

COURSE DESCRIPTION FOR

Shall: The Biggest Issue in Legal Drafting

The main job of legal instruments of all sorts is to impose duties, express rights, and convey privileges. Of these three, the imposition of duties is typically paramount. And sometimes vague. And as we all know, vague and ambiguous language can lead to litigation. Many times, the uncertainty of a clause can revolve around one word: *shall*. This word can mean “*may*,” “*must*,” and “*will*.” But what meaning the parties ascribe to “*shall*” in a certain clause may be unclear, and parties can differ on where the duty lies and to what extent. In an hour-long session, Mr. Garner will show you the traps that using the word *shall* in documents can land you in. And he will also show you how to avoid these nasty blunders that can tie your client up in nasty litigation for years.