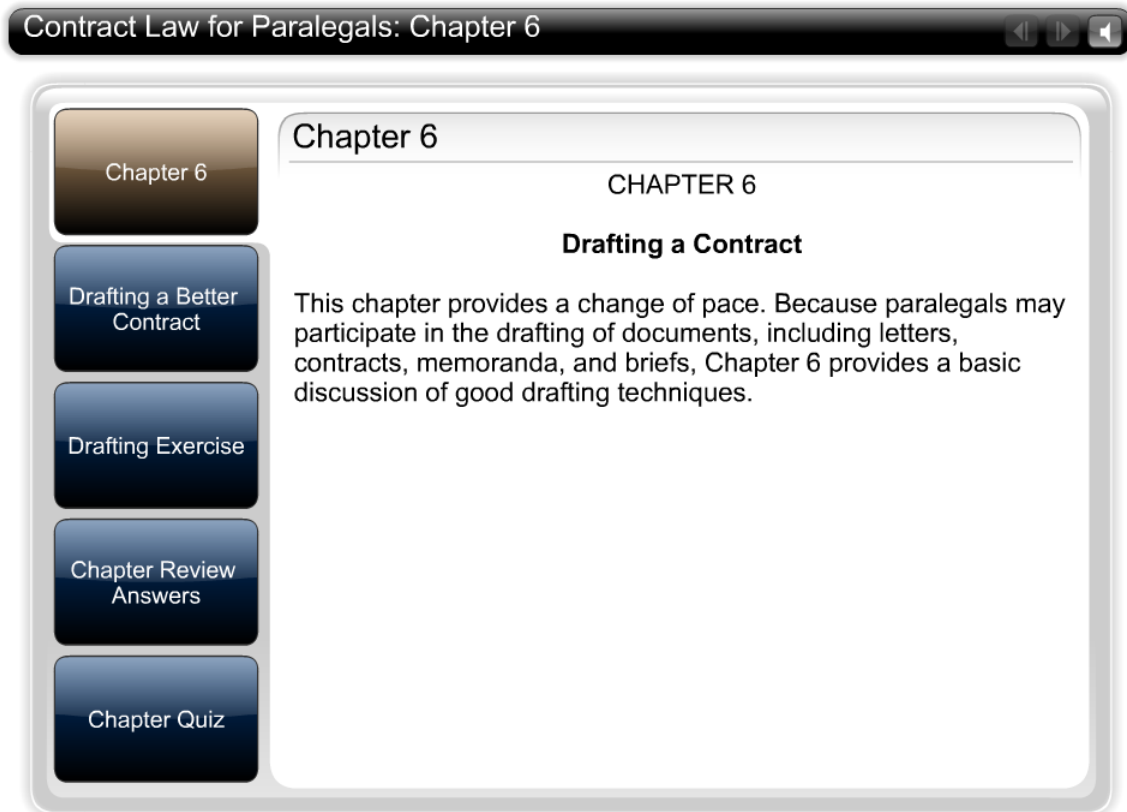


# Contract Law for Paralegals: Chapter 6

## Chapter 6



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#### CHAPTER 6

#### **Drafting a Contract**

This chapter provides a change of pace. Because paralegals may participate in the drafting of documents, including letters, contracts, memoranda, and briefs, Chapter 6 provides a basic discussion of good drafting techniques.

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# Drafting a Better Contract

Contract Law for Paralegals: Chapter 6

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## Drafting a Better Contract

### DRAFTING A BETTER CONTRACT (211)

The drafting section of this chapter is divided between planning and revising.

**Planning (212)**  
The planning section of this chapter covers the following:

- Drafting from an outline
- Being brief
- Simplifying language
- Using base verbs and active voice
- Avoiding sexist language
- Checking spelling, punctuation, and grammar

**Draft from an Outline (212)**  
PARALEGAL EXERCISE 6.1 (213) focuses attention on drafting from an outline.

The outline used here is the five step road map through the

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#### **Draft from an Outline (212)**

PARALEGAL EXERCISE 6.1 (213) focuses attention on drafting from an outline.

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The outline used here is the five step road map through the course. The outline provides a checklist for the contract. Paralegal Exercise 6.1, based on a lease, requires students to compare the items on the checklist with the lease. The exercise also provides review for the first five chapters.

### **Be Brief (215)**

PARALEGAL EXERCISE 6.2 (217) could be a classroom exercise put into contest format. The student finding the greatest number of examples of unnecessary verbiage wins. Students could be given five minutes to find the unnecessary verbiage and then report their scores. The class as a group could then go through the problem to reinforce the exercise.

### **Simplify the Language (217)**

In PARALEGAL EXERCISE 6.3 (218), the sentences as rewritten without the indefinite pronouns become:

1. This law review article states paralegals are real assets.
2. The legal assistants program benefits students.
3. This text is written to be put together one chapter after another.
4. A house stands on a hill.

PARALEGAL EXERCISE 6.4 (219) has a dual purpose-to delete legalese and to group lessor's and lessee's duties. The lines are numbered to facilitate discussion.

A redrafted version could read:

This lease is between \_\_\_\_\_, lessor, and \_\_\_\_\_, lessee, for the lease of property known as \_\_\_\_\_, for the period beginning \_\_\_\_\_ and ending \_\_\_\_\_.

The lessor agrees that upon notice by the lessee, the lessor will make reasonable repairs to the property.

The lessee agrees:

1. to pay \$500.00 a month on the first of each month;
  2. to maintain the property in as good a state of repair as it was when it was turned over to the lessee;
  3. to pay for the repair of any damage done to the building or grounds by any of his or her family or guests;
  4. to be responsible for all expenses incident to the normal occupancy of the property such as telephone, electricity, gas, water, sewer, and trash collection; and
  5. to use the property for residential purposes only and to be consistent with zoning regulations, city ordinances, and state and federal laws.
-

### **Use Base Verbs and the Active Voice (220)**

PARALEGAL EXERCISE 6.5 (220) asks students to identify four additional base verbs and their derivative nouns. Three are given. Other examples are:

- application apply
- arbitration arbitrate
- compliance comply
- confusion confuse
- determination determine
- entertainment entertain
- interpretation interpret
- litigation litigate
- payment pay
- resolution resolve

PARALEGAL EXERCISE 6.6 (220) asks for four pairs of sentences. The first sentence would use one of the derivative noun from Paralegal Exercise 6.5 and the other would use the base verb.

The cars missed a collision.  
The cars did not collide.

The judge made the decision.  
The judge decided.

The shoplifter did not make payment.  
The shoplifter did not pay.

The last topic of this subsection is active verbs. Several examples are given. A class exercise could be developed to further illustrate. Replace “to be” (is, are, be) verb forms with active verbs (run, skip, jump).

In the active voice, the subject of the sentence acts while with passive voice, the subject of the sentence is acted upon. Activate a sentence by eliminating as many prepositions and supporting verbs (e.g., were) as possible.

Develop a few sentences for illustration. Have students develop a few sentences.

### **Avoid Sexist Language (221)**

Obvious, but awareness is critical.

### **Check Spelling, Punctuation, and Grammar (223)**

Some of the more common spelling errors are listed. Have students keep lists of their spelling errors.

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**Revising (224)**

This section stresses the importance of revising.

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## Drafting Exercise

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### Drafting Exercise

DRAFTING EXERCISE (225)

PARALEGAL EXERCISE 6.7 (text p. 215) involves several drafting exercises and can be assigned to be completed out of class. The exercise involves the drafting of an advertisement, an offer, a counteroffer, and a modification. This assignment gives students an opportunity to make the course more practical and requires students to review prior concepts. The Instructor may consider developing additional instructions

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# Chapter Review Answers

Contract Law for Paralegals: Chapter 6

Chapter 6

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## Chapter Review Answers

### TRUE/FALSE QUESTIONS

1. F
2. T
3. T
4. F
5. F
6. F
7. T
8. F
9. T
10. F
11. T
12. T
13. F
14. F
15. F
16. T

## TRUE/FALSE QUESTIONS

1. F
  2. T
  3. T
  4. F
  5. F
  6. F
  7. T
  8. F
  9. T
  10. F
  11. T
  12. T
  13. F
  14. F
  15. F
  16. T
-

## FILL-IN-THE-BLANK QUESTIONS

1.

- a. allow, let
- b. or
- c. whether
- d. then
- e. because
- f. when
- g. during, while
- h. sue
- i. force, effect
- j. because
- k. free, clear
- l. full, complete
- m. from, or
- n. consideration
- o. affect
- p. tend
- q. (omit entirely and start with the subject)
- r. void
- s. time
- t. before
- u. after
- v. permit
- w. consideration
- x. whether, the question whether
- y. this topic
- z. no contract

2.

- a. by
  - b. because of
  - c. by, under
  - d. for
  - e. to
  - f. by, under
  - g. since
  - h. with, about, concerning
  - i. for
  - j. when
  - k. instead
  - l. to
  - m. about
-



- n. about, concerning
- o. although
- p. in
- q. like
- r. because
- s. by, from
- t. by
- u. until
- v. except
- w. about, concerning
- x. about, concerning
- y. on, about

**3.**

- a. collide
- b. decide
- c. pay
- d. eliminate
- e. reject
- f. disapprove
- g. isolate
- h. possess
- i. affiliate
- j. apply
- k. abduct

**4.**

- a. accommodate
  - b. coming
  - c. defendant
  - d. demurrer
  - e. occurred
  - f. definite
  - g. existence
  - h. separate
  - i. surprise
  - j. truly
  - k. until
  - l. writing
  - m. written
  - n. parole evidence
  - o. Statute of Fraud
-

## SHORT ANSWER QUESTIONS

1.

- a. The trial judge ruled.
- b. Stacey Jackson won the race.
- c. My brother told the biggest lie.
- d. The wrecker towed the bus.
- e. A shot at the buzzer won the game.
- f. The same few people did the work

2.

- a. The clock is a valuable antique.
- b. The lessor will furnish all utilities to the lessee.
- c. The plumber presented a bill to the customer for service.
- d. Please respond to all future inquiries promptly.
- e. We request your cooperation in this matter.
- f. Your timely response will allow us to sue the breaching party.
- g. Please let us know whether you wish to pursue this matter.
- h. You had problems then because you failed to complete the work.
- i. The problems were ignored when they arose because all of the parties were out of town.
- j. The promisee's promise was consideration for the promisor's promise.
- k. What you do now will affect the entire case.
- l. No doubt small problems tend to grow larger until they are resolved.
- m. Please call our office for an appointment regarding your letter and the enclosed instrument.
- n. We received further information about the matter after we thought there had been full disclosure.
- o. It will be unnecessary for you to contact us until we notify you of further developments in the case since nothing can be done now.

3.

- a. The cook served large portions.
  - b. Now is the time for all good citizens to come to the aid of their country.
  - c. Journalists fly around the world covering interesting stories.
  - d. Husbands and wives often share a similar sense of humor.
  - e. Firefighters wear highly specialized protective clothing.
  - f. Police officers directing traffic use reflective vests for safety.
  - g. The members of the jury often engage in lengthy deliberations.
  - h. The reasonable person will consider a question in an objective manner.
  - i. Nursing is a job for compassionate people.
  - j. Ordinary people may perform heroic actions under stress.
-

# Chapter Quiz

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Chapter Quiz

[Click Here to take a quiz based on this chapter.](#)

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[Click Here to take a quiz based on this chapter.](#)

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