

Legal Masterclass: *Understanding Contracts for Non-Legal Persons*

Description

Contracts form the basis for many personal, business, and commercial activities. Yet, contracts (and their function in addressing risk) are often misunderstood. The Legal Masterclass provides a basic introduction to a few key contractual principles, legislative influences, and developments in the field of electronic and smart contracts to assist participants in appreciating the connection between contracts and addressing both legal and business risks.

Structure of workshop

Day 1: Introduction to Basics Concepts

- Welcome and introduction.
- Purpose and overview of the Masterclass.
- What is a contract?
- Common misconceptions.
- Purpose of contracts and the concept of risk.
- Practical implications for businesses and individuals.
- Consensus and changing a contract.
- Simulated transactions.
- Who can contract, and what happens when they can't?
- Should a contract be in writing? What happens if it is not?
- Standard form contracts, specialised contracts, and bespoke contracts.
- Standard clauses.
- Dangers of using the internet and doing it yourself.
- Importance of language.
- Discussion of the case study.

Day 2: Contentious Issues

- Welcome.
- Quick Recap.
- Consequences for not keeping contractual promises.
- What happens if it is impossible to keep your contractual promise?
- Contractual recourse, penalties, and damages.
- Mechanisms for resolving disputes in mediation, arbitration, and litigation.
- Contractual mechanisms that accept, reduce, or avoid risk.
- Business versus legal considerations.
- Warranties, Indemnities, exemptions, disclaimers, and limitation of liability.
- Validity of electronic contracts.
- Types of electronic contracts (WhatsApp, email, SMS etc.).
- Discussion of the Case Study.

Day 3: Constitutional, Legislative and Technological Influences

- Welcome.
- Quick Recap
- Does a contract have to be fair and reasonable? What happens if it is not?
- When do you have to act in good faith?
- General overview of some of the legislative influences and requirements.
- Influence of consumer protection legislation.
- Overview of consumer legislation.
- Plain language and the practical implications for businesses and individuals
- How is technology influencing contracts?
- What is a smart contract?
- The validity of the smart contract in South Africa.

Mode of Delivery

Admission requirements

Assessments

Masterclass Facilitator



- Discussion of the Case Study.

Online.

This SLP is open to people working in a legal, business, regulatory, financial environment or any potential student who has completed Grade 12 studies and has a keen interest in many or a specific area of law.

There are no assessments.

Michele van Eck is an admitted attorney of the High Court of South Africa (non-practicing). She has over a decade of practical experience as a lawyer and a legal adviser in several industries. She joined the University of Johannesburg in January 2019 and is an Associate Professor and Head of the Department of Private Law at the Faculty of Law. She teaches the undergraduate *Law of Contract* module and postgraduate modules of *Law and Language* and *Drafting of Contracts*, which form part of the LLM in Drafting and Interpretation of Contracts. Her research interests are in contract law, the relationship between law and language, substantive contract theory as well as drafting of contracts, with further research interests in the fields of legal education (teaching and learning), legal ethics and 4IR.