



INSTITUT D'ÉTUDES JUDICIAIRES

UNIVERSITY OF EVRY

LEGAL ENGLISH

Academic Year 2018-2019

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LESSON 1 : ANGLO-AMERICAN LAW OF CONTRACTS

SEPTEMBER 14th, 2018 – 2:00 TO 5:00 PM

### STUDENT WORKSHEET

***TIP FOR THIS LESSON:*** Most legal websites provide substantial documentation on the topics covered by this lesson.

However, for the students who prefer getting the information from books, I recommend the following two books:

1. *“The English of Law: England and Wales” / Anne Brunon-Ernst, Nicki Chaudoir, Yasmine Mohammadi, Michel Perdu, William Yeago et al.*
2. *“The English of Law: U.S. Law & Politics” / Anne Brunon-Ernst, Nicki Chaudoir, Yasmine Mohammadi, Michel Perdu, William Yeago et al.*

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I. In order to prepare this Lesson, Students are strongly invited to study the following legal topics.

- *Types of Contracts : contracts under Seal ; Express Contracts ; Implied Contracts ; Executed and Executory Contracts ; Bilateral and Unilateral Contracts ; Adhesion Contracts ; Unconscionable Contracts*
- *Void and Voidable Contracts*
- *Offer and acceptance*
- *Consideration*

- *Capacity to enter into a legal contract and Legality of subject-matter*
- *Vitiating factors*
- *Termination of Contract : discharge of contracts by operation of law ; Conditions and Promises of Performance ; Mutual Discharge by the Parties*
- *Frustration of Contract*
- *Hardship Clause*
- *Parol Evidence Rule*
- *Breach of Contract and available Remedies*

**II.** In addition, the following questions shall be addressed :

- ❖ *What are the essential terms of a contract?*
- ❖ *What are the conditions for a proposal to amount to an offer?*
- ❖ *What are the conditions for acceptance to be valid?*
- ❖ *What are the conditions for a contract to be valid and enforceable?*
- ❖ *What is the legal status of unconscionable contracts?*
- ❖ *What legal remedies are available when an agreement is vitiated?*
- ❖ *In what circumstances a contract can be void or voidable? Is it possible to ratify such a contract?*
- ❖ *In what circumstances defenses such as consent, mistake and illegality will be available to a defendant?*
- ❖ *What remedies are available if a contract term is breached?*
- ❖ *What does « the doctrine of frustration » of contract cover?*
- ❖ *What is consideration ?*
- ❖ *How and in what circumstances parties may be discharged from a contract?*
- ❖ *What does the notion of « Hardship clause » cover?*
- ❖ *What is the parol Evidence Rule?*
- ❖ *What is the difference between impossibility and impracticability of contract?*