



LAWS12063 Legal Drafting

Term 2 - 2022

Profile information current as at 18/08/2022 02:46 am

All details in this unit profile for LAWS12063 have been officially approved by CQU University and represent a learning partnership between the University and you (our student). The information will not be changed unless absolutely necessary and any change will be clearly indicated by an approved correction included in the profile.

General Information

Overview

Lawyers engage in legal drafting on a daily basis and effective written communication skills are essential for legal practice. The unit focuses on the foundational principles for drafting legal documents to prepare you for the significant and diverse range of tasks you may face as a legal practitioner. This unit aims to enhance your legal drafting skills by providing you with an authentic practical learning experience. You will complete a variety of practical drafting tasks that newly qualified lawyers are likely to undertake in practice, including: - drafting legal documents, such as pleadings and affidavits; - drafting contracts in accordance with a client's instructions; - preparing letters of advice; and - preparing persuasive arguments, such as outlines of argument.

Details

Career Level: *Undergraduate*

Unit Level: *Level 2*

Credit Points: 6

Student Contribution Band: 10

Fraction of Full-Time Student Load: 0.125

Pre-requisites or Co-requisites

Pre-requisite: 36 credit points of law.

Important note: Students enrolled in a subsequent unit who failed their pre-requisite unit, should drop the subsequent unit before the census date or within 10 working days of Fail grade notification. Students who do not drop the unit in this timeframe cannot later drop the unit without academic and financial liability. See details in the [Assessment Policy and Procedure \(Higher Education Coursework\)](#).

Offerings For Term 2 - 2022

- Online

Attendance Requirements

All on-campus students are expected to attend scheduled classes - in some units, these classes are identified as a mandatory (pass/fail) component and attendance is compulsory. International students, on a student visa, must maintain a full time study load and meet both attendance and academic progress requirements in each study period (satisfactory attendance for International students is defined as maintaining at least an 80% attendance record).

Website

[This unit has a website, within the Moodle system, which is available two weeks before the start of term. It is important that you visit your Moodle site throughout the term. Please visit Moodle for more information.](#)

Class and Assessment Overview

Recommended Student Time Commitment

Each 6-credit Undergraduate unit at CQUniversity requires an overall time commitment of an average of 12.5 hours of study per week, making a total of 150 hours for the unit.

Class Timetable

[Regional Campuses](#)

Bundaberg, Cairns, Emerald, Gladstone, Mackay, Rockhampton, Townsville

[Metropolitan Campuses](#)

Adelaide, Brisbane, Melbourne, Perth, Sydney

Assessment Overview

1. **Online Quiz(zes)**

Weighting: 20%

2. **Written Assessment**

Weighting: 60%

3. **Reflective Practice Assignment**

Weighting: 20%

Assessment Grading

This is a graded unit: your overall grade will be calculated from the marks or grades for each assessment task, based on the relative weightings shown in the table above. You must obtain an overall mark for the unit of at least 50%, or an overall grade of 'pass' in order to pass the unit. If any 'pass/fail' tasks are shown in the table above they must also be completed successfully ('pass' grade). You must also meet any minimum mark requirements specified for a particular assessment task, as detailed in the 'assessment task' section (note that in some instances, the minimum mark for a task may be greater than 50%). Consult the [University's Grades and Results Policy](#) for more details of interim results and final grades.

CQUniversity Policies

All University policies are available on the [CQUniversity Policy site](#).

You may wish to view these policies:

- Grades and Results Policy
- Assessment Policy and Procedure (Higher Education Coursework)
- Review of Grade Procedure
- Student Academic Integrity Policy and Procedure
- Monitoring Academic Progress (MAP) Policy and Procedure – Domestic Students
- Monitoring Academic Progress (MAP) Policy and Procedure – International Students
- Student Refund and Credit Balance Policy and Procedure
- Student Feedback – Compliments and Complaints Policy and Procedure
- Information and Communications Technology Acceptable Use Policy and Procedure

This list is not an exhaustive list of all University policies. The full list of University policies are available on the [CQUniversity Policy site](#).

Previous Student Feedback

Feedback, Recommendations and Responses

Every unit is reviewed for enhancement each year. At the most recent review, the following staff and student feedback items were identified and recommendations were made.

Feedback from Student evaluations and emails

Feedback

Some students have noted that there is more than one place (MS Teams and Moodle forums) to post draft documents and provide feedback to peers.

Recommendation

Utilise the benefits of the MS Teams platform and remove the option of posting in Moodle forums as an alternative place to load and discuss draft documents. This ensures that there is one place students must go to obtain feedback on their draft documents.

Feedback from Student evaluations

Feedback

The drafting tasks, which must be completed on a weekly basis, had to be finalised before the workshop on a Tuesday - Legal Drafting workshops should be on later in the week to allow for more time to work on the draft document and obtain feedback from peers on the draft.

Recommendation

If possible, and subject to avoiding clashes across all level 2 units, Legal Drafting workshops should be moved to a Thursday to allow longer for students to work on their draft documents and receive feedback from their peers on their drafts (as required in the portfolio assessment task).

Feedback from Student evaluations, emails, reflection assessment

Feedback

Many students indicated that their drafting skills improved significantly through the weekly portfolio tasks and as a result of posting their drafts on MS Teams/ Moodle forum to receive feedback from their peers

Recommendation

Maintain the weekly drafting tasks as part of the drafting portfolio and continue to encourage students to post their drafts on MS Teams for formative feedback from their tutor and peers.

Feedback from Student evaluations

Feedback

Some students indicated that further guidance on how to provide feedback to peers on draft documents would be beneficial

Recommendation

Although there is guidance on providing peer feedback in the peer review exercises drafting contracts workshops, a discussion of how to provide feedback to, and receive feedback from, peers should be incorporated into the week 1 materials and week 1 workshop.

Unit Learning Outcomes

On successful completion of this unit, you will be able to:

1. Communicate effectively in writing, including the appropriate usage of grammar, syntax and punctuation.
2. Apply principles of plain English drafting, principles of interpretation, and drafting conventions to create legal documents that comply with the client's instructions and the objectives of the document.
3. Reflect critically on your written work and provide comprehensive feedback to others through a peer review process.

Alignment of Learning Outcomes, Assessment and Graduate Attributes



Alignment of Assessment Tasks to Learning Outcomes

| Assessment Tasks | Learning Outcomes | | |
|--|-------------------|---|---|
| | 1 | 2 | 3 |
| 1 - Online Quiz(zes) - 20% | • | • | |
| 2 - Written Assessment - 60% | • | • | • |
| 3 - Reflective Practice Assignment - 20% | • | | • |

Alignment of Graduate Attributes to Learning Outcomes

| Graduate Attributes | Learning Outcomes | | |
|---|-------------------|---|---|
| | 1 | 2 | 3 |
| 1 - Communication | • | • | • |
| 2 - Problem Solving | • | • | |
| 3 - Critical Thinking | | | • |
| 4 - Information Literacy | | • | |
| 5 - Team Work | | | |
| 6 - Information Technology Competence | • | • | |
| 7 - Cross Cultural Competence | | | |
| 8 - Ethical practice | | | |
| 9 - Social Innovation | | | |
| 10 - Aboriginal and Torres Strait Islander Cultures | | | |

Textbooks and Resources

Textbooks

LAWS12063

Prescribed

Effective Legal Writing: A Practical Guide

Edition: 3rd (2021)

Authors: Nichola Corbett-Jarvis and Brendan Grigg

LexisNexis Butterworths

NSW , Australia

ISBN: 9780409351484

Binding: Paperback

Additional Textbook Information

The textbook is also available as an e-book: ISBN 9780409351491

IT Resources

You will need access to the following IT resources:

- CQUniversity Student Email
- Internet
- Unit Website (Moodle)
- Microsoft Teams
- Zoom (both microphone and webcam capability)

Referencing Style

All submissions for this unit must use the referencing style: [Australian Guide to Legal Citation, 4th ed](#)

For further information, see the Assessment Tasks.

Teaching Contacts

Nichola Corbett-Jarvis Unit Coordinator

n.corbett-jarvis@cqu.edu.au

Schedule

Week 1: Introduction Legal Drafting - 11 Jul 2022

| Module/Topic | Chapter | Events and Submissions/Topic |
|---------------------------------|--|------------------------------|
| Introduction to Legal Drafting. | Nichola Corbett-Jarvis and Brendan Grigg, Effective Legal Writing: A Practical Guide (LexisNexis Butterworths, 3rd ed, 2021), Chapter 3 and sections 6.193 - 6.221. Reference reading: Stephen Hunt, 'Plain English versus Legalese' (1995) 3 Waikato Law Review 163. | Weekly online Zoom workshop. |

Week 2: Grammar Matters (Part 1) - 18 Jul 2022

| Module/Topic | Chapter | Events and Submissions/Topic |
|--------------------------|--|------------------------------|
| Grammar Matters: Part 1. | Nichola Corbett-Jarvis and Brendan Grigg, Effective Legal Writing: A Practical Guide (LexisNexis Butterworths, 3rd ed, 2021), sections 2 - 2.68. Office of Parliamentary Counsel, Plain English Manual (1993), pages 13 - 34 (available at https://www.opc.gov.au/drafting-resources/plain-language). | Weekly online Zoom workshop. |

Week 3: Grammar Matters (Part 2) - 25 Jul 2022

| Module/Topic | Chapter | Events and Submissions/Topic |
|--------------------------|---|------------------------------|
| Grammar Matters: Part 2. | Nichola Corbett-Jarvis and Brendan Grigg, <i>Effective Legal Writing: A Practical Guide</i> (LexisNexis Butterworths, 3rd ed, 2021), sections 2.69 - 2.94. Newspaper article: 'The commas that cost companies millions', Worklife, available at: https://www.bbc.com/worklife/article/20180723-the-commas-that-cost-companies-millions Newspaper article: 'Missing apostrophe in Facebook post lands NSW real estate agent in hot water', The Guardian, available at: https://www.theguardian.com/law/2021/oct/10/missing-apostrophe-in-facebook-post-lands-nsw-real-estate-agent-in-legal-hot-water | Weekly online Zoom workshop. |

Week 4: Correspondence - 01 Aug 2022

| Module/Topic | Chapter | Events and Submissions/Topic |
|-----------------|--|------------------------------|
| Correspondence. | Nichola Corbett-Jarvis and Brendan Grigg, <i>Effective Legal Writing: A Practical Guide</i> (LexisNexis Butterworths, 2nd ed, 2017), 6 - 6.92. | Weekly online Zoom workshop. |

Week 5: Outlines of Argument - 08 Aug 2022

| Module/Topic | Chapter | Events and Submissions/Topic |
|-----------------------|--|--|
| Outlines of Argument. | Nichola Corbett-Jarvis and Brendan Grigg, <i>Effective Legal Writing: A Practical Guide</i> (LexisNexis Butterworths, 2nd ed, 2017), 6 - 6.92. Nichola Corbett-Jarvis and Brendan Grigg, <i>Effective Legal Writing: A Practical Guide</i> (LexisNexis Butterworths, 3rd ed, 2021), 6.114 - 6.148. The Honourable Justice K M Hayne, 'Written Advocacy' (Speech delivered at the Legal Education Program of the Victorian Bar, 5 and 26 March 2007). | Weekly online Zoom workshop. Online Quiz Due: Week 5 Monday (8 Aug 2022) 11:59 pm AEST |

Vacation Week - 15 Aug 2022

| Module/Topic | Chapter | Events and Submissions/Topic |
|--------------|---------|------------------------------|
| | | No Zoom workshop this week. |

Week 6: Contracts - 22 Aug 2022

| Module/Topic | Chapter | Events and Submissions/Topic |
|--------------|--|------------------------------|
| Contracts. | Mark Cohen, 'How to Draft a Bad Contract' (2016-2017) 17 <i>Scribes Journal of Legal Writing</i> 79. | Weekly online Zoom workshop. |

Week 7: Affidavits - 29 Aug 2022

| Module/Topic | Chapter | Events and Submissions/Topic |
|--------------|--|---|
| Affidavits. | How to Prepare an Affidavit: Part 1, available at: https://www.qjs.com.au/Membership/The-Hub/Legal-Tips-Guides/How-to-prepare-an-affidavit-part-1 <i>How to Prepare an Affidavit: Part 2</i> , available at: https://www.qjs.com.au/Membership/The-Hub/Legal-Tips-Guides/How-to-prepare-an-affidavit-part-2 <i>How to Prepare an Affidavit, Part 3</i> , available at: https://www.qjs.com.au/Membership/The-Hub/Legal-Tips-Guides/How-to-prepare-an-affidavit-part-3 The Honourable Justice James Henry, 'The Affidavit as a Tool of Persuasion: Drafting and Effective Affidavit and Using an Affidavit Effectively' (Paper delivered at the Cairns Judiciary CPD Series, Cairns) [2015] <i>Queensland Judicial Scholarship</i> 40 (available on AustLii) Reference reading: Federal Circuit and Family Court of Australia - Preparing an Affidavit - available at: https://www.fcfcqa.gov.au/sites/default/files/2021-12/Preparing_an_affidavit_WEB_0921V2.pdf | Weekly online Zoom workshop. Part 1 of the Drafting Portfolio due by 11:59 pm on 29 August 2022 (Qld time). |

Week 8: Pleadings - 05 Sep 2022

| Module/Topic | Chapter | Events and Submissions/Topic |
|--------------|---|------------------------------|
| Pleadings. | The Honourable Justice James Henry, 'The Affidavit as a Tool of Persuasion: Drafting an Effective Affidavit and Using an Affidavit Effectively' (Paper delivered at the Cairns Judiciary CPD Series, Cairns) [2015] <i>Queensland Judicial Scholarship</i> 40. <i>Uniform Civil Procedure Rules 1999</i> (Qld), Chapter 6. | Weekly online Zoom workshop. |

Week 9: Wills - 12 Sep 2022

| Module/Topic | Chapter | Events and Submissions/Topic |
|--------------|---------|------------------------------|
|--------------|---------|------------------------------|

| | | |
|--------|--|------------------------------|
| Wills. | Thomas Word 'A Brief for Plain English in Wills and Trusts' (1980) 14(3) <i>University of Richmond Law Review</i> 471. | Weekly online Zoom workshop. |
|--------|--|------------------------------|

Week 10: Drafting for the Digital Reader - 19 Sep 2022

| Module/Topic | Chapter | Events and Submissions/Topic |
|----------------------------------|---|------------------------------|
| Drafting for the Digital Reader. | Nichola Corbett-Jarvis and Brendan Grigg, <i>Effective Legal Writing: A Practical Guide</i> (LexisNexis Butterworths, 3rd ed, 2021), Chapter 7. Camilla Baasch Andersen, 'Comic Contracts and Other Ways to Make the Law Understandable', The Conversation (19 January 2018). Available at: https://theconversation.com/comic-contracts-and-other-ways-to-make-the-law-understandable-90313 Reference reading: John McGuire and Camilla Baasch Andersen, 'Improving Aurecon's Employment Contracts Through Visualisation' (2019) 46(2) <i>University of Western Australia Law Review</i> 218. | Weekly online Zoom workshop. |

Week 11: Reflective Practice - 26 Sep 2022

| Module/Topic | Chapter | Events and Submissions/Topic |
|----------------------|--|--|
| Reflective Practice. | Nichola Corbett-Jarvis and Brendan Grigg, <i>Effective Legal Writing: A Practical Guide</i> (LexisNexis Butterworths, 3rd ed, 2021), sections 5.165 - 5.183. | Weekly online Zoom workshop. Part 2 of the Drafting Portfolio due by 11:59 pm on 27 September 2022 (Qld time). |

Week 12: Writing Week - 03 Oct 2022

| Module/Topic | Chapter | Events and Submissions/Topic |
|---------------|---------|---|
| Writing Week. | | No workshop this week. Reflection Due: Week 12 Wednesday (5 Oct 2022) 11:59 pm AEST |

Assessment Tasks

1 Online Quiz

Assessment Type

Online Quiz(zes)

Task Description

This Quiz will focus on foundational drafting principles, grammar, punctuation and the principles of plain English drafting, which are covered in Modules 1- 3. Students will have a maximum of 60 minutes to complete the Quiz. There will be between 10 and 20 questions to attempt and it will include both multiple choice and short answer questions.

This Quiz will be made available at 10:00 am on Friday 5 August 2022 (week 4, Qld time).

You must complete the test by submitting your answers to all questions online. You have one attempt to complete and submit your answers. You must therefore submit your answers online in one sitting (you cannot save your answers and return to them or amend them at a later date).

You will have 60 minutes to submit your answers online once you commence the Quiz.

You must complete your submission online by 11:59 pm on Monday 8 August 2022 (week 5, Qld time). Note that answers must be submitted by this time.

Open attempts will be submitted automatically when the time limit (60 minutes) expires and/or when the due date/time is reached (11.59 pm on Monday 8 August 2022).

Number of Quizzes

1

Frequency of Quizzes

Other

Assessment Due Date

Week 5 Monday (8 Aug 2022) 11:59 pm AEST

You will have 60 minutes to submit your answers online once you commence the Quiz. Open attempts will be submitted automatically when the time limit (60 minutes) expires and also when the due date is reached.

Return Date to Students

Week 6 Friday (26 Aug 2022)

Weighting

20%

Assessment Criteria

Most of the Quiz questions are multiple choice. The short answer questions will address the following criteria:
Your ability to evaluate issues affecting the drafting of documents and redraft any provisions requiring amendment;
Your ability to identify issues regarding plain English drafting and drafting conventions and correct those issues;
Your ability to identify and correct grammatical and punctuation issues; and
Your ability to communicate effectively in writing.

Referencing Style

- [Australian Guide to Legal Citation, 4th ed](#)

Submission

Online

Submission Instructions

You must complete the test by submitting your answers to all questions online. You have one attempt to complete and submit your answers (you cannot save your answers and return to them or amend them at a later date).

Learning Outcomes Assessed

- Communicate effectively in writing, including the appropriate usage of grammar, syntax and punctuation.
- Apply principles of plain English drafting, principles of interpretation, and drafting conventions to create legal documents that comply with the client's instructions and the objectives of the document.

2 Drafting Portfolio

Assessment Type

Written Assessment

Task Description

The Drafting Portfolio consists of authentic drafting exercises of the kind you would be expected to undertake as a trainee or newly qualified lawyer. It is submitted incrementally so that you not only receive feedback regularly on your work but also so that you can see your improvement over time and areas you need to focus on as the term progresses. The Drafting Portfolio is compiled over the duration of the term and consists of two parts:

Part 1: 30% in total. Includes:

1. Letter of advice to a client; and
2. Portfolio of the workshop exercises for weeks 1 to 5.

Part 1 must be submitted by 11:59 pm on 29 August 2022 (Qld time).

Part 2: 30% in total. Includes:

1. Outline of argument; and
2. Portfolio of the workshop exercises for weeks 6 - 10.

Part 2 must be submitted by 11:59 pm on 27 September 2022 (Qld time).

Instructions regarding the content to be included in your Drafting Portfolio will be set out in red in the workshop activities/ questions in the weekly study guides.

Criteria rubrics for Part 1 and Part 2 of the Drafting Portfolio are available in the 'Assessment' tile in Moodle.

Assessment Due Date

Please submit a Word document to facilitate the provision of feedback on your documents. The Drafting Portfolio must be submitted in two parts. Part 1 must be submitted by 11:59 pm on 29 August 2022 (Qld time). Part 2 must be submitted by 11:59 pm on 27 September 2022 (Qld time).

Return Date to Students

Part 1 of the Drafting Portfolio will be returned within three weeks of submission. Part 2 of the Drafting Portfolio may be withheld until the certification of grades.

Weighting

60%

Assessment Criteria

Your ability to evaluate issues affecting the drafting of documents and redraft any provisions requiring amendment

Your ability to create or amend legal documents in accordance with the purpose, context and needs of the reader

Your ability to apply the principles of plain English drafting and drafting conventions to create or amend legal documents

Your ability to communicate effectively in writing

Your ability to provide advice on legal issues in accordance with the needs of the reader

Your ability to provide comprehensive and constructive feedback to a peer

Your ability to argue persuasively in writing

Your ability to use sources in an effective manner to support your arguments

The criteria rubric for this assessment is available in Moodle under the 'Assessment' tile.

Referencing Style

- [Australian Guide to Legal Citation, 4th ed](#)

Submission

Online

Submission Instructions

The Drafting Portfolio must be submitted in two parts. Part 1 must be submitted by 11:59 pm on 29 August 2022 (Qld time). Part 2 must be submitted by 11:59 pm on 27 September 2022 (Qld time).

Learning Outcomes Assessed

- Communicate effectively in writing, including the appropriate usage of grammar, syntax and punctuation.
- Apply principles of plain English drafting, principles of interpretation, and drafting conventions to create legal documents that comply with the client's instructions and the objectives of the document.
- Reflect critically on your written work and provide comprehensive feedback to others through a peer review process.

3 Reflection

Assessment Type

Reflective Practice Assignment

Task Description

Students will be required to reflect on their Drafting Portfolio, the feedback received from their tutor, informal feedback from their peers via MS Teams, and also peer feedback received via the peer review process. As part of the reflection process, students will self-grade their work, identify their areas of strength and areas for improvement in the future. The reflection is due in week 12.

Assessment Due Date

Week 12 Wednesday (5 Oct 2022) 11:59 pm AEST

Return Date to Students

Results may be withheld until certification of grades.

Weighting

20%

Assessment Criteria

Your ability to describe the learning experience and your performance

Your ability to analyse the learning experience and your work with reference to the assessment criteria

Your ability to reflect on the feedback you received

Your ability to identify methods by which your work can improve in the future

Your ability to communicate effectively in writing

The criteria rubric for this assessment is available in Moodle under the 'Assessment' tile.

Referencing Style

- [Australian Guide to Legal Citation, 4th ed](#)

Submission

Online

Submission Instructions

Please submit a Word document to facilitate the provision of feedback on your documents.

Learning Outcomes Assessed

- Communicate effectively in writing, including the appropriate usage of grammar, syntax and punctuation.
- Reflect critically on your written work and provide comprehensive feedback to others through a peer review process.

Academic Integrity Statement

As a CQUniversity student you are expected to act honestly in all aspects of your academic work.

Any assessable work undertaken or submitted for review or assessment must be your own work. Assessable work is any type of work you do to meet the assessment requirements in the unit, including draft work submitted for review and feedback and final work to be assessed.

When you use the ideas, words or data of others in your assessment, you must thoroughly and clearly acknowledge the source of this information by using the correct referencing style for your unit. Using others' work without proper acknowledgement may be considered a form of intellectual dishonesty.

Participating honestly, respectfully, responsibly, and fairly in your university study ensures the CQUniversity qualification you earn will be valued as a true indication of your individual academic achievement and will continue to receive the respect and recognition it deserves.

As a student, you are responsible for reading and following CQUniversity's policies, including the [Student Academic Integrity Policy and Procedure](#). This policy sets out CQUniversity's expectations of you to act with integrity, examples of academic integrity breaches to avoid, the processes used to address alleged breaches of academic integrity, and potential penalties.

What is a breach of academic integrity?

A breach of academic integrity includes but is not limited to plagiarism, self-plagiarism, collusion, cheating, contract cheating, and academic misconduct. The Student Academic Integrity Policy and Procedure defines what these terms mean and gives examples.

Why is academic integrity important?

A breach of academic integrity may result in one or more penalties, including suspension or even expulsion from the University. It can also have negative implications for student visas and future enrolment at CQUniversity or elsewhere. Students who engage in contract cheating also risk being blackmailed by contract cheating services.

Where can I get assistance?

For academic advice and guidance, the [Academic Learning Centre \(ALC\)](#) can support you in becoming confident in completing assessments with integrity and of high standard.

What can you do to act with integrity?



Be Honest

If your assessment task is done by someone else, it would be dishonest of you to claim it as your own



Seek Help

If you are not sure about how to cite or reference in essays, reports etc, then seek help from your lecturer, the library or the Academic Learning Centre (ALC)



Produce Original Work

Originality comes from your ability to read widely, think critically, and apply your gained knowledge to address a question or problem