Washington Law Review

Volume 88

Number 4 Symposium: Contracts in the Real World

12-1-2013

Contents

anon

Follow this and additional works at: https://digitalcommons.law.uw.edu/wlr

Recommended Citation

anon, Table of Contents, *Contents*, 88 Wash. L. Rev. i (2013). Available at: https://digitalcommons.law.uw.edu/wlr/vol88/iss4/1

This Table of Contents is brought to you for free and open access by the Law Reviews and Journals at UW Law Digital Commons. It has been accepted for inclusion in Washington Law Review by an authorized editor of UW Law Digital Commons. For more information, please contact lawref@uw.edu.

WASHINGTON LAW REVIEW

VOLUME 88, NUMBER 4, DECEMBER 2013

Published by Students of the University of Washington School of Law

CONTENTS

SYMPOSIUM

CONTRACTS IN THE REAL WORLD

ESSAYS

The Perspective of Law on Contract

Aditi Bagchi 1227

Contract Texts, Contract Teaching, Contract Law: Comment on Lawrence Cunningham, *Contracts in the Real World*

Brian H. Bix 1251

Reflections on *Contracts in the Real World*: History, Currency, Context, and Other Values

Lawrence A. Cunningham 1265

Contract Stories: Importance of the Contextual Approach to Law

Larry A. DiMatteo 1287

Contract as Pattern Language

Erik F. Gerding 1323

Cases and Controversies: Some Things to Do With Contracts Cases

Charles L. Knapp 1357

Unilateral Reordering in the Reel World

Jake Linford 1395

Unpopular Contracts and Why They Matter: Burying Langdell and Enlivening Students

Jennifer S. Taub 1427

COMMENTS

Copyrights in Faculty-Created Works: How Licensing Can Solve the Academic Work-For-Hire Dilemma

Glenda A. Gertz 1465

Copyright © 2013, Washington Law Review Association. Except as otherwise provided, the author of each article in this issue has granted permission for copies of that article to be made for classroom use, provided that (1) copies are distributed at or below cost, (2) the author and journal are identified, (3) proper notice of copyright is affixed to each copy, and (4) the Washington Law Review Association is notified of the use.

WASHINGTON LAW REVIEW (ISSN 0043-0617) is published quarterly by students of the University of Washington School of Law. Periodicals postage paid at Seattle, Washington, and additional mailing offices.

POSTMASTER: Send address changes to:

Frances Johnson Washington Law Review University of Washington Gallagher Law Library William H. Gates Hall Box 353025 Seattle, Washington 98195

SUBSCRIPTION INFORMATION: Subscription price for Vol. 88: \$41.06 per year in Washington State (tax included), \$37.50 per year in the United States, and \$47.50 elsewhere. Single issue: \$12.00 (order directly from Washington Law Review Business Office). Subscriptions are renewed automatically unless the business office is notified of cancellation. No refunds will be issued.

BACK ISSUES: See advertisement at the back of this issue.

SUBSCRIPTION & BACK ISSUE CORRESPONDENCE:

Frances Johnson Washington Law Review University of Washington Gallagher Law Library William H. Gates Hall Box 353025 Seattle, Washington 98195

MANUSCRIPTS: WASHINGTON LAW REVIEW invites the submission of unsolicited manuscripts. Manuscripts should be double-spaced with double-spaced footnotes. WASHINGTON LAW REVIEW prefers the use of gender-neutral language.

e-mail: franj@u.washington.edu

CITATION FORM: For Volume 88, WASHINGTON LAW REVIEW adopts the citation form of THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION (19th ed. 2010).

EDITORIAL CORRESPONDENCE: Editor-in-Chief

Washington Law Review University of Washington School of Law William H. Gates Hall Box 353025

Seattle, Washington 98195 e-mail: wlr@u.washington.edu

Member, National Conference of Law Reviews

WORLD WIDE WEB HOME PAGE: http://www.law.washington.edu/WLR

WASHINGTON LAW REVIEW

VOLUME 88 2013

2012-2013 EDITORIAL BOARD

Editor-in-Chief
JAMES WENDELL

Associate Editor-in-Chief
DAVID CRAWFORD

Associate Editor-in-Chief
TIMOTHY REYNOLDS

Associate Editor-in-Chief Laura Zanzig

Chief Articles Editor
THOMAS HUDSON

Chief Managing Editor
KATHLEEN KLINE

Chief Comments Editor
MARK TYSON

Executive Articles Editor
JESSE WOO

Executive Managing Editor
CLIFTON STRATTON

Executive Comments Editor
JOHN YIP

Articles Editors
JOSEPHINE ENNIS
ELIZABETH MUSTIN
REBECCA THOMPSON
KIEL WILLMORE

Managing Editors
NIKKI CARSLEY
STEPHANIE CURRY
KAYLA FELD
JUSTIN GILLETTE
JOSHUA HANSEN-KING
KEVIN NAUD
ANGELA NOAKES
ROSS SILER

Comments Editors
JEFF DEGROOT
JEANINE LUTZENHISER
JAY SCHULKIN
OLIVER STIEFEL

EDITORIAL STAFF

JONATHAN COLLINS
PETER DOLAN
BRADY DOUGLAS
ARTHUR MICHAEL EDWARDS
BRIAN EPLEY
SCOTT FORBES
GLENDA GERTZ
WILLIAM GOODLING

BROOKE HOWLETT
DAVID LAI
STEPHANIE LIU
NIKI MORRISON
ADAM MURRAY
TONY NGUYEN
CAITLIN PARK
LAURA POWELL

DANIEL RICHARDS
BROOKE SARGEANT
KATHERINE SEABRIGHT
SAMUEL SEAL
JENNA SMITH
MATTHEW SOUZA
EMILY TOLER
LAUREN WATTS

WASHINGTON LAW REVIEW ASSOCIATION FACULTY BOARD

CRAIG ALLEN
THOMAS ANDREWS

KAREN BOXX SARAH KALTSOUNIS LINDA HUME KATHY MCGINNIS

BUSINESS STAFF

Faculty Business Manager PENNY HAZELTON Faculty Adviser
ROBERT GOMULKIEWICZ

Business Office JONATHAN FRANKLIN FRAN JOHNSON

2013-2014 EDITORIAL BOARD

Editor-in-Chief LAUREN WATTS

Associate Editor-in-Chief
MATTHEW SOUZA

Associate Editor-in-Chief ARTHUR MICHAEL EDWARDS Associate Editor-in-Chief Stephanie Liu

Chief Articles Editor
BROOKE HOWLETT

Chief Managing Editor
LAURA POWELL

Chief Comments Editor
CAITLIN PARK

Executive Articles Editor
ADAM MURRAY

Executive Managing Editor
BROOKE SARGEANT

Executive Comments Editor
JONATHAN COLLINS

Articles Editors
PETER DOLAN
DAVID LAI
TONY NGUYEN
KATHERINE SEABRIGHT

Managing Editors
BRIAN EPLEY
SCOTT FORBES
WILLIAM GOODLING
NIKI MORRISON
DANIEL RICHARDS
SAMUEL SEAL
ANDREA WOODS

Comments Editors
BRADY DOUGLAS
GLENDA GERTZ
JENNA SMITH
EMILY TOLER

EDITORIAL STAFF

JOHNATHAN CHONG
DEVRA COHEN
ANDREW DURLAND
JESSICA ERICKSON
MICHAEL ELLIS
MALLORY GITT
LE HOANG
CHARLES HAUSBERG

MAUREEN JOHNSTON
DARIN JONES
JESSICA KNOWLES
KELSEY MARTIN
BRYCE NELSON
KIRSTEN NELSEN
PHILIP PAINE
CECILY SHIEL

WALKER STANOVSKY
ROSS TANAKA
RYAN THOMAS
DANE WESTERMEYER
BRADLEY WESTMORELAND
RACHEL WILKA
ALEXANDER WISBEY
MATTHEW WURDEMAN

^{*}Washington Law Review issues are produced on a calendar-year schedule; the Editorial Board's term of office, however, corresponds to the school year. Accordingly, editorial responsibilities for the October issue are apportioned between consecutive Boards.

University of Washington School of Law 2013-2014

OFFICERS OF ADMINISTRATION

Michael Young, B.A., J.D., President of the University

Kellye Y. Testy, B.A., J.D., Dean, James W. Mifflin University Professor of Law

Patricia Kuszler, M.D., J.D., Associate Dean for Academic Administration, Professor of Law

Penny A. Hazelton, B.A., J.D., M.L.L., Associate Dean for Library & Computing Services, Professor of Law

Mary Hotchkiss, B.A., M.S.L.S., J.D., LL.M., Associate Dean for Students & Academic Life, Senior Law Lecturer

Kathryn Watts, B.S., J.D., Associate Dean for Research & Faculty Development, Associate Professor of Law

Stephanie Cox, B.A., Assistant Dean for Advancement

Michelle Gonzalez, J.D., M.P.A., Assistant Dean for Professional & Leadership Development

Michele Storms, B.A., J.D., Assistant Dean for Public Service

FACULTY EMERITI

William R. Andersen, B.S.L., LL.B., LL.M.

Robert H. Aronson, B.A., J.D.

William T. Burke, B.S., J.D., J.S.D.

Robert L. Fletcher, A.B., LL.B.

Roland L. Hjorth, A.B., LL.B

John Huston, B.A., J.D., LL.M.

John M. Junker, B.A., J.D.

John R. Price, A.B., LL.B.

Roy L. Prosterman, B.A., J.D.

Marjorie D. Rombauer, B.A., J.D.

Charles Z. Smith, B.S., J.D.

Frank W. Smith, B.A., J.D., LL.M.

William B. Stoebuck, B.A., M.A., J.D., S.J.D.

Philip A. Trautman, B.A., J.D.

FACULTY OF LAW

Craig H. Allen, B.S., J.D., LL.M., Judson Falknor Professor of Law

Kimberly D. Ambrose, B.A., J.D., Senior Law Lecturer

Helen A. Anderson, B.A., J.D., Associate Professor of Law

Robert T. Anderson, B.A., J.D., Professor of Law, Director of Native American Law Center

Thomas R. Andrews, B.A., M.A., J.D., Professor of Law

Karen E. Boxx, B.A., J.D., Professor of Law

Steve P. Calandrillo, B.A., J.D., Charles I. Stone Professor of Law

Ryan Calo, B.A., J.D., Assistant Professor of Law

Thomas D. Cobb, B.A., M.A., M.A., J.D., Senior Law Lecturer

Molly M. Cohan, B.A., J.D., Law Lecturer

Ronald K.L. Collins, B.A., J.D., Acting Professor of Law, Harold S. Shefelman Scholar

William Covington, B.A., J.D., Assistant Professor of Law

Signe Dortch, B.A., J.D., Law Lecturer, Director of Immigration Law Clinic

Dwight J. Drake, B.S., J.D., Associate Professor of Law

Jonathan A. Eddy, B.A., J.D., Professor of Law, Director of Asian Law Center, Manager of Afghanistan Legal Educators Project

Mary D. Fan, B.A., J.D., M.Phil., Associate Professor of Law

Julia Gold, B.A., J.D., Principal Law Lecturer, Director of Mediation Clinic

Robert W. Gomulkiewicz, B.A., M.A., J.D., Professor of Law, Director of Law, Technology & Arts Group

James H. Hardisty, A.B., LL.B., Professor of Law

Penny A. Hazelton, B.A., J.D., M.L.L., Professor of Law

Gregory A. Hicks, B.A., J.D., Professor of Law

Mary A. Hotchkiss, B.A., M.S.L.S., J.D., LL.M., Senior Law Lecturer

Maureen A. Howard, B.A., J.D., Associate Professor of Law, Director of Trial Advocacy Program

Linda S. Hume, B.A., J.D., Professor of Law

Stewart M. Jay, A.B., J.D., Miller, Pendelton Endowed Professor of Law

Sarah Kaltsounis, B.S., M.Ed., J.D., Law Lecturer

Yong-Sung (Jonathan) Kang, B.A., J.D., Assistant Professor of Law

Sylvia Kang'ara, LL.B., LL.M., S.J.D., Assistant Professor of Law

Lisa Kelly, B.A., J.D., Professor of Law, Bobbe & Jonathan Bridge Professorship in Child & Family Advocacy, Director of Children & Youth Advocacy Clinic

Alan Kirtley, B.A., J.D., Associate Professor of Law

Sanne Knudsen, B.S., M.S., J.D., Assistant Professor of Law

Anita K. Krug, B.A., M.A., J.D., Ph.D., Assistant Professor of Law

Patricia C. Kuszler, B.A., M.D., J.D., Charles I. Stone Professor of Law, Director of Multidisciplinary Initiatives Clark B. Lombardi, B.A., M.A., J.D., Ph.D., Associate Professor of Law, Adjunct Associate Professor of Law in

International Affairs

Deborah Maranville, B.A., J.D., Professor of Law, Director of Clinical Law Program, Director of Unemployment

Compensation Clinic

Lisa Marshall Manheim, B.A., J.D., Visiting Assistant Professor of Law

Anna C. Mastroianni, B.S., B.A., J.D., M.P.H., Professor of Law

Shannon McCormack, B.A., J.D., LL.M, Assistant Professor of Law

Kathleen M. McGinnis, B.A., J.D., Senior Law Lecturer

Jacqueline McMurtrie, B.G.S., J.D., Associate Professor of Law, Director of Innocence Project Northwest

Theodore A. Myhre, B.A., M.A., M.A., J.D., Law Lecturer

Joel M. Ngugi, LL.B., LL.M., S.J.D., Associate Professor of Law

Peter Nicolas, B.A., M.P.P., J.D., Jeffrey & Susan Brotman Professor of Law

Sean O'Connor, B.A., M.A., J.D., Professor of Law, Director of Law, Technology & Arts Group, Director of Entrepreneurial Law Clinic

Kathleen O'Neill, B.A., J.D., Professor of Law

Elizabeth Porter, B.A., M.Ed., M.A., J.D., Assistant Professor of Law

Anita Ramasastry, B.A., M.A., J.D., D. Wayne & Anne Gittinger Professor of Law, Director for Journals & Conferences, Law, Technology, & Arts Group

Beth Rivin, B.A., M.D., M.P.H., Research Associate Professor of Law, Director of Global Health & Justice Project

William H. Rodgers, B.A., J.D., Stimson Bullitt Professor of Environmental Law

Zahr Said, B.A., J.D., Ph.D., Assistant Professor of Law

Sallie Thieme Sanford, B.A., J.D., Assistant Professor of Law

Eric Schnapper, B.A., M.A., B.Phil., LL.B., Betts, Patterson & Mines Professor of Law

Scott A. Schumacher, B.A., J.D., LL.M., Associate Professor of Law, Director of Federal Tax Clinic, Director of Graduate Program in Taxation

Toshiko Takenaka, B.A., LL.M., Ph.D., W. Hunter Simpson Professor of Law, Director of CASRIP, Director of Law, Technology & Arts Group

Kellye Y. Testy, B.A., J.D., Dean, James W. Mifflin University Professor of Law

Michael E. Townsend, B.A., M.A., Ph.D., J.D., Associate Professor of Law

Lea B. Vaughn, A.B., J.D., Professor of Law

Walter J. Walsh, B.C.L., LL.M., S.J.D., Associate Professor of Law

Kathryn Watts, B.S., J.D., Garvey, Schubert & Barer Associate Professor of Law

Ron J. Whitener, B.A., J.D., Senior Law Lecturer, Director of Tribal Court Criminal Defense Clinic

Brenda Williams, B.A., M.P.A., J.D., Law Lecturer

Jane K. Winn, B.Sc., J.D., Charles I. Stone Professor of Law, Director for International Programs, Law, Technology & Arts Group

Louis E. Wolcher, B.A., J.D., Charles I. Stone Professor of Law

Dongsheng Zang, LL.B., LL.M., LL.M., S.J.D., Associate Professor of Law

David Ziff, A.B., J.D., Law Lecturer

ADJUNCT AND VISITING FACULTY

William Bailey, B.A., J.D., Professor from Practice

Matt Barreto, B.S., M.S., Ph.D. Adjunct Associate Professor, Political Science

Gad Barzilai, B.A., LL.S., LL.B., M.A., Ph.D., Adjunct Professor of Law

Katherine Beckett, B.A., M.A., Ph.D., Adjunct Professor, Law Societies and Justice Program, Sociology

Andrew Benjamin, J.D., Ph.D., Affiliate Professor of Law

Sharan E. Brown, B.A., M.A., J.D., Ed.D., Adjunct Research Associate Professor of Law

Denise Dudzinski, Ph.D., MTS, Adjunct Professor, Bioethics and Humanities

Carl Goodman, B.B.A., J.D., LL.M., Visiting Professor, Georgetown University

Michael Hatfield, B.A., M.A., J.D., Visiting Professor

Thomas Hazlet, B.S., Pharm.D., Dr.P.H., Adjunct Associate Professor, Pharmacy

Nancy S. Jecker, B.A., M.A., M.A., Ph.D., Adjunct Professor of Law

Michael McCann, B.A., M.A., Ph.D., Adjunct Professor of Law

Arzoo Osanloo, B.A., J.D., Ph.D., Adjunct Associate Professor of Law, Law, Societies and Justice Program

Saadia Pekkanen, B.A., M.I.A., Ph.D., M.S.L., Adjunct Associate Professor of Law

Stephen A. Rosenbaum, B.A., J.D., M.P.P., Visiting Senior Lecturer

Clare Ryan, B.S., M.S., Ph.D., Adjunct Professor, School of Environmental and Forest Sciences

Hugh D. Spitzer, B.A., J.D., LL.M., Visiting Professor of Law

Anna Tolin, B.A., J.D., Supervising Attorney and Visiting Lecturer

Susan Whiting, B.A., Ph.D., Adjunct Associate Professor of Law

Todd Wildermuth, B.S., M.S., Ph.D., Scholar in Residence

Richard O. Zerbe, Jr., A.B., Ph.D., Adjunct Professor of Law

GALLAGHER LAW LIBRARY STAFF

Crystal Alberthal, B.A., Library Specialist, Serials

Karen Ballard, B.A., Library Specialist, Cataloging

Rob Britt, B.A., M.A., M.A., Japanese Legal Materials Specialist, East Asian Law

Judy Davis, B.A., M.L.S., Librarian, Resource Sharing

Anna Endter, B.A., J.D., M.L.I.S., Librarian, Reference

Flora Escarez, B.S., Library Specialist, Cataloging

Grace Feldman, B.A., J.D., M.L.I.S., Librarian, Reference

Jonathan Franklin, A.B., A.M., J.D., M.L.S., Associate Law Librarian

Sharon Hall, Library Specialist Supervisor, Cataloging

Tricia Hart, B.A., M.L.S., Librarian, Cataloging

Ingrid Holmlund, A.B., J.D., M.L.I.S., CILP Co-Editor

Peggy Jarrett, B.A., M.S.L.I.S., Librarian, Collection Development & Reference

Fran Johnson, Fiscal Specialist, Washington Law Review, Pacific Rim Law & Policy Journal

Richard Jost, B.A., M.A., M.A., Information Systems Coordinator

Choong Kim, B.A., Fiscal Specialist

Sherry Leysen, B.A., M.A., J.D., M.L.I.S., Librarian, Reference Kaden Mack, B.A., Library Tech, Circulation

Craig Morley, B.A., Library Materials Conservation Supervisor, Serials

Ann Nez, B.A., M.L.S., Technical Services Coordinator

Vickie Northington, B.A., Library Supervisor, Circulation

Cheryl Nyberg, B.A., M.S.L.S., Librarian, Coordinator of Reference Services

Nikki Pike, Information Specialist, CILP

Natalie Riha, B.F.A., M.F.A., Assistant to the Director

Patty Roberts, B.A., Library Tech Lead, Evening Circulation Supervisor

Tania Schriwer, B.A., J.D., M.L.I.S., CILP Co-Editor

Dave Tawatao, Senior Computer Specialist

Reba Turnquist, B.A., M.L.S., Librarian, Collection Development Mary Whisner, B.A., J.D., M.L.S., Librarian, Reference

Alena Wolotira, B.A., J.D., M.L.I.S., Librarian, Reference; CILP Co-Editor

Quan (John) Zhang, B.A., M.A., Ph.D., Library Specialist, Acquisitions