Tackling Contracts

Questions

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Academic & Professional Development

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BRICS
THREE GENERAL SUGGESTIONS FOR ESSAY WRITING

I. Be sure you know what you are being asked to do!
1. The “Multiple Call” Call contains two or more sub-calls, each of which may have additional sub-sub-calls.
Understanding the call…

2. The Causes of Action Call
Understanding the call...

3. The Undivided Call
Understanding the call...

4. The Evidence Call
II. Boil all the essay writing techniques that you are taught down to one simple approach that will work best for you.
1. Have the basic EXAM APPROACH for each subject.
2. Use an issue checklist.
3. Have a condensed summary of the law you are going to cite.
4. Don’t start writing without an attack outline (outline of your answer).
III. Have a practiced sense of how important each issue is compared to the other issues – i.e., its relative weight.
CONTRACT SPECIFIC ESSAY WRITING TECHNIQUES – SOME DOS AND DON’TS
1. Don’t automatically discuss contract formation.
2. **Do** almost always, discuss UCC versus common law.
3. All damages discussions should be as complete as possible, even if you decide damages, or a particular type of damages, won’t be awarded.
4. When you discuss the rules, discuss their exceptions and the defenses to them as well.
5. As you write and check your practice contracts essays against the model or bar-released answers, take 5 minutes to write down how you think a perfect answer would be structured.
CONTRACTS BASIC EXAM APPROACH
Torts Basic Exam Approach

1. For all parties, what causes of action exist and are the elements met?

2. Do any defenses apply to each of the causes of action and are the elements met?

3. Do any general considerations apply?
CONTRACTS BASIC EXAM APPROACH

1. UCC or common law?
2. Is there a contract between the parties?
3. Do any defenses bar the contract?
4. Is the duty to perform subject to conditions, and if so, have the conditions been satisfied or excused?
5. Has the duty to perform been discharged?
6. Has the duty to perform been breached?
7. Are there any third party beneficiary, assignment or delegation issues?
8. What is the remedy?

USE THESE AS A GUIDE – MAKE SURE YOU ANSWER THE CALL OF THE QUESTION!
CONTRACTS ISSUE CHECKLIST (PORTION)

1. Is there a contract between the parties?
   Offer, offer terminated?
   Acceptance
   Consideration

2. Do any defenses bar the contract?
   Statute of Frauds
   Mistake or Ambiguity
   Illegal contract
   Lack of capacity
   Fraud
CONTRACTS Exam Approach Tips

• Look for the actions/events and communications in the question.

• Determine what these relate to under the legal issue checklist.

• In general, each of these communications and actions should be set out and analyzed separately and in the order in which they appear in the question, which is typically chronologically.
Working through an essay:
Builder v Developer
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• Schedule a Bar coaching appointment.
• Swing by our offices to ask for help.
• Submit essays for feedback.
• Study in the APD Resource Room.

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