



Writing Effective Legal Documents and
Commercial Contracts



13 - 17 May 2024
Barcelona (Spain)



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Introduction:

It is sometimes said that those who provide written legal advice or prepare contract documents are unhelpful, lengthy, or cryptic. The criticism might be directed at either an internal or external attorney who works closely with the executive team of the organization. However, if the task is done well, the lawyers or advisers might actually increase the written work's commercial value.

Better performing contractors, happier internal and external customers, decreased risks, and smaller liabilities are all results of properly produced legal documents, whether they consist of advice, communication, contracts, or other written items.

In-house and outside lawyers and advisers would benefit from this Writing Effective Legal Documents and Commercial Contracts training course as it will help them hone their writing and legal drafting abilities. It will explain the significance of drafting legal papers in English effectively and instruct participants on how to create well-organized and practical advice and contractual documents.

Course Objectives:

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

- Improved comprehension of their internal and external clients' needs
- Improve the effectiveness of their English legal documents by following standard writing practices
- Improve the clarity and utility of their legal writing by using appropriate English for the legal tasks at hand.
- Identify the essential terms and conditions that should be included in a contract and how to structure a conventional business contract.
- Utilize sample agreements and templates as a foundation for their own work.
- Create suitable terms and conditions for a variety of commercial endeavors.
- Identify any excessively dangerous clauses in any proposed agreements with partners, contractors, vendors, or other parties

Targeted Audience:

- Legal professionals such as lawyers, paralegals, and legal assistants
- Business professionals such as contract managers, commercial managers, and business development managers
- Company executives and managers, including chief financial officers, chief executive officers, and chief operating officers
- Procurement and supply chain professionals
- Government agencies and public sector organizations

Course Outlines:

Unit 1: Principles of Effective Legal Writing

- Introduction, objectives, and scope of the workshop
- What is effective legal writing?

- Techniques to write clearly
- Structuring your legal analysis
- Choosing appropriate legal language while avoiding “legalese”
- Effective editing of a legal document
- Applying the principles to letters, emails, and general correspondence
- Drafting exercises

Unit 2: Best Practices in Drafting a Legal Memorandum

- Choosing an appropriate heading
- Describing the background and purpose of the memorandum
- Framing the legal issues
- Providing the short answer
- Statement of the facts
- Analysis of the issues and how the law applies
- Conclusions and recommendations in the memorandum
- Drafting Exercises

Unit 3: Principles of Contract Drafting

- Why contract drafting skills are important
- Complying with contract law essentials
- Using appropriate contract language
- Contract methodologies, including
 - Bespoke written agreements
 - Using general and special terms and conditions
 - Using Purchase Orders with standard terms and conditions
 - Framework agreements
 - Deeds
 - Letters of intent, Heads of terms and MoUs
- Working with model contracts and templates
- Drafting exercises

Unit 4: Preparing the Contract Draft

- Reflecting on the purpose of the transaction
- Analyzing and mapping out the contractual transaction process
- Structuring the contract draft
- Contents of the front and back of the contract
 - Title
 - Parties
 - Recitals
 - Dates
 - Definitions
 - Signatures
 - Attachments, Exhibits, and Schedules
- Using Boilerplate clauses, such as
 - Governing law clause
 - Dispute resolution process
 - Contract variation mechanism
 - Confidentiality obligations
 - Assignment and sub-contracting

- Force Majeure
- Notices and communication clause
- Drafting exercises

Unit 5: Managing the Negotiated Draft Agreement

- Working with the other parties to the contract
- Analyzing their contract clauses for hidden risks
- Negotiating the liability clauses
 - Who bears the risk?
 - Exclusion and limitation of liability
 - Indemnity and insurance clauses
 - Bonds and Guarantees
 - Liquidated damages clauses and penalties
- Using clauses that impose obligations or grant powers or permissions, such as
 - Inspection
 - Default
 - Termination
- Using the concept of "reasonableness"
- Payment and other financial terms
- Drafting exercises