CONCEPT

Legal Negotiation Skills for Lawyers: Mandate, Risk Allocation and Settlement

16 – 20 August 2027
London - Central London four-star



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Introduction:

Lawyers and contract managers often reach the table with a strong reading of the law but no agreed mandate, no priced view of risk and no plan for conceding clause by clause, so indemnities, liability caps and settlement offers are traded away under time pressure. This Core Concept course builds legal negotiation skills: securing client instructions and authority, turning legal positions into priced risk trade-offs, negotiating contested clauses through redlines, handling without-prejudice settlement talks and dealing with opposing counsel and regulators. Participants produce a Legal Negotiation Plan and Term Concession Matrix for an energy contract.

Course Objectives:

- Obtain written client instructions that fix objectives, red lines and the limits of settlement and signing authority before talks open
- Assess legal entitlements, evidential weaknesses and alternatives to agreement to set a defensible reservation point for a deal or claim
- Convert liability, indemnity, warranty and termination exposure into priced trade-offs that can be exchanged across contract heads of terms
- Negotiate contested clauses through redline commentary, issues lists and disciplined turns of draft with counterparty counsel
- Conduct settlement discussions and regulator engagement using without prejudice protection while staying within professional conduct limits
- Lead a negotiating team through a multi-round energy contract negotiation and close with an agreed term sheet

Target Audience:

- In-house counsel who lead the legal workstream on supply, construction and financing transactions
- Private practice lawyers who represent clients in contract negotiations and pre-trial settlement talks
- Contract managers who carry the pen on counterparty mark-ups and track open issues to signature
- Legal managers who approve negotiation mandates and settlement authority for their organisation
- Commercial counsel on energy, utilities and infrastructure projects who negotiate with developers, lenders and public bodies

Course Outline:

Day 1: Legal Negotiation in Context: Mandate, Authority and the Lawyer's Role

- Legal Versus Commercial Negotiation: Shadow of the Court and Precedent Pressure
- Client Instruction Letter: Objectives, Red Lines and Settlement Authority
- Authority to Bind: Actual, Ostensible and Board-Delegated Mandate Limits
- Principal-Agent Tension Between Counsel, Client and Business Sponsor
- Negotiation Readiness Audit of a Recent Transaction or Claim

Day 2: Legal Position Analysis: Interests, Alternatives and Risk as Currency

- Legal Position Paper: Entitlements, Weak Points and Evidential Gaps
- BATNA, WATNA and Reservation Point Assessment for Deals and Claims
- Litigation Outcome Tree and Expected-Value Settlement Range
- Risk Allocation Matrix: Pricing Liability Exposure Into Trade-Offs
- Issue Linkage and Package Bargaining Across Contract Heads of Terms

Day 3: Clause-Level Negotiation and Negotiating Through the Redline

- Liability Cap and Consequential Loss Exclusion Bargaining Positions
- Indemnity Scope, Warranty Survival and Disclosure Negotiation Tactics
- Termination Triggers, Step-In Rights and Cure Period Trade-Offs
- Governing Law, Forum and Arbitration Seat Concession Choices
- Redline Commentary Notes, Issues Lists and Turn-of-Draft Discipline

Day 4: Energy Contracts, Settlement Talks, Regulators and Professional Conduct

- Energy and Infrastructure Deals: Offtake, Concession and EPC Interface Negotiation
- Without Prejudice Offers, Save-as-to-Costs Letters and Calderbank Tactics
- Opposing Counsel Correspondence: Tone, Record Control and Open Letters
- Regulator Engagement: Licence Conditions, Consent Requests and Undertakings
- Professional Conduct Limits: Candour, Misrepresentation and Privilege Protection

Day 5: Simulated Energy Contract Negotiation and the Legal Negotiation Plan

- Case Brief: Gas Supply Agreement Between Producer and Power Utility
- Legal Negotiation Plan and Term Concession Matrix Build
- Team Roles Drill: Lead Negotiator, Drafter, Note-Taker and Client Liaison
- Timed Multi-Round Simulation With Counterparty Counsel Teams
- Closing Protocol: Agreed Term Sheet, Execution Checklist and Debrief Scorecard

Skills You Will Gain:

- Negotiation Mandate Setting
- Legal Position Analysis
- Settlement Valuation
- Risk-Based Trade-Off Design
- Redline Negotiation
- Without Prejudice Communication
- Regulator Engagement
- Negotiation Team Leadership

Why Attend This Course:

- Leave with a Legal Negotiation Plan and Term Concession Matrix tested against rival counsel teams in a gas supply simulation
- Know before the first meeting which liability, indemnity and termination concessions you can trade and what each one costs
- Protect settlement offers and correspondence so nothing said in talks weakens the case if the dispute goes to a tribunal
- Compare negotiating practice with counsel and contract managers from energy, construction, finance and public bodies

Conclusion:

A legal negotiation is won or lost on preparation: a clear mandate, an honest view of the legal alternatives and a priced map of what each clause is worth. The week moves from authority and client instructions, through position analysis and risk allocation, to clause bargaining and redlines, then to energy contracts, settlement correspondence, regulators and conduct limits. The final day runs a multi-round energy contract simulation and produces each participant's Legal Negotiation Plan and Term Concession Matrix. The course explains general principles and is not legal advice.