



Contract Vocabulary 1

**Contract Formation
in Common Law**

by Danielle Capretti, J.D.



Jennifer L. Uhler
Regional English Language Officer for Russia
U.S. Embassy & Consulate

Thank you!



Sophia Barinova
Director and Legal English Trainer
Legal English Centre CIS

What words are related to contract law?

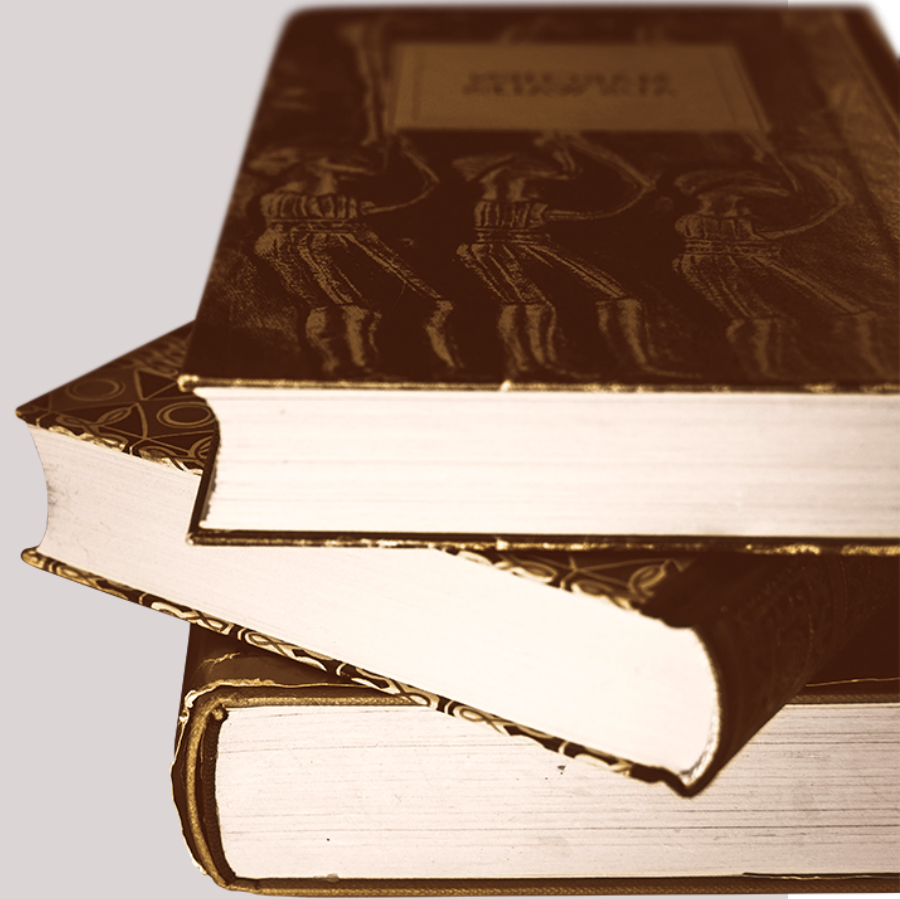
Write your answer here.

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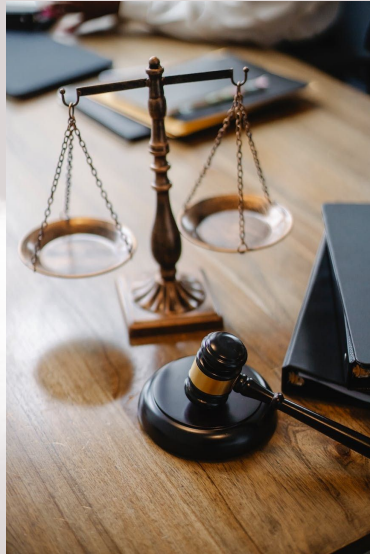
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CONTRACTS IN RUSSIA

- Where?
- How?



CONTRACT LAW IN COMMON LAW = JUDGE-MADE LAW* + UNIFORM COMMERCIAL CODE



New York	UCC
North Carolina	Uniform Commercial Code
North Dakota	Uniform Commercial Code
Ohio	Uniform Commercial Code
Oklahoma	Commercial Code
Oregon	General Provisions for Uniform Commercial Code
Pennsylvania	

Source: https://www.law.cornell.edu/wex/table_ucc

***2nd Restatement of Contracts=highly persuasive**

How many elements must a common law contract have (in the US)?

Seven

Four/Five

Six

Two

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OFFER AND ACCEPTANCE

§ 2-206. Uniform Commercial Code (for commercial contracts)

Offer and Acceptance in Formation of Contract.

(1) Unless otherwise unambiguously indicated by the language or circumstances

(a) an offer to make a contract shall be construed as inviting acceptance in any manner and by any medium reasonable in the circumstances;

CONTRACT SCENERIO 1

CARBOLIC SMOKE BALL

WILL POSITIVELY CURE

COLD IN THE HEAD,	COUGHS, CATARRH, ASTHMA.	HOARSENESS, LOSS OF VOICE,	THROAT DEAFNESS, SNORING,	INFLUENZA, HAY FEVER,	ROUP, WHOOPIG COUGH,
COLD ON THE CHEST,	BRONCHITIS,	SORE THROAT,	SORE EYES,	HEADACHE,	NEURALGIA.

As all the Diseases mentioned above proceed from one cause, they can be Cured by this Remedy.

£100 REWARD

WILL BE PAID BY THE

CARBOLIC SMOKE BALL CO.

to any Person who contracts the Increasing Epidemic,

INFLUENZA,

Colds, or any Diseases caused by taking Cold, after having used the **CARBOLIC SMOKE BALL** according to the printed directions supplied with each Ball.

£1000 IS DEPOSITED

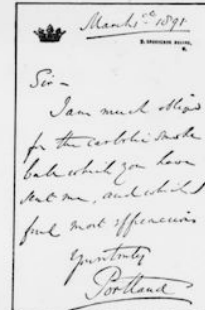
with the ALLIANCE BANK, Regent Street, showing our sincerity in the matter.

During the last epidemic of **INFLUENZA** many thousand **CARBOLIC SMOKE BALLS** were sold as preventives against this disease, and in no ascertained case was the disease contracted by those using the **CARBOLIC SMOKE BALL**.

One **CARBOLIC SMOKE BALL** will last a family several months, making it the cheapest remedy in the world at the price—10s., post free.

The **CARBOLIC SMOKE BALL** can be refilled, when empty, at a cost of 5s., post free. Address:

CARBOLIC SMOKE BALL CO., 27, PRINCES ST, HANOVER SQ., LONDON, W.



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Is there an offer in this scenerio?

No, it is merely an advertisement only.

Yes, there is a clear offer made.



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Carlill v Carbolic Smoke Ball Co [1893] 1 QB 256

CONSIDERATION

- promise
- performance
- forbearance
- property



Gift = No Consideration



CONTRACT SCENERIO 2

Mr. Story promised his nephew \$5,000 if the nephew would refrain from smoking, drinking, swearing, and gambling until he turned 21. The nephew turned 21, then wrote to his uncle that he had fulfilled the agreement. The nephew asked for the \$5,000.



Is there consideration in this case?

No, the nephew did nothing, so there was no consideration.

Yes, not doing something equals consideration

SEND

Hamer v. Sidway, 124 N.Y. 538, 27 N.E. 256 (N.Y. 1891)

LEGALITY

No contracts for crimes



CAPACITY

- Minimum Age
- Sound Mind



CONTRACT SCENERIO 3

Which of the following would indicate that the contracting party did NOT have capacity?

Drugged

Drunk

Alzheimer's
Disease/Dementi
a

Comatose

All of the above

SEND

What was your most memorable word from this session?

Write your answer here.

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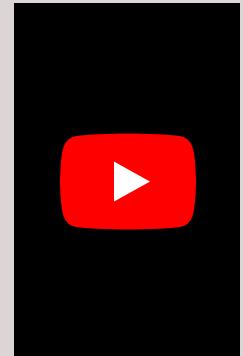
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contract

A contract is an agreement between parties,



SEND



Thank you for your participation!
Next Session - February 21, 2024
Contract Vocabulary 2:
Contract Breach and Remedy in Common Law

