

Introduction to Contract Series

The Pattern Jury Instructions Committee devoted its 2001-2002 and 2002-2003 program years to a comprehensive revision of the contract instructions in the General Civil Volume. This work was long overdue. Many of the existing instructions dated to the early days of the Committee in 1973. The instructions themselves were piecemeal and often difficult to assemble into comprehensive instructions.

The Committee arranged the new contract instructions to follow a logical progression of issues:

First, has a contract been formed?

Second, has the contract has been breached?

Third, what is the remedy?

The 501.00 series thus deals with issues of contract formation. The 502.00 series covers issues of breach. The 503.00 (common law), 504.00 (Uniform Commercial Code) and 505.00 (special situations) series deal with remedies.

Another editorial decision made by the Committee was to draft general contract instructions broadly enough to be applicable to both common law and Uniform Commercial Code transactions. Where common law and UCC rules conflict, the UCC version is noted by a bold "**UNIFORM COMMERCIAL CODE**" in the text. Except as to remedies, the differences between common law and UCC rules on issues of contract formation and breach are not as great as most people think. Thus, *except where noted to the contrary*, these instructions are generally usable in UCC as well as common law cases.

Many of the revised instructions are long, having consolidated within them many of the prior instructions. Only the applicable parts of these instructions need be given. Do not charge on a point that is not at issue.

The Committee has decided to delete the pattern instructions dealing with sealed promissory notes and negotiable instruments because of obsolescence and a low incidence of need.<sup>1</sup>

Finally, there are numerous contract instructions that appear elsewhere in the 741.00 series on warranties in the sales of goods.

Accordingly, the 95 instructions appearing in Chapters 1 and 3 through 8 of Part II of the General Civil Volume (N.C.P.I.--Civil 500.00 through 635.40) are replaced in their entirety by the 86 new instructions now numbered N.C.P.I.--Civil 500.00 through 505.25.

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<sup>1</sup>All UCC references are to Articles 1 (General Provisions) and 2 (Sales). The remaining eight articles also deal with numerous other types of commercial contracts ranging from leases (Article 2A) to letters of credit (Article 5) to security agreements (Article 9). Non-sales contracts are beyond the scope of this series.