

DAY 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

DAY 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

DAY 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

DAY 4

Preparing the Contract Draft

- Reflecting the purpose of the transaction
- Analysing 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

DAY 5

Managing the Negotiated Draft Agreement

- Working with the other parties to the contract
- Analysing 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