
CHAPTER 1

What Is a Contract?

I. Overview

Lawyers use “contract” as a term of art to mean a legally binding agreement. In this chapter you will learn how to use defined terms like “contract” in precise ways, a skill you will apply throughout law school. In Chapter 2 we will explore in more depth the way parties form contracts.

Before reading further, [complete module 1](#), which provides an overview of what a contract is, and then take the accompanying online quiz.



We first look at the general way to define a contract. The next step is to determine whether the contract is governed by just the common law or the common law and the UCC. While that answer is often clear—as in the case of lawn mowing, which is a service and so governed by the common law only, or selling a lawnmower, which is a sale of a good governed by the common law and UCC—so-called “hybrid” transactions involve both goods and services. Accordingly we look at the test that most courts use to determine whether the UCC applies to a hybrid transaction. We finish the chapter by introducing the foundational rule for determining whether an agreement is legally enforceable. We cover that issue in greater depth in Chapters 2 and 3.

A video player interface for a video titled "Contracts Ch 1 - Introduction". The video content is a slide with a teal background. The slide title is "Agreement Between Parties". To the right of the title are three light blue boxes, each containing a green checkmark and text: "Written words", "Oral", and "Actions and behavior". Below the slide is a video player control bar with a red progress bar, a play button, a volume icon, a CC icon, and navigation buttons for "PREV" and "NEXT".

New topics start with a short 5-minute video that gives students a “mind map” or “scaffold” for the upcoming material.

"Can you cut my hair
on Wednesday?"

"Sure, that'll be \$50!
See you then!"



Doesn't fall within Statute of Frauds



Vivid hypotheticals and short quizzes in the videos and at the end of each chapter provide online formative assessments of ascending difficulty.

Two kinds of agreements that the common law Statute of Frauds requires to be in writing:

- Agreements involving land performed in 2 or more years.
- Agreements involving more than \$1,000.
- Agreements between merchants.
- Agreements involving land OR performed in 1 or more years.

