

SAMPLE CONTRACTS HYPO

Andrew, who loves dogs, said that he would look after Betty's dog, Toto, for a week while she went on a business trip. Betty is a clothing designer and makes similar business trips several times each year. She usually leaves Toto with her mother, but this time her mother was too busy. The business trips are very profitable for Betty: they are how she sells her designs to stores. Andrew and Betty agreed that Betty would drop the dog off at 9am on Sunday. But when Betty brought her dog to Andrew's house at 9 am on Sunday on the way to the airport Andrew was not at home. Betty called Andrew on his cellphone and he said he had been offered the chance to go on a last minute vacation to the Caribbean and had left the night before. He said he was very sorry to disappoint Betty.

How would your views about the contract law implications of this situation be affected by the following additional facts?

1. Andrew and Betty have been friends for many years and Andrew agreed to look after Toto to help Betty out;
2. On the same day that Andrew agreed to look after Toto, Betty offered to design a shirt for Andrew for a special event;
3. Betty agreed to pay Andrew \$10 per day to cover the expense of looking after Toto;
4. Betty agreed to pay Andrew \$200 for looking after Toto for the week;
5. Andrew is in the pet-sitting business;
6. Betty told Andrew that on her trip she would be meeting with the buyer at Store A which has given her substantial orders every season for the last three years and a buyer at Store B which has not previously shown any interest in her designs, but which has a new buyer who has told Betty that she likes her work. Andrew understands that the business trip is very important to Betty;
7. Betty manages to find a dog hotel which is willing to take Toto for the week for \$500;
8. Identifying the dog hotel takes a long time, Betty misses her flight and has to spend \$450 on a last minute flight later in the day, but she misses her appointments with the buyers described in point 6 above, she is unable to reschedule the appointments and does not obtain any orders from Store A or Store B for this season;
9. The Store A buyer agrees to see Betty next season, but the Store B buyer says that because Betty is unreliable she does not wish to make any future appointments to see her designs.

SAMPLE ESSAY QUESTION

1. The authors of the Casebook write at page 31 that 'judges and legal writers have told us that the primary goal of contracts remedies is to protect what Fuller and Purdue call the "expectation interest"'. However, in the readings for this course we have seen a number of examples of situations where courts have refused to give effect to what would seem to be the expectations of the parties to agreements. Why do you think this happens? Give examples.