

Contracting basics: What is a contract?

A contract is an agreement. Many people believe a contract is a nicely typed and printed document with lots of incomprehensible jargon, numbered paragraphs, and pretty letterheads. It's not. A contract is an agreement. A contract exists the moment you agree with someone to do something, whether or not there is a document describing it, and whether or not there is some form of reciprocity.

Wrong:

- ✘ If it's not written down, it's not a legal contract, and can't be enforced.

Right:

- ✓ An email may be or include a contract.
- ✓ A telephone conversation may be or include a contract.
- ✓ A written or typed document may be or include a contract.
- ✓ A verbal face to face discussion may be or include a contract.
- ✓ A nicely formatted document may be evidence of a contract.
- ✓ A note scribbled on a paper napkin may be evidence of a contract.
- ✓ A recording of a telephone or face to face conversation may be evidence of a contract.
- ✓ Testimony in court by parties to the contract may be evidence of a contract.