

RIGHTS AND RESPONSIBILITIES

I. GOALS

- Students will be able to list and define the elements of a legally enforceable contract.
- Students will be able to explain why contracts are important to our legal and economic system.

II. METHODOLOGY AND TIMING

A. LECTURE

- Powerpoint
- *Offer and Acceptance Activity:*
 - Pass out a hand out with examples of fact patterns, which have the power point definitions of offer and acceptance on the top.
 - Students must determine whether there is a valid offer, and or a valid acceptance and give a brief explanation for their reasoning.
 - Students will work independently. We will then go over the hand out as a class, asking one student from each group to volunteer their answer and reasoning, and students are welcome to respectfully debate if they do not agree.
- *Introduction to Consideration*
 - Brief overview of the purpose of consideration;
 - Explain the difference between valid consideration and a gift/promise
 - Students have the opportunity to give examples of valid/invalid consideration.
- *Introduction to enforcement and breach*
 - Explain what is meant by “specific performance” and why it is not always available as a remedy
 - Explain the purpose of “damages” and what factors are taken into consideration in awarding damages (by either a judge or jury). Class should brainstorm some possibilities. (scope of the injury, ability to compensate with money, how can the law make the plaintiff “whole?”
 - Discuss the public policy ramifications of damages: Does the likelihood of damages deter people from breaking their agreements? What if it is cheaper to break a contract and pay the damages than to perform the contract?
- *Breach of Contract Activity*
 - Students will read a fact pattern in groups and determine whether or not they think either party breached the contract, and if so whether or not the court should make a party pay damages or specifically perform the contract.
 - Share the “Hairy Hand” case with the students as an example of how the court has determined damages in the past
- *Introduce Defenses*
 - Using Power Point, go over defenses to contract enforcement, including unconscionability, fraud and duress, as well as public policy/criminality defenses. (power point slide 17).
 - If there is time, students may discuss what kinds of public policy the state should promote in enforcing contracts. Potential discussion topics include: “One-Click” signatures online, standard form contracts for tickets, cars, etc. Do people really have a choice in entering into retail contracts? Student loans?



- *Defenses Activity:* [5 minutes for breakout activity, 5 minutes to discuss]
 - Have one member of each table read the following facts out loud, then discuss whether the contract should be declared void for any of the reasons discussed above.
 - Each group will discuss the issues, but is not required to write them down. We will hear each group's opinion at the end.

III. MATERIALS

- Powerpoint
- Contracts Handout

IV. EVALUATION

V. MATERIALS

- Debate Topics Powerpoint
- Olympic Powerpoint
- Balloons
- Tape
- Spaghetti
- String
- Marshmallows
- Deck of cards

VI. EVALUATION