more rapidly develop the critical thinking skills you need to be an attorney.

The following structure in each chapter helps you on this journey.

### **Learning Objectives**

Each chapter starts with concise statements of what you are expected to know and be able to do after completing the materials. Identify the topics you should focus on as you begin reading the chapter. The questions and problems at the end of each chapter help you assess whether you achieved each learning objective.

### **Explanations of the Law**

A clear and concise explanation of the rules helps you build mastery of the law before you read the cases. Within this explanation section are some recurring elements:

**Rules.** The primary rules are presented in a box, making it easier to refer to the rule as you read the explanations.

**Examples.** Examples provide guidance on different outcomes.

**Case Illustrations.** A case synopsis also illustrates the application of a rule.

**Test Yourself.** Questions are embedded within the explanation section so that you can assess your understanding of the principles. Answers to *Test Yourself* problems can be found in the Student Resources section at the bottom of this coursebook's companion website at <https://www.aspenpublishing.com/templin-contracts3>.

## Case Law

The *Case Law* section contains a mix of classic and contemporary contracts cases as well as more timely and topical cases that illustrate the principles discussed in the chapter. Each case contains questions that act as prompts to help you understand the court's reasoning.

## Key Concepts

The *Key Concepts* for each chapter are listed with page number references to the explanatory material. Review these key concepts before moving onto the *Questions for Review* and the *Problem Solving and Analysis* sections.

## Questions for Review

The Questions for Review test whether you understand the concepts covered in each chapter. An attentive reader will likely find most of the questions easy. For any questions you answered incorrectly, look up relevant rules using the page references in the *Key Concepts* section before you try the more difficult *Problem Solving and Analysis* questions.

## Problem Solving and Analysis

The *Problem Solving and Analysis* section provides an opportunity to build critical thinking skills through a series of thought-provoking hypotheticals that are typically based on real-world scenarios. These problems also let you assess whether you have achieved the learning objectives defined at the beginning of the chapter.

The approach of this book, including its many problems and hypotheticals, goes beyond the traditional casebook in helping you to learn the law. While you will continue to brief cases and create a course outline as usual, this book will actively engage you in learning and understanding the law.

## About the Cases and Rules

The cases in the *Case Law* section contain the original opinions, though each has been edited for length and clarity. Nearly all internal citations within a case have been deleted, except for precedent that is directly discussed in the opinion. To focus

on the contracts doctrine, the procedural history has often been edited out of opinions. The *Case Illustrations* provide a synopsis of relevant cases. The text in *Case Illustrations* represents a highly edited and paraphrased version of the original case.

The rules selected are generally from three sources: the Restatement (Second) of Contracts, the Uniform Commercial Code Article 2, and case law. The rules are often paraphrased from the original sources for clarity. Footnotes are provided as citations for the source of the rule or concept.

## Usage

The authors support inclusivity and recognize the increasing usage of “they” as a singular pronoun by publishers and in society. In this coursebook, “they” and “them” are often used in Examples, Problems, and the explanatory text as singular pronouns to promote inclusivity when the gender of a party is neither relevant nor determined. However, for case law, we retain the pronouns that the court uses to refer to the parties to avoid confusion.

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