

Issue Spotting a Contracts Law Question

I. Did the traders form a contract?

a. Rule: A K is a legal status

b. Was there an offer?

- i. An offer creates a power of acceptance in the offeree. To be valid, an offer must be: (1) an expression of promise, undertaking, or commitment to enter into a K; (2) definite and certain in its terms (identification of offeree and definiteness of subject matter); and (3) communicated to the offeree

c. Was the offer an invitation to bargain in the bilateral mode or in the unilateral mode?

- i. In a bilateral K, the offeree accepts by promising to do a stipulated act
- ii. In a unilateral K, the offeree accepts by performing a stipulated act. The offeree of a unilateral K must act w/ knowledge of the offer and be motivated by it

d. Was there a valid acceptance?

- i. General rule: An offer to bargain in the unilateral mode can only be accepted by total completion of the requested act
- ii. Exception: Once the offeree begins the substantial performance of the requested act, he does n/ form the K but he does cut off the power of the offeror to revoke so as to give the offeree a reasonable opportunity to complete that which he has begun.

e. Was there consideration (bargained for legal detriment on both sides of the exchange)?

- i. Was there a promise to perform an act which, but for this bargain, the offeree was n/ legally obligated to perform?

Law Exam Approach Contract Issue Spotting

Jiyuan Zhang



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