

How to Analyze a Contracts Case

Is there a contract?

Who are the parties to the contract?

What are its terms?

Did defendant breach the contract?

What damages is plaintiff entitled to recover?

Another Way to Think About It

The plaintiff has the burden of proving by the greater weight of the evidence each of the following essential elements:

___ That there was a contract

___ That plaintiff and defendant were parties to the contract.

___ That the terms of the contract were A, B, C, etc.

___ The defendant breached term A as follows: ...

___ The breach by defendant resulted in my being damaged in this particular way. . .

___ The monetary amount of my damages is X, and here's how I calculated X. . .