How to Write a Contracts Exam

Follow your professor’s specific exam directions. In absence of specifics, consider the following:

• The overarching issue of a Contracts question is generally contract formation; usually someone is trying to get out of the contract and someone else is trying to enforce the contract.

• Ask whether the common law or the Uniform Commercial Code applies.

• Identify the parties involved. Signpost your response by parties. E.g., Homeowner v. Contractor.

• Make an outline with each transaction or event as a subheading. E.g.:
  a) A’s promise to mow B’s lawn
  b) B’s request to A to buy him a lawnmower
  c) B’s subsequent offer of employment to C

• Organize subheading responses by factual transactions, by each exchange of words, by each event as it occurs. Writing a Contracts exam is best formatted with a chronological analysis of events.

• Consider what defenses to contract formation the defendant can make.

• If no formation issues exist, is the contract legally enforceable? Can the defendant raise any affirmative defenses? (Capacity, duress, Statute of Frauds?)

• Is performance on the contract excused or was there a material breach? Did plaintiff mitigate his loss?

• What are the available remedies: Legal? Equitable?

• If you cite a case, be certain of the name. If you cannot recall it, but remember the facts and its relevance, you can state, “the hairy hand case.”

• Spend a few minutes at the end to re-read the fact pattern and refer to your checklist to see if there are issues or sub-issues you might have missed.

• Dot your i’s, cross your t’s, and proofread for grammar and legibility.

• Submit with confidence.