

## English contract

by Nick Southey

**Lesson Focus:** Drafting contracts

**Level:** Intermediate and above

**Class size:** Small groups, preferably legal or business professionals.

**Time:** 90 minutes

**Note:** This lesson would be most appropriate at the start of a new course to set out expectations and objectives in a formal way. The contract can later be referred to to clarify each party's responsibilities in the learning process.

### Procedure

- 1 Write *They \_\_\_\_\_ the contract* on the board. Give students two minutes in pairs to think of as many verbs as possible that could complete the sentence. Make a list of all the ideas on the board and focus on any verbs with similar meanings (e.g. *modify, change*). Ask the students if the verbs on the board are common English or legal English.
- 2 Give each student a copy of Worksheet 1. Put students in pairs and ask them to read the sentences in Exercise 1 and replace the underlined legal verbs with their common-English equivalents. After five minutes, check answers together. (Answers: 1c, 2 a, 3d, 4a, 5b).
- 3 Exercise 2. In pairs students match the similar verbs in the two columns. (Answers: *to draft, to draw up, to fulfil, to honour, to amend, to modify, to nullify, to make void, to breach, to infringe*.)
- 4 Tell the students that you are going to draft a contract together to set out the responsibilities and expectations in the English classes. Answer the first question together (The parties are the Teacher on one side and the Student/s on the other). Put the students in pairs or small groups and tell them to think about the other questions and write the ideas they agree upon in the spaces provided. After 7-8 minutes, bring groups together and go through their ideas on the board. Encourage discussion using phrases such as:
 

*That's too strict.*

*That would be hard to prove.*

*Who would decide if the student had not spoken enough?*

*That definition is not clear enough.*

Make sure you are involved in the negotiation of clauses to explain why some of the clauses they do not like could be very useful to their learning.

5 Give each student a copy of Worksheet 2. In different groups, give the students five minutes to think of possible penalty clauses following the example given (*If..., he will...*). With more advanced legal classes, you could also highlight the use of *should* to mean *if* in contracts (e.g. *Should the teacher fail to correct the homework, she will...*). Students read their ideas out to the class.

6 Draw students' attention to the list of other suggested clauses and, in pairs, give them 7-8 minutes to decide which of them they would agree to.

7 Bring the class together to discuss which of all the clauses (the suggested clauses and the students' own) they are going to include in the contract. Give the class one copy of the blank contract. Complete the head of the contract together (Date, People present, Location, Teacher's name, Students' names, Day, Time and Length of class, Start date of course). Nominate one student to draft the contract whilst the other students dictate clauses. When finished, all students and the teacher sign the contract. Photocopy and give each student a copy. Refer to the contract in future classes and apply the penalty clauses when appropriate – especially when it is you that breaches a condition of contract!

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When we talk about contracts, we sometimes use specialized legal vocabulary. In each of the following sentences one such legal-English verb is underlined. Replace the underlined verb with one of the more common English verbs from the options that follow.

- 1) We need our lawyer to draft a new sales contract.  
 a) break      b) cancel      c) write      d) disagree
- 2) They want to amend some of the clauses of the contract before they sign it.  
 a) change      b) disagree      c) break      d) cancel
- 3) If they do business with another company, they will breach the terms of our contract.  
 a) sign      b) write      c) agree      d) break
- 4) They didn't do everything that they agreed so they didn't fulfil the contract.  
 a) complete      b) change      c) cancel      d) write
- 5) We can only nullify the contract if both parties agree that they don't want to continue.  
 a) write      b) cancel      c) sign      d) break

**Match a verb from the exercise above in the left-hand column to a verb with a similar meaning in the right-hand column.**

to draft	to modify
to fulfil	to infringe
to amend	to honour
to nullify	to draw up
to breach	to make void

You are going to write a contract with your teacher to set out the expectations of the students and the teacher for your course. Who are the parties to the contract? What can reasonably be expected of each party with respect to the English classes? What would constitute a breach or infringement of the contract?

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Write your ideas in the spaces below.

The Students agree to...

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The Teacher agrees to...

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Examples of breach of contract

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**Penalties:** What penalty would be incurred if one of the parties fails to fulfil their half of the deal?

e.g. If one of the students does not complete his/her homework, he/she will buy coffee for the teacher.

**Think of some more possibilities.**

If \_\_\_\_\_, s/he will \_\_\_\_\_.

If \_\_\_\_\_, s/he will \_\_\_\_\_.

If \_\_\_\_\_, s/he will \_\_\_\_\_.

If \_\_\_\_\_, s/he will \_\_\_\_\_.

Below there are some suggestions of clauses and penalties that could be included in the contract.

**Decide which of them you agree to and which of them you expect of your teacher.**

Suggested clauses:

- The student agrees to...
- speak only English in class.
  - make every effort to use only English in class.
  - send a weekly email in English to the teacher.
  - speak as much as possible in class.
  - complete homework tasks.
  - arrive punctually.
  - watch one film/the news in English every week.
  - inform the teacher if they will be unable to attend.
  - keep a diary of the English used outside of class.
  - bring their own materials connected to their job to class.
  - learn the 10 weekly phrases taken from the classes.
  - try to deduce the meaning of new vocabulary before asking the teacher.

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The teacher agrees to... find appropriate and interesting class materials.  
correct students where and when appropriate.  
repeat any language that the students find difficult.  
respond to any language requests from the students.  
vary the class activities and focuses.  
correct any homework or emails from students.  
review and recycle the language taught.  
encourage students to help themselves with English.  
give students the necessary language to do their jobs.  
be available outside of class for students' questions.

If the student/teacher breaches this condition/contract, s/he will...

If the student/teacher fails to fulfil this condition/contract s/he will...

buy the teacher/students a coffee/lunch.  
lose the right to have interesting classes.  
receive extra homework.  
have to stay 10 minutes at the end of class.  
sing in English in class.

**Complete the contract with your own clauses and any from the list above that you agree to.**

