

€ TRAINING

Legal Writing and Drafting Skills



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Introduction:

There is a misconception that legal writing and legal drafting are the same but there is a substantial difference between the two. While legal writing typically deals with persuasive documents such as court briefs and legal letters, legal drafting involves creating documents such as contracts. They are both equally important in legal practice.

Legal writing is an important skill needed in every practice area of law. Words are used to advocate, inform, persuade, and instruct. Are you giving the right impression? Are your clients receiving the right message?

This course focuses on clear legal writing for a global audience. Effective communication with English speaking lawyers is about more than simply words. It entails understanding the unique way these speakers think and approach the legal, political, and business world.

Course Objectives:

At the end of this course the participants will be able to:

- Apply plain English style of writing to all legal documents
- Recognize the need for legal clarity in different types of legal documents: legal letters, emails, memorandum and opinions
- Apply good legal writing practice
- Demonstrate the register of legal writing
- Correct common mistakes in legal writing
- Dispense and deal with pitfalls and issues relating to the use of legal jargon
- Proofread effectively

Targeted Audience:

- Lawyers
- Legal secretaries
- Commercial managers
- Contract managers
- Anyone who must draft, amend or update contracts, legal letters, and legal opinions
- The course is suitable for non-native English speakers looking for a better understanding of English legal terms.

Course Outlines:

Unit 1: Legal Drafting:

- Signs of a well-drafted contract: The simple rules!
- The language of drafting: Will v Shall v Must
- Identifying the legal formalities for a binding contract
- Structure and formation of a commercial contract: follow the formula and you won't go wrong
- The importance of Boilerplate clauses: overlooking them can cost the business billions of pounds.

- The preliminary documents- using Heads of Terms effectively
- Vague words and expressions in commercial contracts- know the pitfalls!
- Overview of cross border contracts: Distribution v Joint venture v Agency agreements
- Share Purchase Agreements: allocating risks between the buyer and seller
- Troubleshooting: trace and correct errors in your contract

Unit 2: Plain English in Legal Correspondence:

- Good legal writing practice
- Moving from legalese to Plain English
- Unnecessary archaic and meaningless phrases
- Collocations
- Pitfalls and issues relating to the use of legal jargon in legal writing
- Writing short emails
- Writing long emails
- Writing formal emails

Unit 3: Writing A Legal Letter:

- The layout of a letter
- Body of a letter
- Putting a letter together
- The register of letter writing
- Typical sentences in legal letters
- The letter writing clinic: looking at the ten most common problems
- Rewriting letters
- Rewriting informal sentences to modern alternatives
- Correcting common mistakes in letter writing

Unit 4: Legal Writing Troubleshooting:

- The problem of English idioms
- Rephrasing English idioms
- Easily confused words
- Cutting unnecessary words
- Use of consistent terminology
- Ambiguity: how to avoid it

Unit 5: Legal Writing Troubleshooting 2:

- Vagueness: how to avoid it
- Misuse of the preposition in dates
- Problem words
- Constantly litigated words
- Personal pronouns
- Choosing the right words
- Rewriting sentences to remove gender-specific language