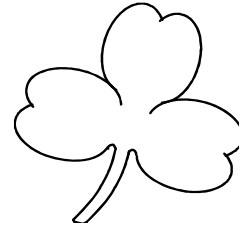




*Happy St. Patrick's Day*

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## *"Tip of the Month"*

### **The ABC's (Agenda, Brevity, Counsel) of Drafting a Contract**

A contract is a legally enforceable document between two or more parties. A good contract clearly outlines the parties' agreement, reasonably protects against eventualities, and safeguards your best interests. Both parties to a contract should know what they are contracting for and the amount of risk worth taking in negotiations. First and foremost, ask yourself, what is your goal?

Once you and your attorney have agreed on the type of contract and its goals, it's time to move on to the ABC's of Contracts:

**Agenda** – Agendas are particularly helpful in saving time and money. Together with your attorney, set deadlines to complete tasks in drafting the contract. Your contracts attorney is your advocate, so request that your attorney likewise set deadlines in negotiating the contract with other party. If you use an agenda when negotiating the contract, don't demand negotiating every term of the contract. Select the key points or provisions most important to your interests.

**Brevity** – Brevity should be one of the most important features of any contract. Contracts should not be the size of phone books. They should be well organized, use specific terms, definitions and provisions, and be written with short, simple sentences in an active voice. Know your audience, including yourself! If you can't understand it, you shouldn't sign it.

**Counsel** – Remember this mantra when working with your attorney to draft and negotiate a contract: *Draft, Review, Revise, Repeat*. The first draft of an agreement is never the final draft, so carefully review it, write down your questions, comments and revisions, and repeat the process with your attorney at least two more times until you have a final draft to present to the other party. At this point, the contract negotiations begin, and the process is repeated again and again between the parties until there is an agreement to execute.

Finally, be involved! Utilize email as much as possible when working with your attorney to draft and negotiate a contract. Phone calls and conversations can be convenient, but misunderstandings can best be minimized in writing. Always feel free to ask questions and have a written record of your goals, terms and timelines to help your attorney achieve the best results for you.

If you need help preparing or reviewing a contract, the contract attorneys at Mesmer & Deleault, PLLC are available to help you. Please give us a call at (603) 668-1971 or contact us by e-mail at [mailbox @ biz-patlaw.com](mailto:mailbox@biz-patlaw.com) to schedule an appointment.

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