



LAWS12063 Legal Drafting

Term 2 - 2024

Profile information current as at 29/07/2024 03:15 pm

All details in this unit profile for LAWS12063 have been officially approved by CQUniversity 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 - 2024

- 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 Reflection by the unit coordinator.

Feedback

The unit includes a week focused on digital drafting, including the practical and ethical implications of using generative AI in legal drafting. As generative AI is advancing all the time, further content should be directed towards this topic.

Recommendation

Expand discussion of the ethical implications of lawyers using generative AI when drafting legal documents and encourage students to investigate the quality of legal documents generative AI produces.

Feedback from Student feedback and reflection by the unit coordinator

Feedback

Students benefited from extensive feedback on the two different drafting tasks in the mid-term written assessment, but there was only a short amount of time between completing the content relevant to the second task and the due date.

Recommendation

Review the timing of the mid-term written assessment.

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

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 - 08 Jul 2024

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) - 15 Jul 2024

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) - 22 Jul 2024

Module/Topic	Chapter	Events and Submissions/Topic
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Nichola Corbett-Jarvis and Brendan Grigg, *Effective Legal Writing: A Practical Guide* (LexisNexis Butterworths, 3rd ed, 2021), sections 2.69 - 2.94.

Grammar Matters: Part 2.

Newspaper article: 'The commas that cost companies millions', *Worklife*, available at: <https://www.bbc.com/worklife/article/20180723-the-commas-that-cost-companies-millions>

Weekly online Zoom workshop.

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>

Week 4: Correspondence - 29 Jul 2024

Module/Topic	Chapter	Events and Submissions/Topic
Correspondence.	Nichola Corbett-Jarvis and Brendan Grigg, <i>Effective Legal Writing: A Practical Guide</i> (LexisNexis Butterworths, 3rd ed, 2021), 6 - 6.92. Queensland Law Society, <i>Courtesy in Communication</i> (Guidance Statement No 31). Available at: https://www.qls.com.au/Guidance-Statements/No-31-Courtesy-in-communications	Weekly online Zoom workshop.

Week 5: Outlines of Argument - 05 Aug 2024

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: https://www.hcourt.gov.au/assets/publications/speeches/current-justices/haynej/haynej_05mar07.pdf	Weekly online Zoom workshop. Legal Drafting Quiz Due: Week 5 Monday (5 Aug 2024) 6:00 pm AEST

Vacation Week - 12 Aug 2024

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

Week 6: Drafting Pleadings - 19 Aug 2024

Module/Topic	Chapter	Events and Submissions/Topic
Drafting 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 7: Affidavits - 26 Aug 2024

Module/Topic	Chapter	Events and Submissions/Topic
Affidavits.	<i>How to Prepare an Affidavit: Part 1</i> , available at: https://www.qls.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.qls.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.qls.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.

Week 8: Drafting Contracts - 02 Sep 2024

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. Practical Drafting Task Due: Week 8 Friday (6 Sept 2024) 6:00 pm AEST

Week 9: Wills - 09 Sep 2024

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 in the Digital World - 16 Sep 2024

Module/Topic	Chapter	Events and Submissions/Topic
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Drafting for the Digital Reader.

Nichola Corbett-Jarvis and Brendan Grigg, *Effective Legal Writing: A Practical Guide* (LexisNexis Butterworths, 3rd ed, 2021), Chapter 7.
 Caroline Hill, 'Allen & Overy breaks the internet (and new ground) with co-pilot Harvey', *Legal IT Insider* (16 February 2023). Available at: <https://legaltechnology.com/2023/02/16/allen-overy-breaks-the-internet-and-new-ground-with-co-pilot-harvey/>
 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>
 Tapani Rinta-Kahila, 'What happens when we outsource boring but important work to AI? Research shows we forget how to do it ourselves', *The Conversation* (26 February 2024). Available at: <https://theconversation.com/what-happens-when-we-outsource-boring-but-important-work-to-ai-research-shows-we-forget-how-to-do-it-ourselves-223981>
 Reference reading:
 AIJA, *AI Decision-making and the Courts: A Guide for Judges, Tribunal Members and Court Administrators* (Revised 2023), https://aija.org.au/wp-content/uploads/2023/12/AIJA_AI-DecisionMakingReport_2023update.pdf

Weekly online Zoom workshop.

Week 11: Reflective Practice - 23 Sep 2024

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 - 30 Sep 2024

Module/Topic	Chapter	Events and Submissions/Topic
Writing Week.	No reading this week.	Weekly online Zoom workshop. Drafting Portfolio Due: Week 12 Friday (4 Oct 2024) 6:00 pm AEST

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. The Quiz will include both multiple choice and short answer questions.

- The Quiz will be made available at 10:00 am on Friday 2 August 2024 (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 6:00 pm on Monday 5 August 2024 (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 (6:00 pm on Monday 5 August 2024).

Number of Quizzes

1

Frequency of Quizzes

Other

Assessment Due Date

Week 5 Monday (5 Aug 2024) 6:00 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

The quiz is graded automatically, but quiz results will be released once all students have submitted the quiz.

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 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. 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. You must also reflect on the drafting process and the documents you produced.

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

Assessment Due Date

Week 8 Friday (6 Sept 2024) 6:00 pm AEST

Students must submit both drafting tasks as one Word document.

Return Date to Students

Estimated return time is 2 weeks.

Weighting

50%

Assessment Criteria

This Practical Drafting Task assesses your ability to:

- create legal documents in accordance with the purpose, context, needs of the reader and your client's instructions;
- apply the principles of plain English drafting and drafting conventions;
- present persuasive arguments in a logical manner;
- present relevant factual information in a concise and professional manner;
- present a document and its content in accordance with the applicable procedure rules and practice directions;
- communicate effectively in writing; and
- reflect on the drafting process and the documents you produced.

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

Students must submit both drafting tasks as one Word document.

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 reflect 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 (4 Oct 2024) 6:00 pm AEST

Students must submit their portfolio as a Word document.

Return Date to Students

Results may be withheld until certification of grades.

Weighting

25%

Assessment Criteria

The Drafting Portfolio assesses your ability to:

- evaluate drafting issues in a legal document and redraft any provisions requiring amendment;
- create or amend legal documents in accordance with the purpose, context, needs of the reader and your client's instructions;
- apply the principles of plain English drafting, drafting conventions, and relevant procedural rules and practice directions;
- communicate effectively in writing;
- provide comprehensive and constructive feedback to a peer; and
- critically reflect on the documents you produced and the progression of your drafting skills across the term.

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

Students must submit their portfolio as a Word document.

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