areas addressed in transactional documents. In fourteen lessons, readers will learn how to work from prior documents to produce effective and complete legal documents that protect the client’s interests.

A Short Guide to Contract Risk

Jul 30 2021

Legal Drafting

Aug 19 2020

Legal Drafting: Litigation Documents, Contracts, Legislation, and Wills is useful (1) as a textbook for a course about drafting any of the types of documents listed in the title and (2) as a reference book. As well as document-specific guidance and exercises, the book contains discussion of the following: Legal issues that are crucial to drafters. Guidance for creating document-specific disambiguation issues (e.g., word choice, precise phrasing, and ambiguity). Grammar, punctuation, and style.

The Winning Brief: 100 Tips for Persuasive Briefing in Trial and Appellate Courts Apr 14 2020

Good legal writing wins court cases. It its first edition, The Winning Brief proved that the key to writing well is understanding the judicial readership. Now, in a revised and updated version of this modern classic, Bryan A. Garner updates the art of effective writing in 100 concise, practical, and easy-to-use sections. Covering everything from the rules for planning and organizing a brief to openers that can capture a judge’s attention from the first few words, these tips add up to the most compelling, orderly, and visually appealing brief that an advocate can present. In Garner’s view, good writing is good thinking put to paper. “Never write a sentence that you couldn’t easily speak,” he warns—and demonstrates how to do just that. Beginning each tip with a set of quotable quotes from experts, he then gives masterly advice on building sound paragraphs, drafting crisp sentences, choosing the best words (“Strike pursuant to from your vocabulary.”), quoting authority, citing sources, and designing a document that looks as impressive as it reads. Throughout, he shows how to edit for maximal impact, using vivid before-and-after examples that apply the basics of rhetoric to persuasive writing. Filled with examples of good and bad writing from actual briefs filed in courts of all types, The Winning Brief also covers the new appellate rules for preparing federal briefs. Constantly collecting material from his seminars and polling judges for their preferences, the second edition delivers the same solid guidelines with even more supporting evidence. Including for the first time sections on the ever-changing rules of acceptable legal writing, Garner’s new edition keeps every seasoned lawyer on their toes and writing briefs that win cases. An invaluable resource for attorneys, law clerks, judges, paralegals, law students and their teachers, The Winning Brief has the qualities that make all of Garner’s books so popular: authority, accessibility, and page after page of techniques that work. If you’re writing to win a case, this book shouldn’t merely be on your shelf—it should be open on your desk.

A Short Guide to Contract Risk

Jun 09 2022

Savvy managers no longer look at contracting processes and documents reactively but use them proactively to reach their business goals and minimize their risks. To succeed, these managers need a framework and A Short Guide to Contract Risk provides this. The foundation of identifying and managing contract risk is what the authors call Contract Literacy: a set of skills relevant for all who deal with contracts in their everyday business environment, ranging from general managers and CEOs to sales, procurement and project professionals and risk managers. Contracts play a major role in business success. Contracts govern companies’ deals and relationships with their suppliers and customers. They impact future rights, cash flows, costs, earnings, and risks. A company’s contract portfolio may be subject to greater losses than anyone realizes. Still the greatest risk in business is not taking any risks. Equipped with the concepts described in this book, business owners can start to see contracts differently and to use them to find and achieve the right balance for business success and problem prevention. What makes this short guide from the authors of the acclaimed Proactive Law for Managers especially valuable, if not unique, is its down-to-earth managerial/legal approach. Using lean contracting, visualization and the tools introduced in this book, managers and lawyers can achieve legal acuity and use it as a function as managerial tools for well thought-out, realistic risk allocation in business deals and relationships.

Wills, Trusts, and Estates, Eleventh Edition

May 16 2020

Buy a new version of this textbook and receive access to the Connected eBook with Study Center on CasebookConnect, including: lifetime access to the online ebook with highlight, annotation, and search capabilities; practice questions from your favorite study aids; an online tool and other helpful resources. Connected eBooks provide what you need most to be successful in your law school classes. Learn more about Connected eBooks. Widely hailed as one of the best casebooks in legal education, this comprehensive text combines interesting cases, thoughtful analysis, notes, images, and a clear organization for an excellent teaching tool. Cartoons, illustrations, case documents, and photographs provide engaging visual commentary. Sidebars on relevant persons, places, and things provide interesting and sometimes humorous context. A comprehensive Teacher’s Manual provides a complete teaching summary of all materials in the book, and comprehensive PowerPoint slides provide helpful structure for classroom organization. New to the Eleventh Edition: New section on will execution during the COVID-19 pandemic, with attention to reconciling “presence” with social distancing Updated and completely revised section on digital wills, with attention to the latest cases and statutes Updated to account for the 2021 and 2019 revisions to the Uniform Probate Code that, among other things, eliminated gender-based distinctions and expanded recognition of non-biological parent-child relationships. Updated coverage of wealth and income inequality and new material on recent proposals for a wealth tax Updated and completely revised section on trust decanting, with attention to the latest statutory and case law developments Updated and completely revised section on asset protection trusts, with attention to key choice-of-law and fraudulent transfer principles. Professors and students will benefit from: Unique blend of wit, erudition, insight, and playfulness retained from the late Jesse Dukemier Organization that covers all the key topics in a logical and clear format. Interesting cases that are not only fun to read, but fun to teach. Cases enhanced and connected to broader legal principles by well-written connective text, notes, questions, problems, and sidebars. Arresting two-color design. Cartoons, illustrations, wills and other case documents, and photographs that provide visual commentary and teaching aids. Teaching materials include: Teacher’s Manual that provides a complete teaching summary of all materials in the book. PowerPoint slides that provide explanatory diagrams and structure for class discussions. Sample Exams Sample Estate Planning Documents.

Ethical Problems in the Practice of Law

Jun 28 2021

This edition, with new problems and cases, continues to be a unique blend of wit, erudition, insight, and playfulness retained from the late Jesse Dukemier Organization that covers all the key topics in a logical and clear format. Interesting cases that are not only fun to read, but fun to teach. Cases enhanced and connected to broader legal principles by well-written connective text, notes, questions, problems, and sidebars. Arresting two-color design. Cartoons, illustrations, wills and other case documents, and photographs that provide visual commentary and teaching aids. Teaching materials include: Teacher’s Manual that provides a complete teaching summary of all materials in the book. PowerPoint slides that provide explanatory diagrams and structure for class discussions. Sample Exams Sample Estate Planning Documents.

The Economics of Contracts

Feb 22 2021

A contract is an agreement under which two parties make reciprocal commitments in terms of their behavior to coordinate. As this concept has become essential to economics in the last 30 years, three main theoretical frameworks have emerged: ‘incentive theory’, ‘incomplete-contract theory’ and ‘transaction-costs theory’. These frameworks have enabled scholars to renew both the microeconomics of coordination (with implications for industrial organization, labor economics, law and economics, organization design and institutional economics of ‘market’ (decentralized) economies and of the institutional framework. These developments have resulted in new analyses of a firm’s strategy and State intervention (regulation of public utilities, anti-trust, public procurement, institutional design, liberalization policies, etc.). Based on contributions by the leading scholars in the field, this 2002 book provides an overview of developments in these analytical currents, presents their various aspects, and proposes expanding horizons for theoreticians and practitioners.

A Manual of Style for Contract Drafting

Sep 12 2022

The focus of this manual is not what provisions to include in a given contract, but instead how to express those provisions in
nearly 350 helpful pages including syllabus
assessment questions for the book to more than
questions and explanations bring the total
addition of 40 new formative assessment
problems at the end of the 28 assignments. The
15 new primary cases as well as 80 new
most significant revision ever. This edition has
course design. New to the 7th Edition: The
Organized by Assignments, this engaging
News stories further illustrate, in real-world
well as from actual sales forms and documents.
interviews with leading figures in commerce as
estate sales, leases, and international sales.
Comprehensive, problem-based coverage
Keating’s “Systems Approach” provides a
Sales
Assignments will augment and enhance any
Illustrations Basic Contract Drafting
Student Contracts: Some Samples with
Transaction Decoding the Comments on
Contract Negotiation and Drafting Slang Ten
informative appendices, among them What Deal
instructors include: Entertaining and
terms. Additional resources for students and
instructors include: Entertaining and
informative appendices, among them What Deal
Sales
Franchising
06 2019
process.
them better understand the other party's
readers better understand how to draft these
provisions and analyzes why it is important, the
contract. Each chapter tackles one of 20
provisions and analyzes why it is important, the
key legal and business issues raised, and how
to draft the provision to suit a particular
transaction. Such analysis not only helps
readers better understand how to draft these
provisions in their contracts, but also helps
them better understand the other party's
process.
Contract Drafting and Negotiation for
Entrepreneurs and Business Professionals
Jul 06 2019
Drafting and Analyzing Contracts
Jan 04 2022
Franchising
Mar 14 2020
Provides
agreements and completed pre-sale disclosure
statements. It includes the transition from the
former FTC pre-sale disclosure regulations to
the new FTC Franchise Rule and NASAA
Guidelines.

Conversations with RBG
Dec 23 2020
In her own words, Ruth Bader Ginsburg offers an
intimate look at her life and career, through an
extraordinary series of conversations with the
head of the National Constitution Center. This
remarkable book presents a unique portrait of
Justice Ruth Bader Ginsburg, drawing on more
than twenty years of conversations with Jeffrey
Rosen, starting in the 1990s and continuing
through the Trump era. Rosen, a veteran legal
journalist, scholar, and president of the
National Constitution Center, shares with us
the justice’s observations on a variety of topics,
and her intellect, compassion, sense of humor,
and humanity shine through. The affection they
have for each other as friends is apparent in
their banter and in their shared love for the
Constitution—and for opera. In Conversations
with RBG, Justice Ginsburg discusses the future
of Roe v. Wade, her favorite dissents, the cases
she would most like to see overruled, the
#MeToo movement, how to be a good listener,
how to lead a productive and compassionate
life, and of course the future of the Supreme
Court itself. These frank exchanges illuminate
the steely determination, self-mastery, and wit
that have inspired Americans of all ages to
embrace the woman known to all as “Notorious
RBG.” Whatever the topic, Justice Ginsburg
always has something interesting—and often
surprising—to say. And while few of us will ever
have the opportunity to chat with her face-to-
face, Jeffrey Rosen brings us by her side as
never before. Conversations with RBG is a
depthly felt portrait of an American hero.

Drafting International Contracts
Oct 09 2019
Drafting International Contracts is an essential
resource for anyone working in international
business. It features the latest trends, fostering
an understanding of how international
contracts are drafted in practice.

Drafting Contracts
Nov 14 2022
An eagerly anticipated second edition, this
refreshed and highly regarded text teaches the
key practice skill of contract drafting, with
emphasis on how to incorporate the business
deal into the contract and add value to the
client’s deal. Features: More exercises
thoroughout the book, incorporating More
precedents for use in exercises Exercises
designed to teach students how to read and
analyze a contract progressively more difficult
and sophisticated New, multi-draft exercises
involving a variety of business contracts New
and refreshed examples, including Examples of
well-drafted boilerplate provisions More
detailed examples of proper way to use shall
Multiple well-drafted contracts with
annotations Revised Aircraft Purchase
Agreement exercise to focus on key issues, along with precedents on how to draft the action sections and the endgame sections. Expanded explanations of endgame provisions, along with examples and new exercises. Advanced Legal Writing Jun 16 2020 With a practical focus on persuasive writing strategies, Advanced Legal Writing: Theory and Strategies in Persuasive Writing explores three classical techniques: logos, pathos, and ethos, and provides students with a thorough introduction to the elements of rhetorical style. Unlike many other advanced legal writing texts, which tend to focus on a document-specific approach, this unique coursebook focuses on classical writing strategies that apply to a wide range of settings. The depth and scope of this text make it appropriate for upper-level legal writing courses. The Third Edition has been expanded to include the use of movies and other popular culture media in chapters dealing with literary references. There have also been substantial revisions to the chapter on policy. Features: Comprehensive coverage of the technical aspects of rhetorical style: metaphor, literalism, and alliteration. Emphasizes theory as well as practice, building on three basic strategies of persuasive legal writing: Logos: Logic and rational argument. o Pathos: Value-based argument. Ethos: Establishing credibility. Highlights interdisciplinary contributions to persuasive writing from diverse fields, including cognitive psychology, classical rhetoric, and morality theory. Presents effective strategies that extend beyond the trial or appellate brief to a broad range of documents and settings. Covers new developments in cognitive psychology, pathos, persuasion, and the role of metaphor in persuasive legal writing. Depth and scope appropriate for upper-level legal writing courses. Thoroughly updated, the revised Third Edition offers: Substantial revisions to the chapter on policy. Expanded chapters on literary references now include other media, e.g., movies and other pop culture platforms. Studies in Contract Law Nov 09 2019 The new edition includes many new features including a new introductory chapter which provides an overview of the course in the first two weeks, as well as modern movements in contracts jurisprudence. This edition covers new cases dealing with contract issues growing out of the current foreclosure crisis as well as new cases from the Supreme Court’s recent arbitration jurisprudence. The authors added new coverage of unilateral change of terms provisions in consumer contracts and new materials covering the Constitution’s contract clause in relation to current state pension crisis. The materials have been reorganized and streamlined. Some cases have been moved around in the book so as to provide a more logical structure that students will find more accessible. 200 Contractual Problems and their Solutions Oct 21 2020 200 Contractual Problems and their Solutions This book examines 200 contractual problems which regularly arise on building and engineering projects and provides a detailed explanation of their solutions, citing standard contract conditions and key parts of legal judgements as authority. A succinct summary is provided at the end of each detailed solution. It covers problems together with their solutions in respect of: Procurement matters Tenders and bidding Design issues Letters of intent Contractor’s programme Contractor’s float Delays Concurrent Delays Extensions of time Liquidated/delay damages Unliquidated damages Variations Loss and expense/additional cost claims Acceleration Global claims Payment Damage to the works Exclusion clauses Retention of title Practical completion Defect correction Adjudication This book deals with a broad range of construction contracts including JCT Standard Form and Design and Build, New Engineering Contract NEC3, ICE and GCWorks/I. This book was first published in 1991 and this is the second edition entitled One Hundred and Fifty Contractual Problems and their Solutions. This second edition adds 50 new problems and replaces 15 of those in the last edition. Of the remainder half have been the subject of revision. ‘Deserves a place on every site and in every office as the standard handbook on contractual problems’ Construction Law Digest ‘A comprehensive suite of exercises are both challenging and fun. Never before has the field of contract drafting been so lucidly, elegantly, and thoroughly explained. And never before has a coursebook on contracts been so interesting to read.’ Lost in Translation Dec 11 2019 The Cambridge Handbook of Smart Contracts, Blockchain Technology and Digital Platforms May 28 2021 The product of a unique collaboration between academic scholars, legal practitioners, and technology experts, this Handbook is the first of its kind to analyze the ongoing evolution of smart contracts, based upon blockchain technology, from the perspective of existing legal frameworks - namely, contract law. The book’s coverage ranges across many areas of smart contracts, including blockchain-based platforms to illuminate the impact of new, and often disruptive, technologies on the law. With a mix of scholarly commentary and practical application, chapter authors provide expert insights on the core issues involving the use of smart contracts, concluding that smart contracts cannot supplant contract law and the courts, but leaving open the question of whether there is a need for specialized regulations to prevent abuse. This book should be read by anyone interested in the disruptive effect of new technologies on the law generally, and contract law in particular. Contract Drafting Jul 18 2020 "Contract Drafting Introduction to Transactional Practice" is a brief but comprehensive guide to everything you need to know about drafting contracts from scratch and revising complex form agreements. This is an excellent supplement for a class on transactional drafting. It is written in a concise and unpretentious style, and is more comprehensive than most textbooks on this subject, covering the following topics: (1) Getting up to Speed (familiarizing yourself with the client’s business and interviewing the client to flush out all the terms of the deal); (2) Drafting Covenants, Rights, Prohibitions and Descriptions (using “will” or “shall” and “may”); (3) Avoiding Potentially Ambiguous Words and Phrases (time periods, numbers, misplaced modifiers, and others); (4) Preparing a Preliminary Document for Organizing a Contract’s Beginning Sections (title, exordium, background, definitions, reps and warranties); (5) Organizing Core Covenants and Other Deal Provisions (core covenant, duration, additional provisions); (6) Organizing a Contract’s Ending Sections (termination, cancellation, boilerplate, testimonium, signature blocks); (7) Brainstorming (additional provisions to better protect the client, indemnity, insurance, warranties, liability limits); (8) Preparing a Precedent Language and Documents (putting a document together from sample provisions); (9) Tailoring Form Documents (revising a complex form document); (10) Revising the Other Side’s Completed Documents (qualifying language, limiting scope, inserting conditions); (11) Negotiating Contract Provisions (preparation, advancing the client’s interests without killing the deal); (12) Closing the Deal (closing agendas, verifying signature authority); (13) Drafting with Ethical Issues in Contract Drafting (revisions to signed documents, unenforceable provisions, notarization after the fact); (14) Drafting a Contract Amendment (sample form for amendments); (15) Using Computers to Draft Contracts (document assembly programs, on line execution, artificial intelligence) This book is also a great introduction to transactional practice for any attorney who is new to this area of law. If your practice involves contract drafting and you didn’t get the training you need from law school, this book will help you learn what you need to know as quickly as possible. Numerous examples of contract provisions, checklists, exercises and sample documents are included to help you start building your portfolio of provisions and documents. Legal Drafting Apr 07 2022 This text provides a comprehensive and flexible teaching instrument for any course in legal drafting. It contains text, examples, and exercises that deal with such areas as contract drafting, “making the text suitable for a general drafting course, or one that focuses on either of the two more specialized forms of a drafted document. Most of the chapters contain exercises that test students’ knowledge of and ability to apply the materials. They also contain further drafting exercises that involve drafting or revising either specific provisions or entire contracts and statutes. The Elements of Contract Drafting with Questions and Clauses for Consideration Oct 01 2021 “This book is a practical, to-the-point text covering the fundamental working parts of a contract and how one should be prepared. It provides an overview of the issues and processes involved in drafting contracts and
transitional documents. It enables students to analyze the basic structure of contracts and other deal documents and develop the macro and micro techniques used to efficiently create those documents with precision and clarity. It provides the principles necessary for an understanding of the common structures of transactional documents and their provisions that can then be applied to specific transactions. This book also covers some of the substantive laws that may affect contracts. An OUP contract website.

**Contracts** Aug 07 2019 About 25% shorter than the previous edition, the third edition of this casebook contains both traditional edited case opinions and numerous brief example cases so students can learn from reviewing multiple applications of the legal rules. Well placed text boxes provide "reading critically" questions preceding cases and supplemental information and additional questions at crucial junctures. Tables and flowcharts demonstrate connections among concepts and give visual learning cues. With the guidance provided, students are able to prepare more effectively for class, so they start class at a more sophisticated level and proceed more easily to deeper analysis. The book also includes frequent problem sets, both essay and multiple-choice, to test and expand students' understanding. The accompanying electronic version links directly to cited sources and to related multiple-choice problems. In addition to classic contract cases the book includes new cases chosen because of their teachability and related multiple-choice problems. Building on the framework first outlined in The Idea of Public Law (OUP, 2003), the book conceives public law broadly as a type of law that comes into existence as a consequence of the secularization, rationalization and positivization of the medieval idea of fundamental law. Formed as a result of the changes that give birth to the modern state, public law establishes the authority and legitimacy of modern governmental ordering. Public law today is a universal phenomenon, but its origins are European. Part I of the book examines the conditions of its formation, showing how much the concept borrowed from the refined debates of medieval jurists. Part II then examines the nature of public law. Drawing on a line of juristic inquiry that developed from the late sixteenth to the early nineteenth centuries—extending from Bodin, Althusius, Lipsius, Grotius, Hobbes, Spinoza, Locke and Pufendorf to the later works of Montesquieu, Rousseau, Kant, Fichte, Smith and Hegel—it presents an account of public law as a special type of political reason. The remaining three Parts unpack the core elements of this concept: state, constitution, and government. By taking this broad approach to the subject, Professor Loughlin shows how, rather than being viewed as a limitation on power, law is better conceived as a means by which public power is generated. And by explaining the way that these core elements of state, constitution, and government were shaped respectively by the technological, bourgeois, and disciplinary revolutions of the sixteenth century through to the nineteenth century, he reveals a concept of public law of considerable ambiguity, complexity and resilience.

**Writing to Win** Aug 31 2021 From a master teacher and writer, a fully revised and updated edition of the results-oriented approach to legal writing that is clear, that persuades—and that WINS. More than almost any profession, the writing of lawyers, not judges, and includes dozens of examples of effective (and ineffective) real-life legal writing—as well as compelling models drawn from advertising, journalism, and fiction. It deals with the challenges lawyers face in writing, from organization to strengthening and editing prose; offers incisive ways of improving arguments; addresses litigation and technical writing in all its forms; and covers the writing attorneys must perform in their daily practice, from email memos to briefs and contracts. Each chapter opens with a succinct set of rules for easy reference. With new sections on client communication and drafting affidavits, as well as updated material throughout, Writing to Win is the most practical and efficacious legal-writing manual available. With the aim of creating an autonomous regime for the interpretation and application of the contract, boilerplate clauses are often inserted into international commercial contracts without negotiations or regard for their legal effects. The assumption that a sufficiently detailed and clear language will ensure that the legal effects of the contract will only be based on the contract, as opposed to the applicable law, was originally encouraged by English courts, and today most international contracts have these clauses, irrespective of the governing law. This collection of essays demonstrates that this assumption is not fully applicable under systems of civil law, because these systems are based on principles, such as good faith and loyalty, which contradict this approach.