

A Brief Overview of Contract Law

Contracts are created in order to legally bind parties into a promise, but because of differing interpretations of legal language, can be tricky to litigate. Contract law is a complex puzzle, one that requires a deep understanding of what exactly contracts are and what following through with one entails.

There are a few requirements to make a contract enforceable as well as limitations on what one can be contractually obligated to do. In this article, we'll define the terms involved in this type of litigation, discuss the basics of contract law, the requirements for an enforceable contract, and give an overview what breach of contract entails, as well as possible remedies that may come out of litigation due to fraud or other contractual errors.

If you're looking for a lawyer who specializes in contract litigation, look no further than our attorneys who specialize in this complex legal knot.

Definition of Terms

A contract is defined by the [Legal Information Institute](#) as, "an agreement between private parties creating mutual obligations enforceable by law". More broadly, this includes any promise the breach of which will result in legal remedies.

A promise is defined as a manifestation of intention to act or refrain from acting in a specified way, so made as to justify a promisee in understanding that a commitment has been made.

A promiser is defined as the person manifesting the aforementioned intention, while the promisee is the person to whom this manifestation is addressed. A beneficiary may also arise depending upon the type of contract, and a beneficiary is anyone who is benefited by the performance of the promiser on behalf of the promisee.

Requirements for An Enforceable Contract

In order for a contract to be enforceable and legally-binding, there are a few different elements of requirement that must be met.

The first of these is mutual assent, which simply means that both parties agree to the terms of the contract. Both parties must also express a valid offer and acceptance, whether in a formal manner or just by agreement to the offer as presented. Even if the moment of agreement cannot be pinpointed, the assertion of an agreement made will suffice.

Another element of a legally-enforceable contract is that both parties must be reasonably certain that the agreement can be honored in a legal manner--so if the contract describes illegal behavior, it obviously cannot be enforced. Adequate [consideration](#), or “the value that convinces the parties to engage in a contract” in the first place, is also another crucial element.

One of the biggest reasons that contract disputes enter litigation is due to misrepresentations, mistakes, or either party of the contract being under undue duress, or pressure, to complete the terms. Many times litigation will find a contract void or unenforceable, which dissolves the terms of the contract to both parties.

If a contract is breached, then litigation may find the promisee is entitled to damages as a remedy to contract breach. Depending upon the type of contract breach, a judge can award expectation damages, reliance damages, and unjust enrichment to an injured party.

Finding an Attorney Who Specializes in Contract Litigation

Contract law may be a complex puzzle--but that's why you need an attorney that can untangle it for you. You need a litigation attorney with your best interests in mind who will offer you expert advice, especially those with the experience to achieve the best possible results for their clients, often avoiding ever going to trial due to mutual agreements.

If you're looking for an attorney who specializes in contractual law, don't hesitate to [give us a call](#).