

2-Day Course: Upgrade Your Skills in Commercial Drafting

In commercial environments, concise and sound contracts are crucial for success. Drafted correctly, they prevent disputes and save money.

About this course

This practical skills course teaches the principles of contemporary commercial drafting

Course venue and date

Midrand: 01-02 August 2019 | **Duration:** 8:30 – 16:00
Register as soon as possible to secure your space.

Who should register?

- Contract and commercial managers
- Corporate lawyers and paralegals
- Attorneys and candidate attorneys
- Risk managers
- Financial controllers
- Sourcing and procurement professionals both in government departments and private sector
- Building contractors
- Municipal staff (local government) including metros, district and local council.

Benefits of attending

- Enhance your knowledge and understanding of commercial agreements. Receive practical and applicable training in key drafting skills.
- Master practical drafting techniques to draw up concise and effective agreements.
- Understand the effect of exclusion and limitation clauses and how they can be used to manage your exposure.
- How to become a more effective commercial lawyer. Ensure good legal health and have satisfied clients.

Expert presenter

Ismail Hussain SC is a former judge of the High Court and Competition Appeal Court. He has been a highly popular LEAD trainer for many years. Mr Hussain is an expert in commercial drafting, opinion writing, and litigation and case management. He is a published author.

What previous delegates said

- ✔ *The simplicity of the course enable me to understand the content and apply it to practical examples in my workplace*
- ✔ *The content, presentation and manual were brilliant!*
- ✔ *I enjoyed the modern applicability of the content of the course.*
- ✔ *The instructor gave a lot of good practical examples when explaining things – find that very effective*
- ✔ *Very well presented and engaging. Practical aspects I hadn't considered before*

Instruction techniques

- The course will guide you step by step in how to deal with facts, laws and procedures. The emphasis will be on understanding concepts and practical skills transfer.
- The presentation will be interactive and participants will be encouraged to ask questions and engage in discussion.
- Participants will engage in drafting exercises using case studies.
- Participants will receive a drafting manual and some precedents of contracts under discussion

Course content

Session 1

- Brief discussion on general principles for the formation of contracts.
- Classes of contract and the necessary elements.
- The effect of non-variation clauses.
- Enforcement of contracts, including dispute resolution.
- Statutory requirements, disclosure and compliance.
- Obtaining instructions (how to deal with the facts specific to your case).
- Finding the law.
- Brief discussion on interpretation.
- Brief discussion on business structures in South Africa.

- Brief discussion on the effect of the Electronic Communications and Transaction Act 25 of 2002.
- The effect of the internet and cloud technology including block-chain and smart contracts.
- Contracts post Constitution.

Session 2

- Contents of a contract:
 - Invariable provisions
 - Express provisions
 - Implied provisions
 - Residual provisions
 - Terms, conditions and warranties
 - Variation and waiver
 - Breach and dispute resolution
 - Boilerplate clauses
 - Dealing with electronic transactions

Session 3

- Commonly used words and phrases in commercial contracts
- General techniques in drafting commercial contract:
 - Obtaining instructions
 - Understanding the law and procedure
 - The basic provisions for effective contracts
 - The structure of a contract (international best practice)
 - Plain language drafting

Session 4

- How to carry out due diligence in assisting clients with commercial transactions
- A full explanation of how to carry-out due diligence. This will include advising your client on the purchase of assets, shares and a business

Session 5

- A comprehensive explanation on how to draft service level agreements
- Drafting exercises using case studies.

Certification

LEAD awards a certificate of attendance to participants for each course attended in full.

Registration

Registration fee categories (VAT incl.)

Practising attorneys, advocates and other staff from attorneys' firms:

R3 400 per person

Non-practising legal practitioners/others:

R4 900 per person

How to register

1. Complete registration form on pages 4 and 5.
2. Email your completed form, proof of payment and copy of ID/Passport to bettie@LSSALEAD.org.za.
3. Space is limited and registration is on a first-come first-serve basis. Unfortunately no space can be reserved without receipt of payment.
3. Registration closes one week prior to the commencement of the course.

For more information on this course, email Bettie Lubbe on bettie@LSSALEAD.org.za or call (012) 441 4670 (direct) or 441 4600 (switchboard)

Please note: LSSA/LEAD reserves the right to cancel a learning activity should the number of participants not justify the costs involved.

Our bank details

Account Holder: Law Society of South Africa

Bank: First National Bank

Branch: Pretoria

Account Number: 6200 964 1079

Branch Code: 251445

Reference: CC/surname & Initials

About the Law Society of South Africa

Attorneys and advocates in South Africa are registered with the Legal Practice Council in terms of the Legal Practice Act 28 of 2014. Since 1998, the Law Society of South Africa (LSSA) has represented the attorneys' profession. The LSSA brings together the Black Lawyers Association, the National Association of Democratic Lawyers and provincial attorneys' associations, in representing the attorneys' profession in South Africa. From March 2019, the LSSA is governed by a House of Constituents comprising 27 practising attorneys.

[Click here to view the LSSA constitution.](#)

Legal Education and Development (LEAD), the educational division of the LSSA, is responsible for the management of the course. With 30 years of experience, LEAD is well placed to understand the needs of a modern-day law practice. A wide range of high-quality courses, seminars and certificate programmes are offered which are designed to give legal practitioners the knowledge and skills to manage their practices successfully.

Other LEAD product offers

LEAD is one of the largest providers of legal and professional education in South Africa and provides access to quality learning that is relevant, accessible, and affordable. LEAD offers an extensive range of learning activities and training options.

[Click here to view more training events for professionals.](#)

REGISTRATION FORM

Commercial Drafting – 1 & 2 August 2019



Complete the registration form digitally or in clear, block letters. Please email the form, proof of payment and a copy of your ID document to Bettie@LSSALEAD.org.za. Registration closes **one week prior to commencement**.

A. Participant's details

Surname:						Initials:			Title:		
Preferred name:						Race (for reporting purposes):					
ID number:											
Postal address:									Code:		
Employer:						Occupation:					
Tel (w): ()						Cell: ()					
E-mail address:											
Special dietary requirements (if any):						If disabled, nature of disability:					
Where did you hear about the course?											
<input type="checkbox"/> SMS		<input type="checkbox"/> Word of mouth		<input type="checkbox"/> Internet		<input type="checkbox"/> Employer		<input type="checkbox"/> E-mail		<input type="checkbox"/> Other	
If other, please specify:											

B. Employer details (NB: Complete this section **only** if the delegate is being sponsored by his/her Employer)

Firm/company name:														
Contact person:						Contact person's e-mail:								
Tel: ()				Contact person's job title:										
Postal/docex address:									Code					
Do you need an invoice? <input type="checkbox"/> Yes <input type="checkbox"/> No						If "yes", please provide the employer's VAT number:								
I, _____ (name of the employer's authorised account signatory) hereby declare the above information to be correct. I accept full responsibility for fees payable to the Law Society of South Africa for the above-mentioned participant.														
_____ Employer Signature									_____ Date			NB: Company Stamp		

LEAD reserves the right to cancel a learning activity should the number of participants not justify the costs involved. Registered participants will be given reasonable notice of cancellation.

PAYMENT DETAILS:

Commercial Drafting Course



Surname and initials of participant:

C. Payment details

Payment by Electronic Funds Transfer (EFT): by Employer by Applicant Amount: R

Bank: First National Bank (FNB) | **Account Holder:** Law Society of South Africa | **Branch:** Pretoria
Branch Code: 251445 | **Account Number:** 62009641079 | **Account Ref:** CC, Surname, Initials

Terms and conditions

1. A delegate who wishes to cancel must do so 7 (seven) or more working days prior to the commencement of the training. You may send a substitute in your place. A completed registration form for the substitute must be forward to LSSA/LEAD for the attention of Bettie Lubbe.
2. Cancellations must be done in writing and e-mailed to Bettie@LSSALEAD.org.za.
3. You may transfer once at no additional cost to another training program with the proviso that it is not in the 7 (seven) day period as stipulated above.
4. Confirmation of the cancellation will be e-mailed to you. Should a delegate not receive a cancellation confirmation from LSSA/LEAD, it means that the cancellation request was not received. Delegates should follow up ASAP or it will result in full liability of the training amount.
5. Delegates who do not cancel and fail to attend the training will be held responsible for the full course amount.
6. LSSA/LEAD shall have the right in its sole discretion to postpone or cancel training in any programme initially advertised and offered based on insufficient demand. Should LSSA/LEAD cancel the proposed training, registered delegates will be given reasonable notice of the cancellation and all fees paid by the delegate will be refunded.
7. Registration is on a first come first serve basis. If payment is not received within 7 days of sending the registration form, the registration will unfortunately be discarded.

General declaration

1. I am familiar with the outcomes of the training specified above and fully comprehend the specifics as explained in this document.
2. I acknowledge that payment needs to be made before attendance of the training.
3. I understand that all fees must be paid to the designated LSSA bank account only. The LSSA will not accept liability if fees are paid into any other bank account.

Name of account: Law Society of South Africa | Bank: First National Bank (FNB)

Branch: Pretoria | Branch code: 251445 | Account number: 62009641079

4. I acknowledge that I have read and understood the above, and that submission of this registration form constitutes acceptance of the Terms and Conditions and hereby, sign as proof.

I, hereby agree to abide to all the above terms and conditions relating to the above.

Applicant's Signature

Date

Course and registration queries: Bettie Lubbe | E: Bettie@LSSALEAD.org.za | T: 012 441 4652/00

Legal Education and Development | LEADers in training of legal professionals and support staff