

Mark sends james the following email case study

[Business](#)



James expresses his interest in assisting and Mark tells James that he will mail him on Monday with a proposal. On Monday morning, Mark sends James the following email: Dear James, After thinking further about your potential involvement in the website project for the store, I want to bring you on board as a consultant.

The terms of the engagement are that you will provide your web design services exclusively for two weeks, starting on 1st February 2014, working onsite with me and the store manager.

In terms of remuneration, you will be paid a flat fee of \$35,000. A parking spot to be provided for the time that you are onsite. It is important that if you want this work, you indicate your acceptance in writing by the end of the day. Look forward to hearing from you. Mark Jackson.

An hour after the email is sent, James reads it and is happy with the terms of the proposal. He goes to draft an email to Mark detailing his acceptance of the terms of the offer, but because of a sudden storm that has hit the area where he lives, James' email stops working and he is unable to send the message to Mark.

James then tries to call Mark to tell him that he wants the work, but Mark doesn't answer, and James is not given the option to leave a message. As a last resort, James drafts a letter to Mark communicating his acceptance of the offer proposed. He then takes the letter, and a strategic map for the project that he quickly prepared, to the post office and posts them at 4.

Pm on Monday afternoon. The letter and the map take a day to be delivered to Mark and he receives them late Tuesday afternoon.

On Wednesday, Mark realizes that en NAS tottered to pay James \$ more than an award winning web design firm has quoted him for the job, and he doesn't want to engage James anymore. He sends an email to James saying that because he didn't give James' acceptance by the end of Monday, James has missed out on the work. Mark also states in his email that he never meant for the proposal to be real anyway because he was only trying to help out his friend Anthony by throwing James some Nor.

James is upset upon receiving this email from Mark and calls his lawyer for advice on the situation.

Question 2: Assume that the element of agreement required for the formation of a legally binding contract between James and Mark can be satisfied. Using the four-step process, consider whether the other elements required for an enforceable contract are present. Can James enforce the contract against Mark?