

# Legal Writing and Drafting Skills

## Why Attend

- There is a misconception that legal writing and legal drafting is 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.
- Did you know that most international commercial agreements are drafted in English, irrespective of the nationality of the contracting parties. Drafting contract skills is ideal for lawyers working in English as a foreign language who need to draft, explain or interpret contract clauses written in English. During the course, delegates will look at a wide variety of commercial agreements through to practical drafting sessions. This course will help participants to draft confidently and effectively in English regardless of the governing law.
- This is a practical course with many exercises and examples in order to achieve an interactive and stimulating outcome. The course's activities involve the production of typical work-place legal documents.

## Course Methodology

- The course consists of group discussions as well as individual and team tasks. There will be writing practice throughout the exercises.

## Course Objectives

By the end of the course, 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

## Target Audience

- This course is for lawyers, legal secretaries, commercial managers, contract managers and anyone who must draft, amend or update contracts, legal letters and legal opinion. The course is suitable for non-native English speakers looking for a better understanding of English legal terms.

## Target Competencies

- Drafting letters
- Proofreading
- Writing in plain English
- Understanding legal terms
- Legal writing practice

### 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

## 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 A Legal Letter

- 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

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