

# Study Guide for Contracts

## I. Introduction to Contracts

### Overview:

Contracts are agreements enforceable by law. In California, as in other jurisdictions, contract law is a mix of common law principles, statutory law (such as the California Civil Code), and specific uniform acts adopted by the state (like the Uniform Commercial Code for sales of goods).

### Key Concepts:

- Definition of a Contract: A contract is a legally enforceable agreement between parties to do or not do something.
- Elements of a Contract: Offer, Acceptance, Consideration, Mutual Assent, and Legality.
- Types of Contracts: Bilateral vs. Unilateral, Express vs. Implied, Executed vs. Executory.
- Governing Law: Common Law applies generally; the Uniform Commercial Code (UCC) applies to the sale of goods.

## II. Formation of Contracts

### A. Offer

The offer is a definite proposal made by one party (the offeror) to another (the offeree) indicating a willingness to enter into a contract.

### Key Cases:

- *Izadi v. Machado (Gus) Ford, Inc.* (1995): The court held that advertisements are generally not offers but invitations to negotiate unless they are clear, definite, and explicit and leave nothing open for negotiation.

### B. Acceptance

Acceptance is the manifestation of assent to the terms of the offer made by the offeree in the manner invited or required by the offer.

### Key Cases:

- *Asante Technologies, Inc. v. PMC-Sierra, Inc.* (2001): An acceptance must be unequivocal and comply with the terms of the offer to create a binding contract.

### C. Consideration

Consideration is something of value given by both parties to a contract that induces them to enter into the agreement to exchange mutual performances.

### Key Cases:

- *Harm v. Flasher* (1960): The court held that a promise to perform a pre-existing legal duty is not valid consideration unless something new or additional is promised.

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Study Guide to Business Law and Ethics

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