

Douglas Whaley will discuss teaching a class by Socratic dialogue, and show a video, described below. The video is from a Contracts class he taught in 2003 at The Ohio State University Moritz College of Law.

### **A WALK ACROSS THE BROOKLYN BRIDGE**

The video we will see shows a Socratic dialogue of me dealing with a Contracts student who gives the absolutely wrong answer to a basic question. Before we can even consider the central point of that day's class, I need to reverse this answer. Instead of simply telling the student (a Mr. Natera) that he is wrong, the task is to get him to understand why his answer is wrong, and then guide him through the central point to follow.

In a famous hypothetical in Contracts (first proposed in 1916 by Professor Maurice Wormser), A says to B, "I will give you \$100 if you walk across the Brooklyn Bridge." B gets half way across the bridge when A revokes the offer.

In this class we explored whether A could do this, and we began with a hypothetical: the Three Pigs Restaurant hires Wolf Construction for a job, promising to pay Wolf \$4000 "on completion." If Wolf gets halfway through construction and then quits, does it face liability?

Were this a *unilateral* contract (a promise exchanged for an act) the answer would be no: Wolf could walk away, having made no promise to complete performance.

I want the students to tell me yes. While this superficially looks like a *unilateral* contract, that result in insupportable as a matter both of common sense and the probable intentions of the parties. Hence, this must be a *bilateral* contract, with Wolf's beginning of performance being an implied promise to complete, breach of which gives rise to damages.

However, when I posed the Wolf Construction contract to Mr. Natera, he promptly told me this is a unilateral contract, and Wolf can abandon the job without liability. The tape then contains five minutes of dealing with this misstep.

Douglas Whaley  
Ohio State University  
Mortiz College of Law

---

Douglas Whaley is the James W. Shocknessy Professor of Law at the Mortiz College of Law, The Ohio State University. He is the author of numerous law review articles, seven casebooks with Aspen Publishing, three Gilberts Outlines, and four of the West Sum & Substance audiotapes. Since beginning teaching in 1970 he has been given eight awards for outstanding teaching from three different law schools. He will retire this summer.

