

Contract Writing and Negotiations

TechWrite STL Luncheon

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Luncheon Presentation

1. Learn about the purpose of two legal documents relevant to freelance writing: Non-Disclosure Agreements and Work Contracts
2. Learn about sections that might be included in these documents and why
3. Learn why and how to negotiate terms or conditions within these documents
4. Further resources for contract writing and negotiation

*I don't have legal education, this presentation is for educational purposes only. You may choose to consult a business attorney in the future if you wish more information or guidance.

Non-disclosure agreements (NDAs)

Legal document to allow discussions to proceed about potential work relationship

- ▶ Single or several page document that defines terms between two parties for a discussion
- ▶ Execution of the NDA allows two parties to talk freely with legal protection about future work projects that involve existing or future potential intellectual property
- ▶ NDA is not a work contract but terms normally found in an NDA could be incorporated into a work contract
- ▶ NDA sections could include: Purpose, Confidential Information, Exceptions, Terms of Non-Use and Non-disclosure, Warranty, License, Obligation and Terms

Work Contracts/Consulting Agreements

- ▶ Relevant to freelance or contracted work but not necessarily everyone
- ▶ Execution of a work contract/consulting agreement by two parties:
 - Defines expectations for the work product and timeline
 - Provides legal protection in regards to intellectual property and payment terms as a working relationship begins

Negotiation of NDAs or Work Contracts

- ▶ Prep an example template on your own or with the assistance of a business attorney
- ▶ Offer your template to potential Client first before they can offer theirs
- ▶ Read all NDAs or Work Contracts, Make list of concerning sections or wording, Do research or work with business attorney to come up with alternatives sections or wording
- ▶ Pick your top item or several items to bring to attention of potential Client
- ▶ Have active discussion with potential Client about sections that you feel should be negotiable and why, particularly ones that limit your ability to find new work or clients
- ▶ Factor in how much you would like to start the potential Client/Project into how much you are willing to compromise on unattractive sections/wording

Resources for Contract Writing and Negotiation:

- ▶ Business Attorney (work with them to draft a contract template you can reuse)
- ▶ Your colleagues
- ▶ Templates:

<https://www.rocketlawyer.com/business-and-contracts/service-contracts/creative-freelance-contracts/document/freelance-writer-contract>

<https://legaltemplates.net/form/freelance-contract/>

- ▶ Further Contract Negotiation Tactics:

<https://www.hellobonsai.com/blog/how-to-negotiate-a-contract>