



Modern Law of Contracts Breach and Remedies

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Modern Law Of Contracts Breach And Remedies

Zhen Jing



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Modern Law of Contracts: Breach and remedies Howard O. Hunter, 1986 Modern Law of Contracts Howard O. Hunter, 1987 **Contracts, third edition** Randall Kennedy, 2023-04-11 A casebook to be used as the primary text for first year law school contracts courses written by a leading scholar in contract law Renting a home buying a ticket downloading an app humans enter into contracts constantly often with little consciousness of the legal implications We typically become alert to the consequences only when a problem arises Contracting can increase our happiness by enabling us to do things that we would be otherwise unable to do but heartbreak follows when things go wrong This casebook which can be used as a primary text for a first year law school contracts course covers a wide spectrum of quandaries that emerge in contract law from problems of overreach and interpretation to enforcement and fraud Taken together these cases offer an exploration of contract pathology and introduce students to concepts that are essential to understanding the vast subject of Anglo American contract law This book is part of the Open Casebook series from Harvard Law School Library and the MIT Press Primary text for a first year law school contracts course Developed for use at Harvard Law School by a leading scholar in contract law Diverse cases show differing approaches to a range of problems within contracting Classroom tested **The Modern Law of Contract** Richard Stone, 2005 The Modern Law of Contract builds on the success of the popular Principles of Contract Law Taking account of a variety of theoretical approaches economic sociological and empirical the book combines meticulous examination of authorities and commentary with a modern and contextual approach The range of material covered combined with an accessible style means that this book meets the needs of all undergraduate contract courses enabling students to gain a profound understanding of this pivotal field It will also be useful for students studying contract law as part of another discipline **Modern Law of Contracts: Formation, performance, and relationships of parties** Howard O. Hunter, 1991 **Comparative Remedies for Breach of Contract** Nili Cohen, Ewan McKendrick, 2005-02-28 The book provides a comparative analysis of the law relating to remedies for breach of contract It examines different remedies such as specific performance and damages doing so from the viewpoint of different legal systems principally the English American German French and Israeli Each essay is written by a recognised specialist in his or her own field Topics covered include the relationship between substantive rights and contract remedies the recent reforms of the law relating to breach of contract in Germany the remedies in the context of a third party beneficiary and the extent to which a claimant can choose the remedy which he or she deems to be the most appropriate The book also makes use of a range of techniques particularly economic analysis when examining the legal rules The book contains an introductory essay written by the editors and an essay by Professor Friedman which deals with the relationship between substantive rights and contract remedies *The Law of Contracts* Samuel Williston, 1920 *Modern Law of Contracts* Howard O. Hunter, 1986 An International Restatement of Contract Law: The UNIDROIT Principles of International Commercial Contracts Michael Joachim Bonell, 2005-11-15 The

Unidroit Principles of International Contracts first published in 1994 have met with extraordinary success in the legal and business community worldwide Prepared by a group of eminent experts from all major legal systems of the world they provide a comprehensive set of rules for international commercial contracts Available in more than 20 language versions they are increasingly being used by national legislatures as a source of inspiration in law reform projects by lawyers as guidelines in contract negotiations and by arbitrators as a legal basis for the settlement of disputes In 2004 a new edition of the Unidroit Principles was approved containing five new chapters and adaptations to take into account electronic contracting This new edition of An International Restatement of Contract Law is the first comprehensive introduction to the Unidroit Principles 2004 In addition it provides an extensive survey and analysis of the actual use of the Unidroit Principles in practice with special emphasis on the different ways in which they have been interpreted and applied by the courts and arbitral tribunals in the hundred or so cases reported worldwide The book also contains the full text of the Preamble and the 180 articles of the Unidroit Principles 2004 in Chinese English French German Italian and Russian as well as the 1994 edition in Spanish Published under the Transnational Publishers imprint

Reforming Marine and Commercial Insurance Law Baris Soyer, 2020-10-28 With reform of warranties utmost good faith and insurable interest underway Reforming Marine and Commercial Insurance Law provides a timely and essential analysis of this changing area of marine insurance law The entire insurance sector is observing and participating in the reform process and this wide interest is reflected in the diversity of extremely high quality contributions to this book This book evaluates the legal and practical implications of the proposals on commercial and marine insurance contracts The contributors from legal practice the insurance sector the judiciary and academia comment critically on the proposals and discuss the viability and future of the reform process

An International Restatement of Contract Law Michael Joachim Bonell, 2009-03-01 The Unidroit Principles of International Contracts first published in 1994 have met with extraordinary success in the legal and business community worldwide Prepared by a group of eminent experts from all major legal systems of the world they provide a comprehensive set of rules for international commercial contracts Available in more than 20 language versions they are increasingly being used by national legislatures as a source of inspiration in law reform projects by lawyers as guidelines in contract negotiations and by arbitrators as a legal basis for the settlement of disputes In 2004 a new edition of the Unidroit Principles was approved containing five new chapters and adaptations to take into account electronic contracting This new edition of An International Restatement of Contract Law is the first comprehensive introduction to the Unidroit Principles 2004 In addition it provides an extensive survey and analysis of the actual use of the Unidroit Principles in practice with special emphasis on the different ways in which they have been interpreted and applied by the courts and arbitral tribunals in the hundred or so cases reported worldwide The book also contains the full text of the Preamble and the 180 articles of the Unidroit Principles 2004 in Chinese English French German Italian and Russian as well as the 1994 edition in Spanish Published under the Transnational

Publishers imprint **Selections from Williston's Treatise on the Law of Contracts** Samuel Williston,1920

Measuring Damages in the Law of Obligations Sirko Harder,2010-07-12 This book challenges certain differences between contract tort and equity in relation to the measure in a broad sense of damages Damages are defined as the monetary award made by a court in consequence of a breach of contract a tort or an equitable wrong In all these causes of action damages usually aim to put the claimant into the position the claimant would be in without the wrong Even though the main objective of damages is thus the same for each cause of action their measure is not While some aspects of the measure of damages are more or less harmonised between contract tort and equity e g causation in fact and mitigation significant differences exist in relation to 1 remoteness of damage which is the question of whether when and to which degree damage needs to be foreseeable to be recoverable 2 the compensability of non pecuniary loss such as pain and suffering distress and loss of reputation 3 the effect of contributory negligence which is the victim s contribution to the occurrence of the wrong or the ensuing loss through unreasonable conduct prior to the wrong 4 the circumstances under which victims of wrongs can claim the gain the wrongdoer has made from the wrong and 5 the availability and scope of exemplary or punitive damages For each of the five topics this book examines the present position in contract tort and equity and establishes the differences between the three areas It goes on to scrutinise the arguments in defence of existing differences The conclusion on each topic is that the present differences between contract tort and equity cannot be justified on merits and should be removed through a harmonisation of the relevant principles Law in Transition Ferdinand J.M. Feldbrugge,2021-10-25 The states of Central and Eastern Europe have to different extents and with varying levels of success engaged in the transition from authoritarian rule The re construction of democratic law based governance has turned out to be a lengthy and at times frustrating process The agenda for post communist reform contains many entries yet a transition blue print is not available The papers collected in this volume explore the implications of the transition process in various areas While not all aspects of post communist law are covered several crucial issues receive an in depth treatment These are the development of supra governmental systems the procuracy minority rights contract law land ownership and industrial property rights Displaying remarkable scholarly as well as practical legal expertise the various contributors to this volume illustrate the problems in and the potential of these policy areas

MacQueen and Thomson Contract Law in Scotland Hector L MacQueen,2020-08-13 Provides a comprehensive introduction to the principles of the Scots law of contract and provides the reader with a clear analysis of this difficult area of the law This practical text Illustrates the different types of contractual situations and examines the formation performance and enforcement of contracts Includes examples of typical contract clauses and treats remedies in detail Is set in a comparative context and discusses the problems of cross border and international contracts Explains the underlying principles of contract law Is written in a clear well structured style and uses diagrams to illustrate complex situations The fifth edition covers key Supreme Court cases including Cavendish Square Holding BV v Tala El Makdessi and ParkingEye

Limited v Beavis regarding penalty clauses It also includes a new chapter on capacity to make a contract ie Who can make a Contract This title is included in Bloomsbury Professional s Scottish Law and Scots Law Student online services *Buyers' Remedies in International Sales Law* Reza Beheshti,2024-02-22 An authoritative in depth examination of remedies in international sales of manufactured goods this book provides a detailed analysis of the remedies available to a commercial buyer The book concentrates on four prominent legal regimes namely the UK sales law the United Nations Convention on Contracts for the International Sale of Goods 1980 CISG the American Uniform Commercial Code UCC and the UNIDROIT Principles of International Commercial Contracts 2016 UPICC It surveys the remedies available to commercial buyers in the event that a seller fails to fulfil the contractual obligations stipulated by an international sales transaction of manufactured goods The remedies investigated are self help remedies including suspension of performance and termination monetary remedies including damages and price reduction and performance remedies including specific performance and the right to cure Providing access to and analysis of cases and arbitral decisions from all over the world the book scrutinises the strengths and weaknesses of buyers remedies through comparative and normative examination **Commentaries on the Law of Contracts: Operation and interpretation** William Frederick Elliott,1913 The New French Law of Contract Solène Rowan,2022-08-01 After being almost untouched for over 200 years the contract law section of the French Civil Code was overhauled in 2016 and 2018 The New French Law of Contract describes explains and analyses the new general principles of contract law in the reformed Code in a concise and stimulating way The areas covered include contract formation validity the interpretation and supplementation of terms the regulation of unfair terms privity of contract change of circumstances breach of contract and remedies The book examines the ways in which the new articles affirm or depart from the provisions of the 1804 Code and pre reform case law giving special attention to changes that have proved to be controversial and the debates that surround them It also considers the various influences that have shaped the reforms in particular those from international contract law instruments such as the Principle of European Contract Law and the UNIDROIT Principles Written from the standpoint of a common lawyer the book is designed to help readers from a common law background to navigate the innovations in the reforms and the new French law of contract that emerges It is essential reading for students researchers practitioners law makers and judges with an interest in comparative law Gain-Based Damages James Edelman,2002-04-19 On July 27 2000 the House of Lords delivered a decision where for the first time in English law it explicitly recognised that damages for civil wrongs can be assessed by reference to a defendant wrongdoer s gain rather than a claimant s loss The circumstances in which such gain based damages might be available were left for development incrementally This book considers the nature of gain based damages and explains when they have historically been available and why and provides a framework for appreciating the operation of such damages awards The first part of the book justifies the existence of these damages which focus upon a defendant wrongdoer s gain made as a result of a civil

wrong explaining the nature and need for such a remedy and the scope of civil wrongs The core thesis of the book is that two different forms of such gain based damages exist the first is concerned with restitution of a defendant s gains wrongfully transferred from a claimant the second is concerned only with stripping profits from the defendant s hands Once these two gain based damages awards are separated they can be shown to be based upon different rationales and the basis for their availability can be easily understood The second part of the book considers and applies this approach demonstrating its operation throughout the cases of civil wrongs The operation of the two forms of gain based damages is demonstrated in cases in the area of tort chapter 4 contract chapter 5 equitable wrongs chapter 6 and intellectual property wrongs chapter 7 It is shown that these gain based damages awards have long been available in these areas and their operation has conformed to clear principle The difficulty that has obscured the principle is the nomenclature which has hidden the true gain based nature of many of these damages awards

Chinese Insurance Contracts Zhen Jing, 2016-11-25 Chinese Insurance Contracts Law and Practice is the first systematic text written in English on the law of insurance in China This book offers a critical analysis of the major principles doctrines and concepts of insurance contract law in China At every point the analysis discusses the principles of the Insurance Law in detail referring where appropriate to decided cases and also drawing attention to external influences Readers are guided through the complexities of Chinese law in a clear and comprehensive fashion and significantly in a manner that is accessible and meaningful for those used to a common law system This book presents a comprehensive picture of Chinese insurance contract law to facilitate a wider understanding of the relevant rules of law Elements of insurance contract law are critically examined In addition this book presents rules of law on some special types of insurance contract such as life insurance property insurance liability insurance motor vehicle insurance reinsurance and marine insurance The deficiencies and shortcomings of the law and practice will be identified and analysed suggestions and recommendations on how to reform the law will be presented Chinese Insurance Contracts also offers legal and practical advice to insurance professionals on how to draft clauses to avoid contractual pitfalls It also uses cases to illustrate the difficulties which can arise in applying the principles in practice This book will be essential reading for insurance companies and legal practitioners looking to do business in China as well as reference for Chinese lawyers practising insurance law It will also be a useful resource for students and academics studying Chinese law

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