

## Contracting Essentials: Mastering Negotiation and Drafting

*Kuala Lumpur (Malaysia)*

*9 - 13 December 2024*

UK Training

# PARTNER



# Contracting Essentials: Mastering Negotiation and Drafting

Code: LD28 From: 9 - 13 December 2024 City: Kuala Lumpur (Malaysia) Fees: 4900 Pound

## Introduction

This training course provides a comprehensive overview of the key stages involved in contracting, including negotiation, drafting strong contract documents, and performance management. Participants will explore insights from a range of industries and learn to adopt the perspective of the other party in contractual agreements.

## Course Objectives

- Grasp the negotiation process before drafting contracts.
- Employ effective tools and techniques for negotiation and contract management.
- Draft and amend specific contract clauses through real-world examples.
- Utilize best practices in legal writing to enhance clarity.
- Formulate strategies for dispute avoidance and management.
- Analyze contracting mechanics using straightforward language.

## Course outlines

### Day 1: The Foundation of Contracts and Negotiation

- Understanding Contracts: Explore the elements, structure, and commercial context that define a contract.
- Negotiating the Deal: Learn key principles and innovative solutions such as Partnering and BOOT contracts.
- Closing the Deal: Understand the authority to sign, agency principles, and necessary formalities.

### Day 2: Negotiation and Drafting Techniques

- Negotiation Strategies: Develop approaches for navigating complex situations.
- Drafting Contracts: Learn how to structure documents, establish a hierarchy of terms, and modify standard forms.
- Contract Qualifications: Manage amendments and gain insight into precedents in international contracts.

### Day 3: Legal Drafting Essentials

- Characteristics of Effective Contracts: Identify the hallmarks of well-drafted contracts.
- Language of Drafting: Understand key terms e.g., Will vs. Shall vs. Must and boilerplate clauses.
- Formalities for Binding Contracts: Examine the structure and significance of clarity in legal writing.

### Day 4: Practical Applications and Troubleshooting



- Heads of Terms: Learn to utilize preliminary documents effectively.
- Cross-Border Contracts: Understand differences in distribution, joint ventures, and agency agreements.
- Troubleshooting Contracts: Identify and rectify errors while managing associated risks.

### Day 5: Contract Management and Dispute Resolution

- Effective Contract Management: Conduct risk assessments, assign responsibilities, and manage defaults.
- Dispute Resolution: Recognize potential issues and explore internal negotiation strategies and external options litigation, arbitration, mediation.
- Course Summary and Q&A: Recap key learnings and provide an opportunity for participant questions.



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