



# LAWS12063 Legal Drafting

## Term 2 - 2023

Profile information current as at 24/04/2024 12:33 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, such as drafting pleadings, affidavits, contracts and letters of advice.

#### 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 of 36 credit points of law units.

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 - 2023

- 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: 25%

#### 2. **Written Assessment**

Weighting: 50%

#### 3. **Portfolio**

Weighting: 25%

### 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 SUTE and emails

##### **Feedback**

Due to the timing of submission of part B of the drafting portfolio (week 11) and the reflection task (week 12), feedback on part B of the drafting portfolio is not received until after the reflection task is submitted. Although students may use feedback received on the online test and part A of the drafting portfolio (and feedback received from peers and the unit coordinator on documents submitted to MS Teams) to construct their reflection, some were concerned about the fact that feedback on part B could not be provided before submission of the reflection.

##### **Recommendation**

As part B is focused on the materials covered in the second half of the unit, it is not possible for its submission date to be brought forward to allow for sufficient time for the unit coordinator to mark part B prior to the submission of the reflection. As students are frequently asked throughout both parts of the portfolio to reflect on their draft documents, and identify where their skills are improving and those aspects that require improvement, it is recommended that the reflection task be removed as a standalone assessment task and that reflection be emphasised in the portfolio criteria instead.

#### Feedback from SUTE, workshops, emails

##### **Feedback**

Students appreciate the opportunity to receive feedback on a weekly basis from the unit coordinator and their peers on their draft documents via MS Teams

##### **Recommendation**

The unit coordinator should continue to provide feedback on all drafts posted on MS Teams prior to the workshop and identify other ways to reiterate the importance of engaging in a 'drafting community' to ensure students receive feedback from multiple sources on their work.

## 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 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) - 25%	•	•	
2 - Written Assessment - 50%	•	•	•
3 - Portfolio - 25%	•	•	•

### 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

This textbook (3rd edition) is also available in e-book format.

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](mailto:n.corbett-jarvis@cqu.edu.au)

## Schedule

### Week 1: Introduction Legal Drafting - 10 Jul 2023

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) - 17 Jul 2023

Module/Topic	Chapter	Events and Submissions/Topic
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Grammar Matters: Part 1.	Nichola Corbett-Jarvis and Brendan Grigg, <i>Effective Legal Writing: A Practical Guide</i> (LexisNexis Butterworths, 3rd ed, 2021), sections 2 - 2.68. Office of Parliamentary Counsel, <i>Plain English Manual</i> (1993), pages 13 - 34 (available at <a href="https://www.opc.gov.au/drafting-resources/plain-language">https://www.opc.gov.au/drafting-resources/plain-language</a> ).	Weekly online Zoom workshop.
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### Week 3: Grammar Matters (Part 2) - 24 Jul 2023

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', <i>Worklife</i> , available at: <a href="https://www.bbc.com/worklife/article/20180723-the-commas-that-cost-companies-millions">https://www.bbc.com/worklife/article/20180723-the-commas-that-cost-companies-millions</a> Newspaper article: 'Missing apostrophe in Facebook post lands NSW real estate agent in hot water', <i>The Guardian</i> , available at: <a href="https://www.theguardian.com/law/2021/oct/10/missing-apostrophe-in-facebook-post-lands-nsw-real-estate-agent-in-legal-hot-water">https://www.theguardian.com/law/2021/oct/10/missing-apostrophe-in-facebook-post-lands-nsw-real-estate-agent-in-legal-hot-water</a>	Weekly online Zoom workshop.

### Week 4: Correspondence - 31 Jul 2023

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 - 07 Aug 2023

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, 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). Available at: <a href="https://www.hcourt.gov.au/assets/publications/speeches/current-justices/haynej/haynej_05mar07.pdf">https://www.hcourt.gov.au/assets/publications/speeches/current-justices/haynej/haynej_05mar07.pdf</a>	Weekly online Zoom workshop.  <b>Legal Drafting Quiz</b> Due: Week 5 Monday (7 Aug 2023) 11:59 pm AEST

### Vacation Week - 14 Aug 2023

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

### Week 6: Drafting Pleadings - 21 Aug 2023

Module/Topic	Chapter	Events and Submissions/Topic
Drafting Pleadings	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 7: Affidavits - 28 Aug 2023

Module/Topic	Chapter	Events and Submissions/Topic
Affidavits.	<i>How to Prepare an Affidavit: Part 1</i> , available at: <a href="https://www.qjs.com.au/Membership/The-Hub/Legal-Tips-Guides/How-to-prepare-an-affidavit-part-1">https://www.qjs.com.au/Membership/The-Hub/Legal-Tips-Guides/How-to-prepare-an-affidavit-part-1</a> <i>How to Prepare an Affidavit: Part 2</i> , available at: <a href="https://www.qjs.com.au/Membership/The-Hub/Legal-Tips-Guides/How-to-prepare-an-affidavit-part-2">https://www.qjs.com.au/Membership/The-Hub/Legal-Tips-Guides/How-to-prepare-an-affidavit-part-2</a> <i>How to Prepare an Affidavit, Part 3</i> , available at: <a href="https://www.qjs.com.au/Membership/The-Hub/Legal-Tips-Guides/How-to-prepare-an-affidavit-part-3">https://www.qjs.com.au/Membership/The-Hub/Legal-Tips-Guides/How-to-prepare-an-affidavit-part-3</a> 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 AustLi) Reference reading: Federal Circuit and Family Court of Australia - Preparing an Affidavit - available at: <a href="https://www.fccoa.gov.au/sites/default/files/2021-12/Preparing_an_affidavit_WEB_0921V2.pdf">https://www.fccoa.gov.au/sites/default/files/2021-12/Preparing_an_affidavit_WEB_0921V2.pdf</a>	Weekly online Zoom workshop.

### Week 8: Drafting Contracts - 04 Sep 2023

Module/Topic	Chapter	Events and Submissions/Topic
Drafting Contracts.	Mark Cohen, 'How to Draft a Bad Contract' (2016-2017) 17 <i>Scribes Journal of Legal Writing</i> 79.	Weekly online Zoom workshop.  <b>Practical Drafting Task</b> Due: Week 8 Monday (4 Sept 2023) 11:59 pm AEST

### Week 9: Wills - 11 Sep 2023

Module/Topic	Chapter	Events and Submissions/Topic
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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.
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### Week 10: Drafting in the Digital World - 18 Sep 2023

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. Caroline Hill, 'Allen & Overy breaks the internet (and new ground) with co-pilot Harvey', <i>Legal IT Insider</i> (16 February 2023). Available at: <a href="https://legaltechnology.com/2023/02/16/allen-overy-breaks-the-internet-and-new-ground-with-co-pilot-harvey/">https://legaltechnology.com/2023/02/16/allen-overy-breaks-the-internet-and-new-ground-with-co-pilot-harvey/</a> Camilla Baasch Andersen, 'Comic Contracts and Other Ways to Make the Law Understandable', <i>The Conversation</i> (19 January 2018). Available at: <a href="https://theconversation.com/comic-contracts-and-other-ways-to-make-the-law-understandable-90313">https://theconversation.com/comic-contracts-and-other-ways-to-make-the-law-understandable-90313</a> 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 - 25 Sep 2023

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.

### Week 12: Writing Week - 02 Oct 2023

Module/Topic	Chapter	Events and Submissions/Topic
Writing Week.	No reading this week.	Weekly online Zoom workshop.  <b>Drafting Portfolio Due: Week 12 Friday (6 Oct 2023) 11:59 pm AEST</b>

## Assessment Tasks

### 1 Legal Drafting 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 Quiz will include both multiple choice and short answer questions.

- The Quiz will be made available at 10:00 am on Friday 4 August 2023 (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 7 August 2023 (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 7 August 2023).

#### Number of Quizzes

1

#### Frequency of Quizzes

Other

#### Assessment Due Date

Week 5 Monday (7 Aug 2023) 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 deadline is reached.

**Return Date to Students**

Week 6 Friday (25 Aug 2023)

**Weighting**

25%

**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 Practical Drafting Task

**Assessment Type**

Written Assessment

**Task Description**

This authentic drafting task requires students to draft two legal documents that a trainee or newly qualified lawyer would be expected to complete in legal practice and then reflect on their work.

Further instructions and the criteria rubric are under the 'Assessment tile' in Moodle.

**Assessment Due Date**

Week 8 Monday (4 Sept 2023) 11:59 pm AEST

Students must submit both drafting tasks as one Word document.

**Return Date to Students**

Week 11 Monday (25 Sept 2023)

**Weighting**

50%

**Assessment Criteria**

- Your ability to create 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 when drafting legal documents;
- Your ability to present persuasive arguments in a logical manner;
- Your ability to present factual information in a concise and comprehensive manner
- Your ability to present the document and its contents in accordance with the applicable procedure rules and practice directions;
- 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

**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 written work and provide comprehensive feedback to others through a peer review process.

### 3 Drafting Portfolio

**Assessment Type**

Portfolio

**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. As part of the portfolio, students must also engage in peer review tasks and reflection on their drafting. 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.

Further instructions and the criteria rubric are under the 'Assessment tile' in Moodle.

**Assessment Due Date**

Week 12 Friday (6 Oct 2023) 11:59 pm AEST

**Return Date to Students**

Results may be withheld until certification of grades.

**Weighting**

25%

**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, needs of the reader and your instructions;
- Your ability to apply the principles of plain English drafting, drafting conventions, and procedural rules and practice directions 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; and
- Your ability to provide comprehensive and constructive feedback to a peer.

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

**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 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