

Contracts: A Practical Approach To Their History, Negotiation, and Use

**Employment Agreements, Historic
Sports Contracts, Leases, Licenses, and More...**

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Following is a proposed outline related to a comprehensive understanding of contracts.

- I. A General Discussion - What is a Contract?
 - A. Parties and Capacity
 - B. Consideration
 - C. Valid Subject Matter
 - D. Oral vs. Written
 - E. Time & Place of Performance
 - F. Conditions
 - 1. Precedent
 - 2. Subsequent
 - G. Entire or Divisible
 - H. Options
 - I. Contracts Implied in Fact
 - J. Contracts Implied in Law or Quasi-Contracts
 - K. Illegality of Contracts
 - 1. Contracts Violating the Law
 - 2. Contracts Against Public Policy
 - 3. Effects of Illegal Contracts
 - L. Third Party Contracts
 - M. Modification

- N. Termination
 - O. Cancellation or Recision
 - P. Novation
 - Q. Breach
 - R. Sufficiency of Performance
 - S. Excuses for Nonperformance
 - T. Breach as Cause of Action for Suit
 - U. Mistake of Fact or Law
 - 1. Mutual
 - 2. One-Sided
- II. How College or University Fits Into Big Picture
- A. In General
 - B. Examples
 - 1. Employment Contracts
 - 2. Athletic Conferences
 - 3. Service or Employment Contracts with Special Employees Such as Coaches and Athletic Directors
 - 4. Special Employees' Contracts with Third Parties
 - 5. Leases
 - 6. Equipment Purchases (Warranties)
 - 7. Travel
 - 8. Construction
 - 9. Sponsorship Agreements
 - 10. Licensing
- III. Negotiating the Contract
- A. Define and Set that GOAL (If more than one, determine the value and priority of each.)
 - B. Strategy/Psychology
 - 1. Appearance
 - 2. Location
 - 3. Setting
 - 4. Time
 - 5. Season
 - 6. Creature Comforts

7. Public (Do not surprise anyone.)
 8. Private
 9. To be Disturbed or Not?
 10. Personalities
 11. What Type of Responsibilities and to Whom?
- C. Related Issues
1. Taxes - Local, State and Federal? Sales, Income or Other?
 2. Local Matters, Laws, Customs, Other Conflicting Contracts?
 3. Who Has Authority to Approve and/or Execute? Statutes, Regulations, or Policies? Individual or Board (public or private)?
- IV. Licensing Agreement
- A. What Is It?
 - B. Purposes
 - C. Do Not Give Away Your Name or Logo
 - D. Who Administers or Regulates?
 - E. Association of Collegiate Licensing Administrators
 - F. Trade or Service Marks
 1. Registration
 - G. Copyrights
 - H. Patents
 - I. Administration
 1. Goals
 2. Products
 3. Agreements
 4. Enforcement
 - J. Licensing Agreement to Include What?
 - K. Review Procedures
 - L. Special Arrangements
 - M. Money
 1. Royalties
 2. Records
 3. Reports
 - N. Cancelling or Terminating Licensing Relationships