The Demise of the ‘Meeting of the Minds’ in Contract Law

The American Bar Association’s Section of Litigation has posted a free white paper about the concept of “meeting of the minds” during contract negotiations.

On its website, the ABA says this concept remains misunderstood by many. Surely, by its terms, it should mean that the two parties, in fact, thought the same thing and reached an agreement on the same thing. In what other way could two minds meet? But this illusory concept has never been the true requirement for contract formation, and attempts to import subjective understanding into contract law have largely been unsuccessful, the ABA says.

Read the white paper.