

Contract ‘Busts’: Trying to Decipher Provisions That Literally Make No Sense

In an *ABA Journal* column, Bryan Garner explores the curiosity of “busts”—the prevalence of contractual provisions, sometimes perpetuated in deal after deal, that make no literal sense at all.

“That they exist at all is something of a marvel. After all, you’d think that transactional lawyers would adopt a protocol of reading and rereading each contract that goes out the door,” he writes. “Given that critical thinking and close reading are prized habits for lawyers, contradictory or outright nonsensical provisions should be exceedingly rare. Alas, they’re not.”

Garner discusses the dangers of flawed forms and word swaps, such as mixing up “lessor” and “lessee.”

Read the article.