

Author: Tina Stark

# DRAFTING CONTRACTS

How and Why Lawyers Do What They Do

SECOND EDITION

Tina L. Stark



Wolters Kluwer  
Law & Business

# Drafting Contracts How And Why Lawyers Do What They Do

**R Bogdan**



## **Drafting Contracts How And Why Lawyers Do What They Do:**

**Drafting Contracts** Tina L. Stark, 2007 A perfect fit for the upper level legal drafting course *Drafting Contracts How and Why Lawyers Do What They Do* teaches the key practices of contract drafting with particular emphasis on how to incorporate the business deal into the contract and add value to the client's deal. By providing many solid examples of quality writing, the book helps students to master the basics and to incorporate similar techniques into their own drafting. This text is also appropriate for use in transactional simulation courses, transactional clinics, advanced writing courses, first year writing courses, first year contracts courses, and interviewing, negotiating, and counseling courses. Many great features ensure the value and reliability of this text. PART I introduces the building blocks of contracts and teaches the analytic skill of translating the business deal into contract concepts so that students learn how and why a drafter chooses a specific contract concept. PART II sets out the framework of an agreement and works through it from the preamble to the signature lines, discussing the business, legal, and drafting issues that occur in each part of a contract. PART III turns to drafting rules for good writing and to techniques for enhancing clarity and avoiding ambiguity. PART IV details how to look at the contract from the client's perspective: what does the client want to achieve and what risks does it want to avoid in order to find and resolve business issues. PART V shows students how to integrate everything they have learned: how to organize a contract, how to use precedents, and how to review and comment on a contract. PART VI addresses ethical issues that arise in drafting. PART VII provides additional exercises, presents a five-prong framework for considering business issues that appear in almost every transaction, money, risk, control, standards, and endgame. Chapter 17, *Adding Value to the Deal*, includes plentiful examples of well-drafted provisions, many based on commercial agreements, provides exercises for use in or out of class individually or collaboratively, including contract mark-ups, new drafting, and both combined into a single exercise. Integrates a single fact pattern throughout many exercises in the book: the purchase of a jet by a never-do-well with significant financial problems and varying fact patterns relating to employment relationships and to assignment and delegation provisions, accompanied by a Teacher's Manual that includes notes explaining the answers to each exercise and answers to questions that students commonly ask, also accompanied by a website that provides all mark-up exercises that can be projected and walked through during class, a template for formatting, and multiple versions of one of the culminating exercises so that professors can use the version best suited to their classes. An author website to support classroom instruction using this title is available at <http://www.aspenlawschool.com/stark>. *Drafting Contracts* Tina L. Stark, Monica Llorente, 2024-02-22 Buy a new version of this textbook and receive access to the Connected eBook on Casebook Connect, including lifetime access to the online eBook with highlight annotation and search capabilities. Access also includes an outline tool and other helpful resources. Connected eBooks provide what you need most to be successful in your law school classes. Like previous editions of this landmark title, the Third Edition of *Drafting Contracts How and Why Lawyers Do What They Do* emphasizes the importance of accurately

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**Journal of the Association of Legal Writing Directors**, 2006

**Handbook of Communication in the Legal Sphere** Jacqueline Visconti, 2018-09-24 This volume explores communication and its implications on interpretation vagueness multilingualism and multiculturalism It investigates cross cultural perspectives with original methods models and arguments emphasizing national EU and international perspectives Both traditional fields of investigations along with an emerging new field Legal

Visual Studies are discussed Communication addresses the necessity of an ongoing interaction between jurilinguists and legal professionals This interaction requires persuasive convincing and acceptable reasons in justifying transparency visual analyses and dialogue with the relevant audience The book is divided into five complementary sections Professional Legal Communication Legal Language in a Multilingual and Multicultural Context Legal Communication in the Courtroom Laws on Language and Language Rights and Visualizing Legal Communication The book shows the diversity in the understanding and practicing of legal communication and paves the way to an interdisciplinary and cross cultural operation in our common understanding of legal communication This book is suitable for advanced students in Linguistics and Law and for academics and researchers working in the field of Language and Law and jurilinguists *International Contracting* Larry A. DiMatteo, 2021-11-05 For well over a decade this prized guide has served practitioners handling the legal ramifications of international contracting projects The fifth edition expands on issues discussed in the earlier one along with new topics that continue to redefine the researching drafting and execution of international contracts All the invaluable features of earlier editions are of course still here including analysis of key contract issues unique to various types of contracting common contract clauses contract checklists insights gleaned from actual cases and arbitral proceedings and clear explanation of the principles of good contract drafting The major relevant international conventions model laws pertinent national laws legal guides and other documents and instruments are all covered with primary texts provided in the appendices Some of the new issues and topics covered include new potential causes of force majeure and hardship pandemics and BREXIT review of Incoterms 2020 new clauses covered anti slavery exclusion interpretation no waiver sub contracting sustainability clauses among others rise of new international commercial courts legaltech smart contracts and artificial intelligence ethics implementation of technology in legal practice enforceability of penalty clauses Internet sales and agency contracts long term contracts and goodwill compensation data protection and the General Data Protection Regulation GDPR alliance collaboration and cooperation agreements noncompete and nonsolicitation clauses e mail disclaimers and separation and release agreements The book acts as a single volume reference in the negotiating and drafting of international contracts and offers expert insights regarding the reasonableness of many contract clauses and the likelihood of their enforcement in a foreign jurisdiction An adroit combination of contract theory and contract practice the book continues to provide guidance to law practitioners and students alike *International Contracting* is an excellent single volume reference that highlights the different issues relating to a variety of contracts I recommend it to drafting attorneys writing domestic as well as transborder contracts Christopher E Howard complex commercial transactions and development projects Managing Partner Pierce Atwood LLP Portland Maine The latest edition of Professor DiMatteo's *International Contracting* constitutes a broad yet detailed coverage of international contract law and laws as well as international practice It drills down into the level of detail that supplies invaluable practical guidance of the sort not to be found in other publications Professor Michael G Bridge

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## **Table of Contents Drafting Contracts How And Why Lawyers Do What They Do**

1. Understanding the eBook Drafting Contracts How And Why Lawyers Do What They Do
  - The Rise of Digital Reading Drafting Contracts How And Why Lawyers Do What They Do
  - Advantages of eBooks Over Traditional Books
2. Identifying Drafting Contracts How And Why Lawyers Do What They Do
  - Exploring Different Genres
  - Considering Fiction vs. Non-Fiction
  - Determining Your Reading Goals
3. Choosing the Right eBook Platform
  - Popular eBook Platforms
  - Features to Look for in an Drafting Contracts How And Why Lawyers Do What They Do
  - User-Friendly Interface
4. Exploring eBook Recommendations from Drafting Contracts How And Why Lawyers Do What They Do
  - Personalized Recommendations
  - Drafting Contracts How And Why Lawyers Do What They Do User Reviews and Ratings
  - Drafting Contracts How And Why Lawyers Do What They Do and Bestseller Lists
5. Accessing Drafting Contracts How And Why Lawyers Do What They Do Free and Paid eBooks
  - Drafting Contracts How And Why Lawyers Do What They Do Public Domain eBooks
  - Drafting Contracts How And Why Lawyers Do What They Do eBook Subscription Services



- Drafting Contracts How And Why Lawyers Do What They Do Budget-Friendly Options
- 6. Navigating Drafting Contracts How And Why Lawyers Do What They Do eBook Formats
  - ePub, PDF, MOBI, and More
  - Drafting Contracts How And Why Lawyers Do What They Do Compatibility with Devices
  - Drafting Contracts How And Why Lawyers Do What They Do Enhanced eBook Features
- 7. Enhancing Your Reading Experience
  - Adjustable Fonts and Text Sizes of Drafting Contracts How And Why Lawyers Do What They Do
  - Highlighting and Note-Taking Drafting Contracts How And Why Lawyers Do What They Do
  - Interactive Elements Drafting Contracts How And Why Lawyers Do What They Do
- 8. Staying Engaged with Drafting Contracts How And Why Lawyers Do What They Do
  - Joining Online Reading Communities
  - Participating in Virtual Book Clubs
  - Following Authors and Publishers Drafting Contracts How And Why Lawyers Do What They Do
- 9. Balancing eBooks and Physical Books Drafting Contracts How And Why Lawyers Do What They Do
  - Benefits of a Digital Library
  - Creating a Diverse Reading Collection Drafting Contracts How And Why Lawyers Do What They Do
- 10. Overcoming Reading Challenges
  - Dealing with Digital Eye Strain
  - Minimizing Distractions
  - Managing Screen Time
- 11. Cultivating a Reading Routine Drafting Contracts How And Why Lawyers Do What They Do
  - Setting Reading Goals Drafting Contracts How And Why Lawyers Do What They Do
  - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Drafting Contracts How And Why Lawyers Do What They Do
  - Fact-Checking eBook Content of Drafting Contracts How And Why Lawyers Do What They Do
  - Distinguishing Credible Sources
- 13. Promoting Lifelong Learning
  - Utilizing eBooks for Skill Development
  - Exploring Educational eBooks
- 14. Embracing eBook Trends

- Integration of Multimedia Elements
- Interactive and Gamified eBooks

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