MERCURY

Drafting Legal Memorandum and Correspondence Course

7 – 11 June 2027
Amsterdam (Netherlands)



Dubai - UAE: +971 4 450 5697
Istanbul - Türkiye: +90 539 599 1206
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Ref: 4100_295156 **Date:** 7 – 11 June 2027 **Location:** Amsterdam (Netherlands) **Fees:** 5600 Euro

Introduction

The critical importance of effective and appropriate contract drafting catered to the specific needs of the particular business and the situation cannot be emphasized enough. Robust contracts identify and minimize risk for the organization and ensure that projects and procurement are carried out efficiently and without costly disputes.

Contract wording needs to be correctly understood all too frequently, which ultimately detrimentally affects the project's performance and possibly leads to contract failure.

Understanding Legal Correspondence and Memoranda

Understanding the nuances of legal correspondence and the intricacies of what constitutes a legal memorandum are essential skills for legal professionals. This drafting legal memorandum and correspondence course will delve into the art of drafting legal correspondence, elucidating the meaning of legal correspondence, and breaking down the process of creating clear and practical legal memoranda - a critical component of legal documentation.

From the basics of communication to the finesse required in nuanced negotiations, participants in the drafting legal memorandum and correspondence course will develop a strong foundation in constructing documents that convey intent unequivocally and maintain the highest level of professionalism needed in the legal field.

This drafting legal memorandum and correspondence course is a stepping stone towards obtaining a well-regarded legal drafting certificate, equipping you with the expertise to master the craft of legal writing and correspondence.

Targeted Groups

- Commercial managers.
- Contract managers.
- Legal secretaries.
- Lawyers.
- This drafting legal memorandum and correspondence is for anyone who must draft, amend, or update contracts, legal letters, and legal opinions.

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Course Objectives

At the end of this drafting legal memorandum and correspondence course, the participants will be able to:

- Provide an understanding of contract structures and why contracts are drafted in a particular manner.
- Explain the commercial impact of vital contractual provisions.
- Develop an understanding of the interaction between contractual provisions and the need for consistency.
- Identify where things can go wrong and learn how to avoid problems or mitigate their effects through well-drafted contracts and good management.
- Understand how to avoid disputes but learn how to deal with them if they arise.
- Use appropriate contract structures for different projects,
- Examine the commercial impact of particular terms and conditions.
- Use contract provisions to reduce the risk of disputes or contract failure.
- Deal efficiently and effectively with disputes, including analysis of the methodology used in international contracting.

Targeted Competencies

Upon the end of this drafting legal memorandum and correspondence course, the target competencies will be able to improve the ability to:

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- Examine the legal effectiveness and formation of contracts.
- Assess the appropriate contract type and tender process.
- Key contract clauses focusing on risk, remedies, and insurance.
- Secure the performance of a party's obligations.
- Appropriate conflict resolution and avoidance.
- Understand legal terms.
- Legal writing practice.
- Allocation of contractual risk.
- Select a proper form of contract/tender.
- Contract management skills.
- Contract administration skills.
- Understanding contract wording.
- Drafting.
- Negotiating.

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Course Content

Unit 1: The Importance of Contracts

- The importance of contracts.
- Control the contract process.
- Understand the deal.
- Control the negotiation.
- Tips for effective negotiation.
- Contract formation.
- Offer and acceptance.
- Battle of the forms.
- Consideration and intention.
- Oral or written?
- Electronic contracts.
- Value of the due diligence and financial stability.

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Unit 2: Tender Process and Different Contract Types

- Auctions and bids.
- Tender process.
- Invitations to tender.
- Request for proposal.
- Request for quotation.
- Pre-qualification.
- Compliance.
- Letters of award.
- Comfort The Heads of terms and letters.
- Which contract type to select?
- The main contract types have advantages and disadvantages.
- What is the problem with fixed fees?
- Modern methodology.
- Economic price adjustment clauses.
- Bonds and guarantees.
- Compliant with the law and changing the law.

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Unit 3: Main Contract Clauses

- Obligation to deliver/perform.
- Control subcontractors.
- Monitoring and milestones.
- Secure payment.
- Ensure prompt payment.
- Non-payment remedies.
- Use of letters of credit.
- Parent company guarantees.
- Time and place of delivery.
- Transfer of title and risk - ICC Incoterms.
- What are the retention of title clauses?
- Why is time of the essence necessary?
- Deliver, ownership, and risk in procurement.
- Insurance.
- Indemnities - when we need them?
- Understand liquidated damages, penalties, and dangers.

Unit 4: Other Key Considerations During the Commissioning Process

- Variations and changes.
- Liability beyond the contract.
- The value of intellectual property.
- When do contracts end?
- Limit liability.
- Warranty.
- Which law to apply to the contract?
- What is The final contract review and closeout process?

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Unit 5: Dealing with Disputes

- Compromise and settlement.
- Dispute resolution clauses.
- Litigation.
- Arbitration.
- Modern methods of resolving disputes.
- Mediation.
- Conciliation.
- Early neutral evaluation.
- Expert determination.