



2nd Annual Queensland
**legal drafting
series**

Six half day workshops focused on
developing best practice techniques
for drafting legal documents

Conrad Treasury Brisbane

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|---------------------------------|--|
| Workshop 2: 10 May | Drafting Skills for Everyday Documents Used in Practice |
| Workshop 3: 21 June | Successfully Drafting Pleadings Involving Breach of Contract |
| Workshop 4: 19 July | Protecting Your Client's Interest in Business Transfers – Drafting Effective Business Sale Contracts |
| Workshop 5: 16 August | Drafting and Alternative Dispute Resolution – ADR Agreements, Settling Disputes and Drafting Settlement Agreements |
| Workshop 6: 13 September | PART A: Managing and Allocating Risk – Drafting Indemnities, Limitation of Liability, Assignment of Risk, Insurance and Agreed Damages Clauses

PART B: The Essential Guide to Drafting Confidentiality Agreements and Restraint of Trade or Competition Clauses |

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Workshop 2 10 May 2007

Drafting Skills for Everyday Documents Used in Practice

8:30

Registration

9:00 – 1:00

WORKSHOP

Effective written communication is a pre-requisite of practising law and a skill which is constantly evolving and developing.

Taking a holistic approach, this workshop reviews the plain English revolution and examines the principles behind drafting plain English documents.

Avoiding legalese, the workshop facilitator will examine and critique common documents used in practice and illustrate, by way of example, best practice drafting approaches.

In examining common documents used in practice the material drawn upon will encompass:

- Letter writing tips for:
 - formal letters of advice
 - retainer letters
 - post settlement confirmation
 - communications with the other side
- Reducing client's instructions to writing
- Practical approaches to drafting simple Deeds of Agreement and Terms of Settlement
- Taking care when drafting client cost agreements and considering additional clauses you may wish to include
- Considering the benefits and drawbacks of using precedent documents

Workshop Facilitator

ABOUT YOUR FACILITATOR

Terence Ogge, Director Migration Services, **Michael Sing Lawyers**, practises in immigration law and succession law. His interest in plain English has continued for more than twenty years. His Masters degree (English language) included a study of grammar, style, usage, lexicology and the language of the High Court of Australia. Involvement in the plain English movement has included many years membership of the Queensland Law Society Plain English committee, the publishing of articles and the giving of seminars and workshops to students and legal professionals.

Who should attend?

- Lawyers seeking to develop their existing drafting skills
- Trainee and junior lawyers
- Precedent managers
- Law students intending to enter legal practice

Workshop 3 21 June 2007

Successfully Drafting Pleadings Involving Breach of Contract

8:30

Registration

9:00 – 1:00

WORKSHOP

Knowing how to argue and plead breach of contract forms a major component of legal practice and is an imperative skill for every lawyer, whether the transaction involves a contract to purchase goods or the performance of an activity.

Extending beyond the theoretical principles of contract, this workshop has been especially designed to provide a practical and interactive environment for delegates to develop their knowledge and drafting skills associated with arguing cases involving breach of contract.

This workshop focuses on all drafting aspects involving breach of contract from outlining your case in correspondence to complex pleadings involving multiple causes of action.

Key issues to be covered in this workshop include:

- Preparing your case - determining whether your client has a cause of action
- Practical tips for drafting and responding to correspondence alleging breach of contract
- Incorporating statutory provisions within your written argument - the *Trade Practices Act, Fair Trading Act and Sale of Goods Act*
- Successfully outlining the remedy sought in correspondence and pleadings
- Raising a defence – drafting responses to breach of contract claims
- Going to Court – effective and precise Claims, Statement of Claim or Defences and Counter Claims

Workshop Facilitators

ABOUT YOUR FACILITATORS

Melanie Bird, Solicitor, **Leonard Legal** has been practising in the areas of banking and finance, insurance, secured and unsecured debt recovery, commercial litigation, insolvency and property law since 2002. Melanie was first admitted to practice in South Australia where she practiced for two years at Jones King Lawyers before moving to Melbourne and working for Gadens Lawyers in the insolvency division. After eighteen months at Gadens, Melanie moved to the Melbourne office of Leonard Legal as a senior Lawyer before accepting the role as State Manager of a newly established Brisbane office.

David Topp, Barrister, **Queensland Bar** practices in all areas of commercial, debt recovery and insolvency litigation. Admitted as a solicitor in 2002 and commencing as a barrister in 2006, David has in this time pleaded and responded to pleadings covering many and varied causes of action, breach of contract being a primary basis for the majority of commercial disputes. Having worked for the amount of years as a practitioner as David has, he provides the benefit of being able to present practical, practitioner focused workshop sessions.

Who should attend?

- Litigation lawyers
- In house Counsel
- Commercial practitioners
- Solicitors in general practice
- Trainee lawyers

Workshop 4 19 July 2007

Protecting Your Client's Interests in Business Transfers – Drafting Effective Business Sale Contracts

8:30

Registration

9:00 – 1:00

WORKSHOP

The fundamental cornerstone of every business transfer is the sale contract. A well drafted contract may be the difference between an efficient and effective business transfer or an unsuccessful attempted transfer and financial loss for you and your client.

Taking a practical approach to drafting business sale contracts this workshop addresses all essential terms of the contract, including standard conditions, special conditions and the use of the REIQ sale of business contract.

The workshop facilitators will lead discussion and provide practical examples of drafting business transfer contracts with particular emphasis on:

- Correcting common drafting errors of standard clauses
- Lease assignment or surrender provisions
- Retention or restraint of employment of staff
- Due diligence clauses
- Providing for Goodwill
- Obtaining or transferring licences
- Damages and penalties

This workshop provides delegates with the opportunity to undertake exercises in drafting terms of the contract and to discuss the best drafting approach to achieve an accurate and high-quality business sale contract.

Workshop Facilitators

ABOUT YOUR FACILITATORS

Peter Jolly, Partner, **Biggs & Biggs Lawyers** is Managing Partner and also heads up the firm's commercial group. He has over 20 year's legal experience in commercial and corporate law, with a focus on business law. Peter advises a range of clients from public companies to small and medium businesses. His experience includes acting in the sale and acquisition of companies, cooperatives, businesses and commercial properties. He is also an accredited business law specialist.

Michelle Lember, Senior Lawyer, **Maskiells Lawyers** has advised SMEs and national and international companies in all aspects of business law, including structuring, franchising, leasing, business transfers, trade practices and intellectual property. Michelle holds a Masters degree in Commercial Law, Bachelors degrees in Economics and Business Management, and Certificates in International Law. She also mentors entrepreneurs in the Department of State Development's Mentoring for Growth program in Brisbane and on the Sunshine Coast. Michelle has been responsible for drafting and updating Precedents at mid-tier and boutique practices with a focus on succinct, plain English drafting and balancing protection of the client's interest with taking a commercial approach.

Who should attend?

- Accredited business law specialists
- Practitioners undertaking transfers of small and medium enterprises
- Commercial lawyers
- Trainee lawyers involved in commercial transactions

Workshop 5 16 August 2007

Drafting and Alternative Dispute Resolution – ADR Agreements, Settling Disputes by ADR and Drafting Settlement Agreements

8:30

Registration

9:00 – 1:00

WORKSHOP

Alternative Dispute Resolution is a fast and effective way of assisting your clients in the settlement and resolution of their matters. Taking various forms, ADR is able to be utilised as a settlement tool for most legal disputes including commercial matters, contracts, negligence claims, wills and estates, family law, building and construction, employment and anti-discrimination law.

Considering all aspects of ADR, including formalising a settlement reached at an ADR event, this workshop allows practitioners the opportunity to improve their knowledge of ADR methods while honing their skills in the drafting of ADR agreements, ADR clauses and settlement agreements.

Focusing on practical drafting skills, this workshop explores:

- Defining ADR and identifying the best ADR method for your dispute
- Evaluating the effectiveness of an ADR agreement
- Taking a practical approach to drafting ADR agreements
- Including enforceable ADR clauses in contracts
- Considering sample model ADR agreements and ADR clauses
- Ensuring ADR agreements and ADR clauses are enforceable
- Attending an ADR event – what to expect
- Settling disputes via ADR and drafting terms of agreement under pressure
- Dealing with the regretful and rueful clients post settlement – “my lawyer made me settle”

Workshop Facilitators

ABOUT YOUR FACILITATORS

Tracey Harrip, Partner, **Allens Arthur Robison** has over 25 years experience in commercial litigation and dispute resolution and has been a partner of the firm since 1991. She is at the forefront of alternative dispute resolution in Queensland, having been a qualified mediator for more than 15 years and a graded arbitrator with the Institute of Arbitrators and Mediators Australia for 9 years. Tracey is a Queensland Law Society approved arbitrator and has acted as an Expert Adjudicator in a broad range of legal disputes. She is recognised as an expert in many areas of the law, including contract, property, leasing, negligence, intellectual property, trade practices and corporate disputes.

Scott Hooper, Senior Associate, **Allens Arthur Robison** has more than 9 years experience in dispute resolution in both Australia and the United Kingdom. Scott has a diverse practice with particular expertise in resolving disputes relating to insurance, negligence, trade practices, construction and contract. He recently returned to Queensland after practising for 6 years in London, where he represented clients in many international arbitrations. Scott has documented the settlement of numerous complex disputes, including the high-profile Barings litigation.

Who should attend?

- Lawyers in all practice areas
- Trainee solicitors
- Mediators
- Arbitrators

Workshop 6 13 September 2007

Part A: Managing and Allocating Risk – Drafting Indemnities, Limitation of Liability, Assignment of Risk, Insurance and Agreed Damages Clauses

8:30

Registration

9:00 – 1:00

WORKSHOP

One of the more contentious issues in contract negotiation is the allocation and minimisation of risk. Within this context the drafting of indemnities, limitation of liability, insurance and agreed damages clauses have the potential to be the main points of discord between the contracting parties and, if drafted ineffectually, cause subsequent conflict.

Using practical examples and group discussions facilitated by the workshop presenter, this workshop arms delegates with strategies to ensure proficient and precise drafting of indemnities, limitations of liability, assignments of risk, insurance and agreed damages clauses.

Topics addressed in this workshop include:

- Providing an overview of the law relating to Indemnities, limitation of liability, assignment of risk, insurance and agreed damages clauses
- Determining which risks are negotiable for your client
- Best practice approach to drafting indemnities, agreed damages, assignment of risk, insurance and limitation of liability clauses
- Considering example clauses often used in practice
- Practical tips for drafting effective clauses

Workshop Facilitator

ABOUT YOUR FACILITATOR

Jay Leary, Senior Associate, **Freehills** has considerable experience working for clients on the development, construction and operation of large scale projects. Jay has particular interest in infrastructure projects as well as contract disputes. He was seconded for three years to act as the legal counsel to the engineering and construction group of an international resources group.

Who should attend?

- In house counsel
- Commercial lawyers
- Practitioners involved in contract negotiation and drafting
- Front end construction practitioners
- Property lawyers
- Trainee and junior lawyers

Part B: The Essential Guide to Drafting Confidentiality Agreements and Restraint of Trade or Competition Clauses

1:30

Registration

2:00 – 5:00

WORKSHOP

Confidentiality agreements and restraint of trade clauses regularly arise in legal practice and have the potential to fatally affect your client's rights.

Included in most contracts, confidentiality agreements and restraint of trade clauses are often found in franchise agreements, licencing contracts and contracts for selling commercial enterprises, sale of business contracts and employment contracts. The wide application of confidentiality agreements and restraint of trade clauses makes identification of key issues in the assessment and drafting of these documents an essential skill for lawyers. This workshop allows for a practical, hands-on approach to drafting confidentiality agreements and restraint of trade or competition clauses.

Within this forum, topics addressed include:

- Assessing and drafting the scope and limits of confidentiality agreements and restraint of trade clauses, including:
 - Considering the geographical constraints
 - Determining the period of operation
- Confidentiality Agreements:
 - Defining confidential information within the agreement
 - Drafting clauses to allow for disclosure of confidential information in certain circumstances
 - Including exemptions and exceptions in the confidentiality agreement
 - Making provision for third parties such as contractors and employees to maintain confidentiality as part of the terms of agreement
 - Drilling down breach, remedies and jurisdiction clauses
- Restraint of Trade or Competition Clauses:
 - Raising awareness of Part IV of the Trade Practices Act to ensure the restraint is lawful
 - Drafting to ensure the restraint of trade or competition clause is reasonable
 - Allowing for severance within the clause
 - Assessing sample restraint of trade clauses

Workshop Facilitators

ABOUT YOUR FACILITATORS

Andrew Clark, Solicitor, **Home Wilkinson Lowry** has a background in both property and general commercial law specialising in franchising, intellectual property and general structuring. He has recently been involved in the management buyout of a major automotive supplier and has worked on a number of significant business acquisitions over recent years. Andrew also has an array of experience with smaller clients ranging from property developers through to local franchisors, franchisees and small business owners.

Kathy Minter, Partner, **Home Wilkinson Lowry** is an expert in intellectual property. Her main focus is commercial transactions involving intellectual property ownership, licensing and transfer. She has acted for a large number of pharmaceutical, biotechnology, medical devices, IT and other technology clients, but also for many smaller, owner managed businesses and start-ups. Kathy is admitted to practice in Queensland, New South Wales and under the laws of England and Wales. She started her career as a scientist, working for a major pharmaceutical company.

Who should attend?

- Property lawyers
- Commercial and conveyancing lawyers
- Employment lawyers and HR officers
- Compliance officers
- Intellectual property professionals
- Precedent managers
- Project managers

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2nd Annual Queensland Legal Drafting Series Supporting Publications

Workshop 2 supporting publication Butterworths Guides - Grammar for Lawyers

This book is a brief guide to the correct use of grammar in legal writing, and a primer in the use of precise grammatical and syntactical analysis in legal interpretation. It is written in the context of judicial comment and analysis from a wide range of common law jurisdictions. While it is true there is no such thing as 'legal grammar', concise, correct and unambiguous writing is more important in the legal profession than any other.

The ability to analyse and discuss language with precision, when guided by the broader principles of statutory interpretation, remains an important legal skill.

This book aims to provide a first port of call for those seeking to acquire or upgrade knowledge in this area. Grammar for Lawyers offers an extended grammar lesson of a new kind, firmly located in the context of local and recent judicial writing.

Workshop 3 supporting publication Carter on Contract

Written by University of Sydney Professor of Law and consultant, John Carter, Carter on Contract provides a comprehensive reference to contract law, presented in a logical and detailed format that is easy to comprehend. Set out in clear chapters and written in concise English, Carter on Contract provides: full discussion of the theoretical underpinnings of contract law and a perspective on its relation to equity, tort and restitution; a clear statement of the principal rules plus an indication of where the law is heading to help you anticipate changes; identification of uncertainties in the law; sample clauses and practical examples to help draft contracts; practice points alerting you to significant practical issues; checklists to help locate drafting criteria as well as information to assist in the enforcement of contracts; and references to leading and recent cases from both Australia and overseas.

Workshop 4 supporting publication Lawyers Tax Manual

The Lawyers' Tax Manual is a subscription service designed to give lawyers an easy, in-depth and practical understanding of the tax implications of the common activities of their clients' businesses. Whether they're running a business, selling a property, negotiating an employment contract, or getting a divorce. Lawyers' Tax Manual talks about tax in the way lawyers work on tax.

Refreshingly practical, it helps you give your clients the very best advice without having to trawl through the tax law, section by section. Lawyers' Tax Manual brings you in-depth commentary arranged on a transactional basis. It delivers practical answers and solutions so you'll find it really closes the knowledge gap on specialist tax issues. As well as the obvious time-saving benefits, it'll help you brief internal and external consultants more effectively. If people are asking you more taxing questions these days, the Lawyers' Tax Manual is essential reading. Lawyers Tax Manual is available in loose leaf and online formats and regularly updated.

Lawyers' Tax Manual is written by experts from Amby Legal, Ernst and Young, Grant Thornton Chartered Accountants, KPMG Employment Focus Group (Melbourne), Greenwoods and Freehills, Baker and McKenzie, Webb Martin and Creagh Weightman.

Workshop 5 supporting publication Mediation: Principles, Process, Practice 2nd edition

This book has been written for teachers and students of mediation theory and principles, for those who practice in the field, and for judges, lawyers and other law officials who are involved in the consideration of the many legal facets of mediation practice.

Part One elucidates the historical foundations of mediation in different contexts and the theories and values underlying its modern applications. Part Two describes how mediation is conducted, in its many variations, with reference to the roles of mediators, parties, lawyers and the others involved in the process. Part Three describes the modern practice of mediation, in Australia and abroad, and analyses the numerous laws and cases that regulate aspects of the mediation process.

Workshop 6: Part A supporting publication Legal Express e-newsletter

Delivered free to your desktop each business morning, Legal Express is a complimentary legal alert service offering a useful overview of current events in the legal arena. Legal Express contains legal news articles, short case notes and concise details of newly-released legislative information plus links to legal tenders notices. Legal Express is fully customisable, allowing you to receive notifications of developments in your chosen areas only. Complimentary registration at www.lexisnexis.com.au/legalexpress. Subscribers may also link directly to comprehensive digests in Australian Current Law and full text cases in Unreported Judgments.

Workshop 6: Part B supporting publication Inhouse Counsel

The role of the In-house Counsel newsletter has become vastly more complex and demanding in recent years. Ever higher standards of corporate governance, disclosure and accountability require equally high levels of skill, professionalism and knowledge on the part of the corporate lawyer. Inhouse counsel are now required to deal with a formidable range of compliance and prudential issues, in areas of law as diverse as trade practices, workplace relations, corporations law and intellectual property. In addition, much work formerly outsourced to legal firms is now being done inhouse. The real strength of Inhouse Counsel lies in its editorial team of senior lawyers. Many are acknowledged leaders in their chosen fields; all are published writers who know how to get straight to the heart of a legal or policy issue.

For more information on these publications, please call Customer Relations on 1800 772 772

Here's what your colleagues had to say about the 2006 Queensland Legal Drafting Series:

"very applicable to practice"
Laura Pavloski, Solicitor, Carter Newell Lawyers

"seminar was well presented and easy to understand"
Carmel Serratore, Senior Lawyer, Crown Law

"very good – held our attention very well"
Sarah Wheatley, Paralegal, Holding Redlich

Don't miss this opportunity to:

Develop your legal drafting skills by attending the 2007 Queensland Legal Drafting Series - six half day workshops held throughout 2007. Experienced and junior practitioners will benefit from the hands-on approach provided in these practical forums.

Addressing a range of topics and taking a best practice plain English approach to drafting the 2007 Queensland Legal Drafting Series provides you with the opportunity to:

- Develop proficiency in preparing expert confidentiality agreements and restraint of trade clauses
- Fine tune your drafting of everyday documents used in practice
- Examine and draft essential terms of business sale contracts to effect a successful business transfer everytime
- Successfully argue cases and draft pleadings involving breach of contract
- Understand the importance of Alternative Dispute Resolution and draft effective ADR agreements, ADR clauses and settlement agreements
- Draft precise liability clauses to manage and allocate risk effectively including indemnities, assignment of risk and agreed damages clauses

Why you should sponsor this event

- Showcase your product or service over the course of the 2nd Annual Queensland Legal Drafting Series
- Meet senior practitioners, executives and decision makers to leverage your product or service
- Gain direct access to your target market

For more details on sponsorship and exhibition opportunities please call Angela Kurtz in (07) 3335 0093 or email angela.kurtz@lexisnexis.com.au

VENUE INFORMATION

Conrad Treasury Brisbane
130 William Street
Brisbane Qld 4000
Tel. 07 3306 8888
Fax. 07 3306 8880

CPD points

Mandatory CPD: If this conference is relevant to your immediate or long term professional development and practice of law, then you should claim one unit for each hour of actual attendance, not including refreshment breaks.

Program Changes

Details regarding this conference were confirmed and correct at the time of printing. LexisNexis reserves the right to cancel or amend the conference details at any time if required.

Cancellation

Your registration will be confirmed in writing when full payment is received. We will refund your registration in full less a \$165 administration fee if notification is received in writing up to but not including 1 month prior to the date of the event. If we receive written notification - any time up to but not including 2 weeks prior to the date of the event, you will receive a 50% refund and seminar documents. No cancellation requests will be accepted during the period 2 weeks prior to the event. You may nominate a replacement, however no refund will be issued. Details regarding this seminar were confirmed and correct at the time of printing. LexisNexis reserves the right to cancel or amend the seminar details if required.

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Tick here if you DO NOT wish to receive information about upcoming events
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Four easy ways to register

Phone 1800 772 772
Fax (02) 9422 2338
Online www.lexisnexis.com.au

Mail Conference Co-ordinator, LexisNexis
Locked Bag 2222,
Chatswood Delivery Centre, Chatswood NSW 2067

Please complete sections A, B and C

CPD reference no: CPD532

A 10 MAY – Drafting Skills for Everyday Documents Used in Practice (QPD167)

- Early Bird Price (expires 15 March 2007)* \$450 + GST = \$495.00
 Standard Price \$500 + GST = \$550.00
 Workshop Papers only \$150 + GST = \$165.00

21 JUNE – Successfully Drafting Pleadings Involving Breach of Contract (QPD227)

- Early Bird Price (expires 26 April 2007)* \$450 + GST = \$495.00
 Standard Price \$500 + GST = \$550.00
 Workshop Papers only \$150 + GST = \$165.00

19 JULY – Protecting Your Client's Interest in Business Transfers – Drafting Effective Business Sale Contracts (QPD257)

- Early Bird Price (expires 24 May 2007)* \$450 + GST = \$495.00
 Standard Price \$500 + GST = \$550.00
 Workshop Papers only \$150 + GST = \$165.00

16 AUGUST – Drafting and Alternative Dispute Resolution – ADR Agreements, Settling disputes by ADR and Drafting Settlement Agreements (QPD287)

- Early Bird Price (expires 21 June 2007)* \$450 + GST = \$495.00
 Standard Price \$500 + GST = \$550.00
 Workshop Papers only \$150 + GST = \$165.00

13 SEPTEMBER – Managing and Allocating Risk – Drafting Indemnities, Limitation of Liability, Assignment of Risk, Insurance and Agreed Damages Clauses (QPD317)

- Early Bird Price (expires 19 July 2007)* \$450 + GST = \$495.00
 Standard Price \$500 + GST = \$550.00
 Workshop Papers only \$150 + GST = \$165.00

13 SEPTEMBER - The Essential Guide to Drafting Confidentiality Agreements and Restraint of Trade Clauses (QPD117)

- Early Bird Price (expires 2 March 2007)* \$450 + GST = \$495.00
 Standard Price \$500 + GST = \$550.00
 Workshop Papers only \$150 + GST = \$165.00

TEAM DISCOUNTS*

1. Groups of 3 or more booking for a workshop at the same time, from the same firm / organisation receive a \$100 discount from the total registration fee.
2. Register a team of 4 to a workshop at the same time, from the same firm / organisation and receive a free pass for a 5th delegate.
3. Register for 2 or more workshops at the same time, from the same firm / organisation and receive a 20% discount from the total combined registration price of the workshops

* Early Bird, team discounts and any other discount cannot be taken concurrently

B Payment Details Payment is due upon registration

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Account no. _____ Signature _____

C Delegate details (for additional delegates please photocopy form)

Mr/Ms/Dr _____
first name surname

Position _____

Organisation _____

Postal Address _____

Suburb _____ Postcode _____ State _____

Telephone _____

Fax _____

Email _____