

# 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. Frasher* (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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answer was correct and importantly why the others were not Important test taking techniques and tactics receive thorough coverage throughout the text making The Glannon Guide to Contracts an invaluable aid for first year students trying to navigate the complexities of contract law Distinguishing features of The Glannon Guide to Contracts Highly accessible user friendly style that immediately engages students Comprehensive coverage of all first year law contract course material A thorough expository review of the key points of law precede all questions and prepares students to answer and learn from the multiple choice questions it incorporates Skillfully crafted multiple choice questions are challenging but wholly answerable by one who has mastered the preceding text All answers are deconstructed through clear elaborate analyses showing why the right answer is right and the wrong answers are wrong Provides tactics and strategies for converting substantive mastery to correct answers on multiple choice questions Invaluable exam taking tactics and techniques set forth at various strategic points within the text Flexible approach is equally useful to all students whether their professors administer multiple choice exams essay exams or both Each chapter concludes with a Closer a particularly challenging question that encourages students to push their mastery of the topic to a more sophisticated level Closing Closers appear in the book s final chapter cumulatively addressing all concepts covered in the text Questions & Answers Scott J. Burnham, 2025 The new fourth edition of Questions Answers Contracts contains additional entirely new questions since the previous edition The fourth edition contains new chapters on the Scope of UCC Article 2 and UETA the Uniform Electronic Transactions Act topics that will be tested on the new NextGen bar exam Understand better what you re learning in a contracts class by applying concepts as you learn them and prepare more effectively for exams and the bar exam This study guide includes 203 multiple choice and short answer questions covering both common law contracts and the Uniform Commercial Code These questions are arranged topically for ease of use during the semester In addition there is an additional set of 47 questions comprising a comprehensive practice exam All questions are written in the format used on the traditional bar exam with some using the format of the new NextGen bar exam For each multiple choice question Professor Burnham provides a detailed answer that indicates which of four options is the best answer and explains thoroughly why that option is better than the other three options Each short answer question is designed to be answered in fifteen minutes or less For these questions Professor Burnham provides a thoughtful comprehensive yet brief model answer

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