

What I need from you

Settlement Negotiation Support

This list explains what I need for this service, why I need it and where you can usually find it. Send the information together where practical. Tell me straight away about anything unavailable or urgent. I will confirm when the essential information is complete and the delivery date is fixed.

Essential items are needed before the relevant work can proceed. Important items affect what I can conclude; optional items add useful context. If an item is missing, incomplete, unreadable or a different version from one already sent, identify it by its number and explain what you hold. I will tell you what replacement is needed, why it matters and any effect on the agreed work or date.

1. The position claimed, with the build-up behind every head **ESSENTIAL**

Why I need it. A position without a build-up cannot be defended in a room.

Where you'll find it. Your QS's working file.

Without it. There is nothing to defend across the table, and a challenged head has nothing behind it to fall back on.

2. The acceptable range, or your view of it **IMPORTANT**

Why I need it. The floor is set before the room, not in it.

Where you'll find it. Your own decision, thought through and written down before the first meeting, ideally signed off by whoever in your organisation actually decides.

Without it. The floor gets decided across the table under pressure instead of in advance, and a concession is made that would not have been made with time to think.

3. The counterparty's stance, in writing **IMPORTANT**

Why I need it. What they have actually committed to.

Where you'll find it. The negotiation thread between the two commercial teams.

Without it. Every trade is built on what they said on a call, which can be denied the moment it stops suiting them.

4. The records behind each head **IMPORTANT**

Why I need it. What each position stands on.

Where you'll find it. The QS's measures and the accounts system's cost exports.

Without it. That head is graded weak and treated as currency for trading, whether or not it is actually the weakest thing in the claim.

5. The executed contract and every amendment **ESSENTIAL**

Why I need it. The rules both positions have to satisfy.

Where you'll find it. The commercial folder or the order email.

Without it. Neither position can be tested against what the contract would actually give you, so the floor is a guess instead of an entitlement.

6. Everything already exchanged: offers, letters, meeting notes IMPORTANT

Why I need it. The concessions already made, which count.

Where you'll find it. The negotiation thread for the written exchanges, and your own notes for anything agreed or offered in a meeting or on a call.

Without it. A concession already made gets forgotten, and is effectively paid for twice at the table.

7. Any period of delay relied on, and who assessed it IMPORTANT

Why I need it. Adopted and attributed, never assessed here.

Where you'll find it. Your programmer's report, or whoever produced the delay analysis you are relying on.

Without it. The prolongation head goes to the table with no period behind it, unattributed to whoever actually produced it.

8. Any limitation date, conclusivity provision or referral period ESSENTIAL

Why I need it. Talking does not stop a clock unless the contract says so.

Where you'll find it. The contract's dispute resolution clause, and your solicitor for the limitation date.

Without it. A deadline can run out while the negotiation is still going, and the underlying right can be lost while both sides are still talking.

9. What matters to you other than the money OPTIONAL

Why I need it. Certainty, timing, the relationship, a clean close.

Where you'll find it. Your own view. Think about timing, certainty, the relationship, and whether closing retention or defects alongside this matters to you.

Without it. A trade that would have suited you, on timing or the relationship rather than the figure, is never offered because nobody knew to look for it.

How to send it

Everything to contact@jackbutlerkettle.com. Original files rather than scans of printouts wherever you have them, and forwarded emails rather than text copied out of them, because the dates and the addressees travel with the original and they often turn out to matter.