CONTRACT BATTLE PLAN

► Determine the applicable law: Common law or UCC (goods)

► Is there an enforceable contract [Objective perspective]
  ► Was a contract formed?
    ► offer? (has it terminated?)
    ► acceptance? (mail box rule)
    ► consideration
    ► ambiguity/mistake
    ► illegality

► Is the contract enforceable?
  ► legal incapacity (e.g. minor, insane)
  ► volitional incapacity (e.g. fraud)
  ► Statute of Frauds
  ► Against public policy, unconscionable, illegal
  ► Time-barred

► Other issues:
  ► Parol Evidence Rule
  ► Quasi-Contract (e.g. not a contract but an obligation imposed by law)

► Any third parties?
  ► Third Party Beneficiary Contract
  ► Assignment
  ► Delegation
  ► Suretyship

► Follow the course of performance
  ► Any conditions?
  ► If so, were they satisfied or excused?
  ► Were the duties performed or discharged?
  ► If not, what are the remedies?