

# Getting the Benefit of the Bargain in Breach of Contract Claims

*Strategies for successful litigation in breach of contract cases*

This one-hour program focuses on how to enforce contracts of all kinds. The seasoned business litigators on our faculty discuss issues that commonly arise in breach of contract and related claims. The program covers issues concerning contract formation, including the enforceability of letters of intent, term sheets, oral agreements, implied agreements, and performance in the face of unsigned drafts. The faculty also discuss remedies, including damages theories and specific performance, as well as related non-contract claims and theories of recovery. The program addresses strategies for litigating breach of contract claims, including whether to seek injunctive or declaratory relief, and whether to consider alternative dispute resolution such as arbitration or mediation. Finally, the faculty present an overview of other contract-related issues such as defenses and principles of contract interpretation.

## Agenda

- Is There a Contract to Enforce? Establishing the Existence of a Binding Contract
- Will My Client Get the Benefit of the Bargain? Remedies and Theories of Recovery
- How Do I Litigate a Contract Dispute? Strategies for Seeking Emergency Relief, Specific Performance, and Alternative Dispute Resolution
- How Do I Defend a Breach of Contract Case? Defenses and Affirmative Claims
- How Will the Court Analyze the Contract? Principles of Contract Interpretation
- “Ask the Experts” Q&A Session

## Speakers



**JOSEPH M. CACACE** is a senior litigation associate at Todd & Weld LLP in Boston. Mr. Cacace concentrates his practice on complex civil matters, including business and real estate disputes, intellectual property litigation, labor and employment litigation and counseling, professional malpractice, civil rights, and class actions. Mr. Cacace has experience litigating at all levels of state and federal courts and resolving disputes via arbitration and mediation. He serves on the Board of Governors of the Law Clerks' Society of the Massachusetts Supreme Judicial Court. Mr. Cacace recently served on the Large Law Firm Subcommittee of the Supreme Judicial Court's Steering Committee on Lawyer Well-Being.



**SUZANNE ELOVECKY** serves as Counsel in the Litigation Practice Group at Todd & Weld LLP and is based in the Boston office. She represents clients in a wide range of complex commercial litigation matters in the areas of business, real estate, intellectual property, labor & employment, and insurance. Suzanne has impressive experience in state and federal courts, representing individuals and corporations in breach of contract, employment and shareholder disputes, intellectual property matters involving trademarks and copyrights, and litigation—from trial through appeals—regarding land and property ownership.



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## Dates & Location

### LIVE WEBCAST

Wednesday, September 22, 2021  
10:00 am–11:00 am

Register at [www.mcle.org](http://www.mcle.org)  
Program Number: 222079WBC

### REBROADCAST CC

Thursday, October 7, 2021  
2:00 pm–3:00 pm

Register at [www.mcle.org](http://www.mcle.org)  
Program Number: 222079RBC

### REBROADCAST CC

Friday, October 15, 2021  
12:00 noon–1:00 pm

Register at [www.mcle.org](http://www.mcle.org)  
Program Number: 222079RB1

### ON DEMAND WEBCAST CC

View after Friday, October 15, 2021

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Program Number: 222079WBA

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## Materials

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## CLE Credits

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