

SEMINAR

Drafting More Effective Contracts

The competitive edge that all transactional attorneys need

Drafting effective contracts is a basic function of all transactional attorneys. The goal is to draft a contract that accurately reflects the business deal, properly allocates risk, is readily understood, and stands up to hostile, rigorous post-execution examination—while educating your clients and meeting their aggressive timeline. Learn about best practices in drafting and negotiating processes, key terms and conditions, and common pitfalls. Hear what clients expect from outside counsel during negotiations and in codifying deals. Learn how to make the most effective use of current technologies. Hear the faculty explain tried-and-true techniques to remove impasses and discuss the ins-and-outs—from the initial email to final executable—using practical, modern-world examples and critical analysis.

In a competitive, increasingly digitized environment with limited resources, the lawyer who efficiently strikes an effective balance between achieving the right level of contractual protection and negotiating to reflect their clients' risk-tolerance is most likely to be repeatedly engaged. Bring your questions!

Agenda

- Drafting in the Digital Age; Redlining/Blacklining; Digital Signatures
- Contract Models: Classic; Clickwrap; Webwrap; Blockchain Smart Contracts
- Sources of Negotiating Power in Contract Drafting; Intentional Ambiguity; *Contra Proferentem*; Contracts of Adhesion
- Lawyers as Problem Solvers; Techniques for Overcoming Impasse; Decision Trees
- Building Blocks of a Sound Contract; Use and Function of Representations, Warranties, Covenants, and Conditions
- Defensive Techniques and Limiting Damages; Disclaimers of Consequential Damages; Indemnities; and Common Carve-Outs
- Key Issues in Nondisclosure, Business Associate, and Settlements and Release Agreements
- Nuisances under Massachusetts Common Law
- Negotiation Archetypes
- “Ask the Experts” Q&A Session

Faculty

Frank S. Maniscalco, MBA, Esq., *Advocate Mercantile LLC, Boston*, Chair

Alisha R. Bloom, Esq., *Versant Legal LLC, Arlington*

Kyle J. Glover, Esq., *Pierce Atwood LLP, Portland, ME*

Materials

The materials for this program include MCLE's *Drafting and Negotiating Massachusetts Contracts*, a practical reference prepared by experts in the field that provides comprehensive coverage of the topic as well as helpful exhibits, checklists and forms. With MCLE's supplementation service, new updates are mailed automatically with an invoice. If you do not wish to subscribe, please note on order form.

Also, there is no need to take extensive notes. Two weeks after the live seminar, all registrants will receive a link to a written verbatim transcript of this program.



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Dates & Locations

BOSTON

Thursday, March 7, 2019
2:00 pm–5:00 pm

MCLE Conference Center,
10 Winter Place, via Winter Street
Program Number: 2190112P01

LIVE WEBCAST

Thursday, March 7, 2019
2:00 pm–5:00 pm

Register at www.mcle.org
Program Number: 2190112WBC

RECORDED WEBCAST

Thursday, March 21, 2019
9:00 am–12:00 noon

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Program Number: 2190112RBC

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