Contracts – Fall 2007
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Grading Sheets

I

O
A
C/O
Merger clause
Memorialization
Collateral Agreement
Consideration
Reliance

Term of K

SOF

Interp
  Effect of merger clause
  Trade usage

“standard terms”

Mistake/misrep

Breach
Follow procedures

Public statements
  Gf
  Pub pol

Providing funding

Fundraising
  Mere puffery

Remedy
  Stipulated damages/penalty
  Mitigation

Search firm
Chipseller
Intent to create legal relations –x

Implied in fact

Requirements/exclusive dealing

COL/SOF

Rel

139

GF

Spec perf

Consulting
5yr/at will - sof
   Intent
   Waiver

Interp
Personal satisfaction clause

Admin
Present intention
Normal and customary x
Consideration
Reliance
SoF

D’s defenses
Undue influence -
   Overpersuasion
   Domination
   Fid rel – x
Duress –
   Threat
Wrongful
v. OA
Waiver of duty?
   illegality
750K
   Armslength? (uncons)
   Research needed on std terms
   Duress
250K add
   Pre-existing duty
      Trade usage/ illegality
   Duress
   Modification
      Unanticipated?
      GF
   Substantial perf – x
Remedy
   /restitution

v. PL
Merchant?
2-207
   5 tons to 10K
      Different
         -- (3)
      Additional
   Oct 5
   1% stipulated
      Penalty clause? Limitation of remedy? tests

Breach?
   Changed circum?
   Anticipatory repudiation?
      - good faith
      - waiver?
Perfect Tender rule
Poundage
Late delivery
Cure
Remedy
Resale
3K vs. 6 K
1%
Choice of remedies
   Cover

   What is mitigation?