

What is a contract?

A contract is a promise for breach of which the law gives us a remedy. A contract is an agreement between two parties to fulfill certain obligations, for which there is legal recourse if one party fails to hold up their end of the agreement.

Common law varies by what?

State

What is the U.C.C?

The Uniform Commercial Code

What state has not adopted the UCC?

Louisiana

Why was the UCC created?

The UCC was created so that the process with which goods transfer from jurisdiction to jurisdiction is made easier.

The U.C.C. is more _____ than
common law.

Liberal

This is a law that is present in 28 states that governs contracts
that are formed over the internet.

The Uniform Electronic Transactions Act

What is UCITA?


The Uniform Computer Information Transaction Act

What does UCITA do?

Governs electronic transactions in software

What is a bilateral contract?

A bilateral contract is where both parties are making promises.

Fold Over 

What is a unilateral contract?

A unilateral contract is where one party makes a promise and the other party acts in response to that promise.

_____ are set forth in an express contract.

Terms

This type of contract is a contract that is inferred by the behavior of the parties and maybe even the circumstances.

Implied in fact contract

A visit to the doctor is an example of what type of contract?

Implied in fact

Because the legal requirement of this contract is missing, it is what?

Void

What is a voidable contract?

A voidable contract is a contract that is enforceable, but can be cancelled by one or more of the parties.

We label a contract _____ until all parties have completed their obligations.

Executory

When all parties have completed their party of the contract, it is considered what?

Executed

What five things make a contract legally enforceable?

- 1.) Agreement
- 2.) Consideration
- 3.) Capacity
- 4.) Genuineness of Assent
- 5.) Legality of purpose

What is capacity with regards to a contract?

Capacity is whether someone is sane, sober, and of age when forming a contract.

This is a promise to do something.

An offer

How long an offer stays on the table is what?

The Duration

The offeree's positive response to the offeror's proposed contract is known as what?

Acceptance

What is consideration?

Consideration is a bargain for legal value that one party agrees to pay or provide to secure the promise of another; typically money.

What two forms can contracts be in?

Oral and written form.

What is the parole evidence rule?

When a contract has been reduced to writing with the intent that the written document represents the agreement neither party can introduce oral or written evidence to prove or disprove the written agreement.

When can a contract be revoked?

A contract can be revoked at any time prior to acceptance

The court system will not enforce contracts that would violate a _____

Statute

Duress is a valid contract defense. What is duress?

Duress usually occurs when one party is physically forced into signing a contract.

Contracts that violate public policy may not be _____

Enforced

What is injunctive relief?

Injunctive relief is the court telling a contract violator to stop doing or start doing something.

What is usury?

Usury is charging an interest rate higher than the maximum permitted by law.

What effects the interest rate that a creditor can charge?

The subject matter of the loan.

What is the point of the Truth in Lending Act?

The point is to protect consumers by treating them fairly and making sure we disclose credit terms.

What is the purpose of the Equal Credit Opportunity Act?

To prevent gender discrimination in lending practices.

This act allows the debtor to challenge transactions on statements.

The Fair Credit Billing Act

A car, house, or anything else with a particular value can be used as _____ for a loan.

Collateral

Creditors have to act reasonably and in _____

Good faith

This is another name for straight bankruptcy?

Chapter 7 bankruptcy

With this type of bankruptcy the debtor develops a payment plan with the help of the court.

Chapter 11

This type of bankruptcy is business reorganization.

Chapter 11

This type of bankruptcy is only for individuals.

Chapter 13

This is known as a wage earner petition?

Chapter 13 bankruptcy

What is the priority of creditors?

- 1) Secured Creditors
- 2) Priority Creditors
- 3) General Creditors

What are some examples of non-dischargeable debts?

- Government Loans
- Student Loans
- Child Support
- Alimony and Spousal Support

What is an agency relationship?

An agency relationship is one in which one party acts on behalf of another.

An employer is an example of the _____ in an agency relationship.

Principal

What is a master/servant relationship?

A master/servant relationship is one in which the principal, who is the master, exercises a great deal of control over the agent who is the servant.

With regards to an agency, this is the individual who is doing things on the other's behalf.

Agent

What is an independent contractor?

An independent contractor is a person who is hired by another to perform a task, but is not under the direct control of the hiring party.

What responsibilities does the agent have to the principal?

- Duty of Loyalty
- Duty of Obedience
- Duty of Care

What is the Fair Labor Standards Act?

The FLSA created various administration agencies to oversee different types of employment issues.

What are some issues that are brought up in employment lawsuits?

- Discrimination
- Wrongful Termination
- Sexual Harassment
- Wage and Hours Problems
- Job Safety
- Unemployment Claims
- Worker Compensation Claims

What are some penalties for violating the FLSA?

Civil penalties, Civil Lawsuits, and Criminal Sanctions

What does OSHA do?

OSHA sets forth and enforces workplace safety standards