

Effective Contract Drafting in English: Summary

Overview

This course concentrates on developing participants' skills in writing and drafting clearly, concisely and accurately. It also aims to improve participants' understanding and use of relevant legal language. The focus is on plain English.

Training is practical and involves numerous drafting and writing exercises.

Sample course summary

This is a three day intensive course. Each day starts at 9.30am and finishes at 5.00pm (including a one hour lunch break and two 15 minute refreshment breaks). There is also an extra hour of self study on day 1 and day 2.

Day 1

- Overview of the structure of commercial contracts drafted in English (irrespective of the governing law)
- Review of common clauses and boilerplate clauses (US, English and international precedents compared)
- Guidelines to clear drafting Part 1:
General principles of drafting based on a plain English approach (including using the active instead of the passive, structuring, keeping sentences short and avoiding hidden verbs)
- Drafting exercises based on factual situations
- Exercises on legal terminology and usage. Eliminating common errors.

Day 2

- Guidelines to clear drafting Part 2:
Review of specific terminology, comparing traditional language with plain English. It includes, the use of "shall" and the language of obligation; eliminating the use of archaic words (such as "hereinafter"); drafting of conditional and prevailing clauses; and recognising terms of art under English and US law
- Reading and understanding an international agreement
- Exercises on redrafting poorly drafted clauses and traditionally drafted clauses
- Option 1: Introduction to letter writing
OR
Option 2: Negotiation: Language of negotiation; negotiation of heads of agreement or particular clauses in an agreement (based on factual situations suited to participants' areas of specialisation).

Day 3

- Redrafting exercises
- Consolidation of Days 1 and 2
- Drafting heads of agreement or clauses, either those negotiated on day 2 (if Option 2 was followed)
OR from a choice of factual situations (if Option 1 was followed)