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