

Contracts Big Picture

Threshold: Which law governs? Common Law or UCC?

Step One: Formation

Offer

Requirements:

1. INTENT TO BE BOUND
2. TO DEFINITE TERMS
3. COMM. TO OFFEREE

Termination:

1. LAPSE OF TIME
2. REVOCATION
3. REJECTION (includes COUNTEROFFER)
4. OPERATION OF LAW

Acceptance

Common Law

MIRROR IMAGE RULE

UCC Acceptance

ADD. & DIFFERENT TERMS

Methods

PROMISE; PERFORMANCE

Modes

AUTHORIZED OR REAS.

Mailbox Rule

EFFECTIVE AT DISPATCH

Offer + Acceptance = Mutual Assent
Mutual Assent + Consideration = Contract

Consideration

Benefit or Detriment Bargained-for Exchange

ADEQUACY IRRELEVANT
NO PAST CONSID.
PRE-EXISTING DUTY
ILLUSORY PROMISES

Promissory Estoppel

Consideration Substitute

Defenses to Formation

STATUTE OF FRAUDS
MISTAKE (MUTUAL OR UNILATERAL)
AMBIGUITY
ILLEGALITY
INCAPACITY
UNCONSCIONABLE
FRAUD, DURESS

Step Two: Performance

Contract Terms

Interpretation & Construction

CUSTOM & USAGE, COURSE OF DEALING

Parol Evidence Rule

IF K CLEAR AND UNAMBIG., NO EVID. OF PRIOR OR CONTEMP. AGREEMENTS

Modification

C/L: CONSID. REQ. UCC: GOOD FAITH OK
MAY NEED TO SATISFY SOF

Excuse of Condition

WRONGFUL PREVENTION
VOLUNTARY DESABLEMENT
ANTICIPATORY REPUDIATION
ACTUAL MATERIAL BREACH
WAIVER & ESTOPPEL
IMPOSSIBILITY, ETC.
SUBSTANTIAL PERFORMANCE

Discharge of Duty

BY PERFORMANCE
IMPOSSIBILITY, ETC.
MODIFICATION
MUTUAL RESCISSION
NOVATION OR SUBST. K
ACCORD & SATISFACTION
LAPSE, STATUTE OF LIMIT.

Third Parties

Third Party Beneficiaries

INCIDENTAL or INTENDED; DONEE or CREDITOR

Assignment, Delegation, Novation

Breach

Breach = Failure to Discharge an Absolute Duty

Material Breach vs. Substantial Performance

FACTORS: BENEFIT RECEIVED, ADEQUACY OF DAMAGES, EXTENT OF PARTIAL PERFORMANCE, HARDSHIP TO BREACHING PARTY, NEGLIGENCE OR WILLFULNESS

Step Three: Remedies

Damages for Breach

Compensatory Damages

BENEFIT OF BARGAIN; MUST BE CERTAIN
EXPECT. MEASR.; RELIANCE IF UNCERTAIN

Consequential Damages

MUST BE REAS. FORESEEABLE AT TIME OF K

Liquidated, Incidental & Nominal
BUT NO PUNITIVE UNLESS NON-ECON.

Defendant's Duty to Mitigate

APPLIES TO ALL CONTRACTS

Restitution

UNJUST ENRICHMENT OF DEF.
QUASI-CONTRACT = NO REAL K
MAY GO TO PARTY IN BREACH

Specific Performance

EQUITABLE REMEDY
REMEDY @ LAW INADEQUATE
REAL PROPERTY IS UNIQUE

Rescission

EQUITABLE REMEDY
COURT ORDERS K CANCELED
GROUNDS: MISTAKE, MISREP.
EQUITABLE DEFENSES APPLY

Reformation

EQUITABLE REMEDY
COURT ORDERS K MODIFIED
GROUNDS: MISTAKE, MISREP.
EQUITABLE DEFENSES APPLY

Washburn Bar Flowcharts Contracts



NEC Contracts

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Current Law Index ,1981 **Applied Science & Technology Index** ,1981 **Who's who in American Law** ,1996

Contract Law Frank J. Doti,2009 This book is a combination of schematic flowcharts that visually plot basic rules of contract law and selected cases that apply such rules The flowchart approach helps students sort out the various contracts rules in an organized way Business Periodicals Index ,1980 Index to Federal Tax Articles ,1975 **Industrial Arts Index** ,1940 **Contract Law Factually Illustrated!** Value Bar Prep,Duru law books,CaliforniaBarHelp Website,2015-10-06 Contracts Law School Book In Paperback Contract Law Factually Illustrated authored by Value Bar Prep Duru Law books CaliforniaBarHelp Website **For Law Students** Value Bar Prep,Californiabarhelp Site,2015-09-29 Law school students book For Law Students Contracts Law Factually Illustrated Everything You Need To Know To Understand UCC and Common law Contracts _____ Law school books search Contracts Torts Criminal law Civil procedure Criminal procedure Evidence Constitutional law Community property law school books Law school outlines Bar Prep Baby bar exam prep tutors **Contract Law, Flowcharts and Cases** Frank Doti,2016-05 This book contains schematic flowcharts that visually plot the rules of contract law Also included are selected cutting edge recent cases applying the rules The flowchart approach helps students sort out in a visual manner the trickier contract rules of law in a unique and organized fashion **Contracts** BarCharts, Inc.,2006-09-27 This 6 page guide gives a general overview of this popular topic Its ideal for any law student or anyone looking to increase their knowledge in this subject area

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1 An offeree s power of acceptance is terminated at the time specified in the offer or if no time is specified at the end of a reasonable time 2 What is a reasonable time is a question of fact depending on all the circumstances existing when the offer

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