

DESIGN PATTERNS FOR CONTRACTS

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Abstract: *Law as a profession has much in common with architecture and engineering. In contexts as diverse as business transactions, legislative work, and mediation, lawyers have been called legal architects or engineers. We propose seeing contracts as things or artefacts - something to be designed - and borrowing from architects and engineers the idea of design patterns: solutions to recurring problems. Our examples illustrate how design patterns may relate to contract forms, templates, or clauses, but also go way beyond. The paper concludes with an agenda for an open design pattern library for contracts, seeking to help share examples and best practices that enable better contract design and communication.*

1. Introduction

Contract preparation and review take time. Many people are reluctant to read contracts;¹ these “seem to be written *by lawyers for lawyers*”.² The felt need to produce traditional legal language easily diverts drafters’ attention away from the needs of the users: those who are impacted by or need to work with the text – in contracting, mostly non-lawyers.³

In our previous work, we have looked into what lawyers can learn from designers, especially information and interaction designers,⁴ to develop tools that help people use and navigate complex legal domains. Prior research has revealed many ways to make legal information more accessible and understandable.⁵ Experienced contracts and legal professionals can draw upon a number of solutions to problems they meet in their work. However, they do not necessarily have names for those solutions, so they are hard to discuss or teach.⁶ As a solution, we propose adopting from practitioners in fields outside the law the use of *design patterns*: reusable models of a solution to a commonly occurring problem. This paper first introduces the concept of design patterns and then explores its application

¹ See, generally, Burnham 2003, Haapio 2012 and 2013. For click-through agreements and online terms and conditions, see, e.g. Plant & Barden 2012 and Lønne 2013.

² Berger-Walliser, Bird & Haapio 2011 (emphasis added).

³ See, generally, Berger-Walliser, Bird & Haapio 2011, Haapio 2013, Haapio & Barton (forthcoming), and Berger-Walliser, Barton & Haapio (forthcoming).

⁴ Haapio & Passera 2013, Hagan, Garvis & Ozene 2014, and Hagan & Ozene (forthcoming).

⁵ See, generally, Brunschwig 2013 and 2014 and Margaret Hagan, <http://www.margarethagan.com> (all websites last accessed 5 January 2016).

⁶ Similarly Waller & Della 2011, p. 1, in terms of experienced designers.

Design Patterns With Contracts

Adam Jones



Design Patterns With Contracts:

Design Patterns and Contracts Jean-Marc Jézéquel, Michel Train, Christine Mingins, 2000 This book introduces the fundamentals of software contracts and illustrates how Design by Contract contributes to the optimal use of design patterns in a quality oriented software engineering process The Design by Contract approach to software construction provides a methodological guideline for building systems that are robust modular and simple Readers will find value in the book s overview of the Object Constraint Language a precise modeling language that allows Design by Contract to be used with the industry standard Unified Modeling Language UML Although written in Eiffel this book makes an excellent companion for developers who are using languages such as Java and UML Throughout the book the authors discuss specific implementation issues and provide complete ready to be compiled examples of the use of each pattern They introduce design patterns and Design by Contract in the context of software engineering and show how these tools are used to guide and document system design BOOK JACKET Title Summary field provided by Blackwell North America Inc All Rights Reserved *Design Pattern Contracts* Jason Olof Hallstrom, 2004 A design pattern describes a commonly recurring problem in the design of object oriented software a solution to that problem and the context in which the solution can be applied The benefits of design patterns are two fold First patterns serve as guidance to the novice designer Second they provide an extended vocabulary for documenting software design In the mid 1990s the publication of several pattern catalogs compendiums of design patterns popularized patterns as a tool for designing object oriented software Unfortunately the descriptive format popularized by these catalogs is inherently imprecise As a consequence it is unclear when a pattern has been applied correctly or what can be concluded about a system implemented using a particular pattern This ambiguity threatens to undermine the two principal benefits associated with the use of design patterns First novice designers are more prone to error without a precise description of how each pattern must be applied Second documentation describing the patterns applied in designing a system may be misleading as different designers can interpret pattern descriptions in subtly different ways To address the ambiguity issues associated with design pattern descriptions we introduce the concept of a design pattern contract as a formalism for precisely specifying design patterns Like all contracts a design pattern contract consists of two primary components a responsibilities component and a rewards component The responsibilities component of a pattern contract precisely characterizes the requirements that must be satisfied by the designer when applying a particular pattern The rewards component specifies the system properties that are guaranteed to be exhibited if the contract responsibilities are indeed satisfied The contract formalism alone however is insufficient to guarantee that design patterns will be applied correctly Even when guided by a precise set of requirements designers can and do make mistakes To detect such contract violations we introduce the notion of a contract monitor an executable unit of deployment used to detect runtime contract violations We present two approaches to implementing these monitors The choice of which to use depends on the

requirements of the system and the skill set of the designer *Research Handbook on Contract Design* Corrales Compagnucci, Marcelo, Haapio, Helena, Fenwick, Mark, 2022-05-03 Weaving together theoretical historical and legal approaches this book offers a fresh perspective on the modern revival of the concept of allegiance identifying and contextualising its evolving association with theories of citizenship

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Blockchain - ICBC 2018 Shiping Chen, Harry Wang, Liang-Jie Zhang, 2018-06-21 This book constitutes the refereed proceedings of the First International Conference on Blockchain ICBC 2018 held as part of the Services Conference Federation SCF 2018 in Seattle USA in June 2018 The 16 full papers and 7 short papers presented were carefully reviewed and selected from 36 submissions The papers cover a wide range of topics in blockchain technologies platforms solutions and business models such as new blockchain architecture platform constructions blockchain development and blockchain services technologies as well as standards and blockchain services innovation lifecycle including enterprise modeling business consulting solution creation services orchestration services optimization services management services marketing business process integration and management

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