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3rd Annual Legal Drafting Training Series

**Sydney
Brisbane**

The Portside Centre
Christie Corporate

A series of half day practical workshops
focused on developing best practice
drafting techniques to maximise
proficiency and billable hours

WORKSHOP 1	9 July Brisbane 2 July Sydney	Managing and allocating Risk – Drafting Indemnities, limitation of liability, assignment of risk, insurance and agreed damages clauses
WORKSHOP 2	4 July Brisbane 2 July Sydney	Preparation, Drafting and using Affidavits
WORKSHOP 3	9 July Brisbane 27 August Sydney	IP Agreements – Best Practice, Drafting and Unlocking Enforcing Rights
WORKSHOP 4	14 August Brisbane	Alliance Agreements – Negotiate, Draft and Manage
WORKSHOP 5	14 August Brisbane 6 August Sydney	Affidavits and Submissions in Family Law
WORKSHOP 6	20 August Brisbane 27 August Sydney	Testamentary Trusts – Critical Issues with Trust Types
WORKSHOP 7	21 October Brisbane 14 October Sydney	Taking instructions for Will Drafting
WORKSHOP 8	21 October Brisbane 14 October Sydney	Employment Contracts – Offering, Drafting and Enforcing

Phone: 1800 772 772
Fax: (02) 9422 2338
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Professional Development

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Workshop 1

Brisbane: 9 July 2008 AM | Sydney: 2 July 2008 AM

Managing and Allocating Risk –

Drafting Indemnities, limitation of liability, assignment of risk, insurance and agreed damages clauses

8.30am

Registration

9:00am – 12.30pm

OUTLINE

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

Jay Leary, Partner, Freehills

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

WE WORK WHERE YOU WORK

LexisNexis is a leading, quality provider of professional development solutions with a practical legal focus.

We offer in-house training solutions tailored for your organisation.

To discuss how we can customise our professional development programs, contact

Mariana Olivieri
Learning & Development Consultant
LexisNexis Professional Development
Ph: 02 9422 2217
Email: Mariana.Olivieri@lexisnexis.com.au

Workshop 2

Brisbane: 4 July 2008 AM | Sydney: 2 July 2008 PM

Preparation, Drafting and Using Affidavits

8.30am Brisbane; 1:00pm Sydney

Registration

9:00am – 12.30pm Brisbane; 1:30pm – 5.00pm Sydney

OUTLINE

Topics addressed in this workshop include:

Preliminary work

- Advice on liability, quantum and prospects
- Using the pleadings to identify issues in dispute
- Advice on evidence - the use of a formal process
- Preparing a list of evidence to be included

Drafting - rules for lay witnesses

- Admissibility
- Form
- *Acts Interpretation Act 1901 (Cth)s25C*
- *Interpretation Act 1987(NSW)s 1987 s80*
- Style
- Relevance
- The hearsay rule
- Common law
- *Evidence Act 1995 s59*
- Exceptions to the Hearsay rule
- *Evidence Act 1995*
- Avoid admissions which may be self-incriminatory
- *Evidence Act 1995 s128 protection lost*
- *Evidence Act 1995 (Cth) and (NSW) and Evidence Regulations 1995 (Cth) and 2000(NSW)*
- Notice to be given
- Previous representations s67
- Tendency ss97 and 99
- Coincidence s98
- Common law principles

Drafting - rules for expert witnesses

- Formal instructions
- *Evidence Act 1995 (Cth) and (NSW) s177*
- Drafting – tips
- Using introductory clauses
- Definitions
- Reference to documents
- Formalities for conversations

Objections

- Identifying objections
- Expert evidence
- *Evidence Act 1995 s79*
- Settlement negotiations
- *Evidence Act 1995 s131*
- Preparing a list of objections
- Dealing with objections

John Livingston, Barrister

WHO SHOULD ATTEND?

- In-house counsel
- Commercial Lawyers
- Senior associates
- Solicitors
- Trainee and junior lawyers

Workshop 3

Brisbane: 9 July 2008 PM | Sydney: 27 August 2008 PM

Drafting IP Agreements

1.00pm

Registration

1:30pm – 5.00pm

OUTLINE

Creating a strong front which crystallises rights accumulated using practical examples and group discussions. This workshop arms delegates with strategies to ensure proficient and precise drafting.

Topics addressed in this workshop include:

- Discuss IP due diligence
- Discuss models and structure for commercialising IP
- Key drafting issues in IP licensing
- Case Study in drafting a technology licence agreement - building a model case
- Key issues in enforcing IP Rights
- Q&A Discussion

Dimitrios G Eliades, Barrister

WHO SHOULD ATTEND?

- Commercial and business lawyers
- IP lawyers
- Commercialisation managers
- Patent & Trade Mark Attorneys
- In-house Counsel
- Barristers
- All professionals interested in IP issues

Workshop 4

Brisbane: 14 August 2008 PM

Drafting Alliance Agreements

1.00pm

Registration

1:30pm – 5.00pm

OUTLINE

Using practical examples and group discussions facilitated by the workshop presenter, this workshop arms delegates with strategies to ensure effective negotiation and precise drafting of alliance agreements.

Topics addressed in this workshop include:

- Discuss alliance objectives, roles and responsibilities
- Things to think about when negotiating with parties, governing an alliance
- Discuss sub-contractor agreements
- Group exercise – draft an alliance agreement
- Q&A Discussion

David Rodighiero, Partner, Carter Newell Lawyers

WHO SHOULD ATTEND?

- Solicitors, senior associates, partners
- In-house Counsel
- Barristers
- Building and Construction Consultants
- Directors and CEOs in Construction
- Architects and surveyors
- Construction and engineering managers
- Construction project managers
- Contractors and developers
- Town planners

Workshop 5

Brisbane: 14 August 2008 AM | Sydney: 6 August 2008 AM

Drafting Techniques for Affidavits and Submissions in Family Law

8.30am

Registration

1:30pm – 5.00pm Brisbane; 9:00am – 12.30pm Sydney

OUTLINE

Good affidavit drafting skills are developed only through effective training, practice, feedback and as time goes on, with experience. This workshop will provide expert guidance, tips and techniques to improve your family law affidavits.

Topics addressed in this workshop include:

- Focusing on the purpose of the affidavit – what facts are you trying to establish?
- Filing a presentable document whilst being faithful to the deponent's manner of expression
- Telling the "whole truth" – what to do about less favourable parts of the picture
- Challenges family lawyers face in drafting affidavits
- Developing a practical checklist for matters to include – what do the courts want?

Mark Anderson, Barrister

WHO SHOULD ATTEND?

- All lawyers who practise at any time in Family Law

Workshop 6

Brisbane: 20 August 2008 PM | Sydney: 27 August 2008 AM

Drafting Issues Associated with the Different Types of Testamentary Trusts

1.00pm Brisbane; 8:30am Sydney

Registration

1:30pm – 5.00pm Brisbane; 9:00am – 12.30pm Sydney

OUTLINE

This workshop examines fixed and non-fixed testamentary trusts and how they might be included when creating a will, as well as tax advantages when advising clients. Utilising case studies, practical examples and group discussions, this workshop give delegates practical strategies to effectively determine specific clauses, options and triggers for various types of testamentary trusts.

Topics addressed in this workshop include:

- Discuss drafting issues
- When is it necessary to use a testamentary trust into a will
- Tax advantages of testamentary trusts

SYDNEY: *Michael Fitzpatrick, Principal, Clarendene Pty Ltd*

BRISBANE: *Trudy Jardine, Solicitor, Clarendene Pty Ltd*

WHO SHOULD ATTEND?

- Probate Lawyers
- Estate Planning Professionals
- Trustee organisations
- Financial Planners
- Accountants

To register now ph: 1800 772 772 or visit: www.lexisnexis.com.au/pd

Workshop 7

Brisbane: 21 October 2008 AM | Sydney: 14 October 2008 AM

Taking Instructions for Will Drafting

Registration

8.30am

9.00am-12.30pm

OUTLINE

Good will drafting skills are developed through a combination of understanding client's needs, their situation and practitioner's knowledge.

This workshop will arm delegates with tools and knowledge to identify client needs based on client's disposition of the estate.

Topics addressed in this workshop include:

- How to recognise and respond to potential capacity issues
- Reviewing the estate
- Strategies for preservation of estate
- Identifying all potential beneficiaries
- Understanding your client's relationship with Classes of beneficiaries

How to seek clarity – sharing your client's vision for the management and disposition of his estate spanning generations, time and space

Paul Evans, Estate Planning Manager, **National Australia Trustees Limited**

WHO SHOULD ATTEND?

- Probate Lawyers
- Estate Planning Professionals
- Trustee organisations
- Financial Planners
- Accountants

Upcoming Events:

5th Annual Family Law Conference

16 June 2008 Sydney
17 June 2008 Brisbane
18 June 2008 Melbourne

Indemnities, Good Faith & Termination for Convenience Contract Law Workshop

16 June 2008 Melbourne
19 June 2008 Sydney

Estate Planning & Agreement Management in QLD Conference

17-18 July 2008 Brisbane

2nd Annual Industrial Relations Masterclass & Workshop

15-16 July 2008 Sydney
22-23 July 2008 Melbourne
29-30 July 2008 Brisbane

To register now ph: **1800 772 772** or visit **www.lexisnexis.com.au/pd**

Workshop 8

Brisbane: 21 October 2008 PM | Sydney: 14 October 2008 PM

Employment Contracts – Offering, Drafting and Enforcing

Registration

1.00pm

1.30pm-5.00pm

OUTLINE

This workshop has been designed to assist you to develop and refine your ability to draft and review contracts of employment.

This workshop will assist those who are involved at any stage in the critical process of offering, drafting or interpreting/enforcing employment contracts.

- **Practising lawyers** who advise employer and/or employee clients on their rights and obligations under employment contracts;
- **In-house legal counsel** who are called upon to interpret employment contracts and advise on the meaning and effect of contractual terms;
- **HR practitioners** who are responsible for drafting and managing employment contracts and where necessary, bringing them to an end!

...in other words, anyone who needs to be aware of the current state of play in relation to employment contracts and the perils and pitfalls of certain contractual terms.

The workshop will cover:

Offering employment contracts

- What exactly are you offering? Employee vs independent contractor; full-time, part-time, casual, fixed/specified term
- Liability issues - pre-employment negotiations – 'blue sky predictions' - anti-discrimination laws - Trade Practices Act claims
- Creating a binding contract – offer, acceptance, conditions
- Privacy 101 – reference checks, medical checks, access to interview notes
- *Activity:* Hypothetical scenario – identifying risk areas in offering employment contracts

Drafting employment contracts

- Key standard provisions
- Terms implied by law
- The rise of "reasonable notice" cases
- Referring to company policy and procedures
- Considering the effect of the 10 new National Employment Standards
- *Activity:* Hypotheticals - critically examining both poorly and well drafted clauses – bring your clauses along!

Enforcing contractual terms

- How do employees enforce contractual terms?
- Elements of a breach of contract claim
- Restraint of trade, confidentiality, anti-poaching – are they worth the paper they're written on?
- *Activity:* Case update – recent executive contract and restraint cases

Jane Seymour, Director, **Justitia Lawyers and Consultants**

WHO SHOULD ATTEND?

- Human Resources Professionals
- Industrial relations specialists
- Partners
- Senior Associates
- Associates
- Solicitor
- Consultants
- Special Counsel
- In-house counsel
- Recruitment

About the Presenters

Jay Leary, Partner, **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.

John Levingston, Barrister, **Arbitrator and Mediator, Queens Square Chambers, Sydney** has been in practice as a commercial lawyer since 1982 and prior to that worked for the Commonwealth in Trade and Resources and the Trade Practices Commission. He is also an Adjunct Professor at the School of Law, University of Canberra and Conjoint Professor at the School of Law, Newcastle where his interests include Admiralty and International Trade Law. He is a regular speaker at International Conferences.

Dimitrios George Eliades, Barrister, **Brisbane Bar** has been in practice since October 1998 predominantly in the field of intellectual property and prior to that worked in real property law in sole practice from 1976-1992. He specialised in commercialisation of intellectual property and litigation whilst working for J.W.Kenny and Associates. He is a LexisNexis Butterworth author of "Intellectual Property Patents and Related Rights Bulletin" and the "Copyright Bulletin" publications. He also writes for other IP publications including the IP Bulletin, has lectured by invitation at the Queensland University of Technology. He is a regular speaker at national and international events.

David Rodighiero, Partner, **Carter Newell Lawyers** member of the Construction & Engineering team where his practice includes the review, preparation and negotiation of a wide range of construction, engineering, procurement, maintenance, finance and consultancy agreements for commercial and infrastructure projects. He regularly deals with Australia Standard Construction Contracts and Alliance Contracts. He provides advice and guidance in relation to the understanding and the interpretation of the contracts as well as the practical implications of how they operate and can be applied in different circumstances. He is an accredited Adjudicator and Mediator holding a certificate under the BCIPA (Qld). He is a member of the Brisbane Development Association and the Urban Development Institute of Australia.

Mark Anderson, Barrister, He has been in practice at the NSW Bar since 1990, prior to that he worked as a solicitor in private practice as a litigation solicitor, New South Wales Crown Solicitor's Office in the civil litigation area, and at the Government Insurance Office in third-party personal injury litigation. He is on the board of directors of the Chambers since 1999. He has appeared in the Land and Environment Court, Administrative Decisions Tribunal (NSW), Social Security Appeals Tribunal, and other Tribunals on a less regular basis during the course of his career. Mark has appeared at appellate level in the High Court, New South Wales Court of Appeal, and Full Court of the Family Court.

Michael Fitzpatrick, Principal, **Clarendene Pty Ltd**. With 30 years of legal practice and 18 years of involvement in financial planning, he has significant broad financial and estate planning experience. An expert in areas of estate planning, testamentary trusts, wills and tax structures for asset protection and business ventures. He is a regular speaker at national events.

Trudy Jardine, Solicitor, **Clarendene Pty Ltd** An expert in trust and succession law, including estate planning and asset protection structures. She has specialised in providing sophisticated estate planning services to the clients of Accountants and Financial Planners and other professionals for 16 years.

Paul Evans, Estate Planning Manager, **National Australia Trustees Limited** He is an Accredited Specialist in Wills and Estates Law, an Associate Member of the London based Association of Contentious Trust and Probate Specialists and a member of the Society of Trust and Estate Practitioners. After qualifying as a solicitor in England in 1992, Paul worked in London in the Private Client area specialising in inheritance tax mitigation, estate planning, administration of estates and charity law. He has worked at Perpetual Trustee Company Ltd, Sydney in 1994-95, and during that time he was admitted to practice in NSW. Returned to Sydney in 2002, and worked at Proctor Willows in Lindfield, where he undertook estate planning, administration of estates and probate litigation. He is the NSW Manager of Trustee Services with National Australia Trustees Limited, and specialises in estate planning.

Jane Seymour, Director, **Justitia Lawyers and Consultants** Jane Seymour is the Director of Justitia's Sydney practice. She is a lawyer with 15 years' experience. She is a recognised expert in workplace law, and has been named as one of Australia's leading employment lawyers in the Asia Pacific Legal 500 for the last two years. She was noted as a discrimination law expert in the Asia Pacific Legal 500 (2005/2006), and regularly advises clients on managing common discrimination issues. She has managed litigation in many jurisdictions, including the High Court, Federal Court, Federal Magistrates Court and Chief Industrial Magistrate's Court. She is a Nationally Accredited Workplace Trainer and Assessor. She is an accredited workplace mediator, approved by the Australian Commercial Disputes Centre.

Multi-Workshop Discount

The more workshops you attend the more you save!

Simply register to attend multiple workshops and you can save up to \$60 off the price of each workshop.

- Attend 3 or more workshops pay only \$470.00 (+ GST)
- Attend 5 or more workshops \$450.00 (+ GST)

To register complete the attached form and fax to: **02 9422 2338**, ph: **1800 772 772** or visit **www.lexisnexis.com.au/pd**

What your colleagues had to say about previous workshops:

"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**

CONFERENCE VENUE

SYDNEY
The Portside Centre
Level 5, Symantec House
207 Kent St Sydney NSW 2000
Tel: (02) 9251 9559

BRISBANE
Christie Corporate
Level 6, Sakura Room 320
Adelaide Street Brisbane QLD 4001
Tel: (07) 3010 9111

Why attend this event?

Experienced and junior practitioners will benefit from the hands-on approach provided in these practical forums. The Legal Drafting Workshop Series of half day intensive practical workshops focuses on developing best practice techniques for understanding and drafting legal documents.

- Draft precise liability clauses to manage and allocate risk effectively including indemnities, assignment of risk and agreed damages clauses
- Develop proficiency in negotiating and preparing IP agreements that create a strong front that crystallises rights accumulated.
- Understand alliance objectives and fine tune your negotiation skills to draft effective alliance agreements
- Develop good drafting skills through practice, feedback and expert guidance to maximise your family law affidavits.
- Examine critical issues associated with testamentary trusts
- Fine tune your drafting of wills through clear understanding of client's needs and circumstances.
- Successfully offer, draft and enforce employment contracts in view of recent changes.

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 workshop 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

Four easy ways to register

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

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

Please complete sections A, B and C

ABN: 70 001 002 357

Conference code: PD6508-W1 NSW, PD6608-W2 NSW, PD6708-W2 QLD, PD6808-W1 QLD, PD6908-W3 QLD, PD7008-W5 NSW, PD7108-W4 QLD, PD7208-W5 QLD, PD7308-W6 QLD, PD7408-W3 NSW, PD7508-W6 NSW, PD7608-W7 NSW, PD7708-W8 NSW, PD7808-W7 QLD, PD7908-W8 QLD

I would like to register for the 3rd Annual Legal Drafting Training Series

A

Workshop Price	Per Workshop
<input type="checkbox"/> 1 Workshop	\$500.00 + GST = \$550.00
<input type="checkbox"/> 3 or more workshops	\$470.00 + GST = \$517.00
<input type="checkbox"/> 5 or more workshops	\$450.00 + GST = \$495.00

B

Delegate 1 details (for additional delegates please photocopy form)

Mr/Ms/Dr _____
first name surname

Position _____

Organisation _____

Postal Address _____

Suburb _____ Postcode _____ State _____

Telephone _____ Fax _____

Email _____

Delegate 2 details

Mr/Ms/Dr _____
first name surname

Position _____

Organisation _____

Telephone _____ Fax _____

Email _____

☐ YES! I would like to receive information on upcoming events via email.

Workshop	Brisbane	Sydney
1. Managing and allocating Risk – Drafting Indemnities, limitation of liability, assignment of risk, insurance and agreed damages clauses	<input type="checkbox"/> 9 JUL	<input type="checkbox"/> 2 JUL
2. Preparation, Drafting and using Affidavits	<input type="checkbox"/> 4 JUL	<input type="checkbox"/> 2 JUL
3. Drafting IP Agreements	<input type="checkbox"/> 9 JUL	<input type="checkbox"/> 27 AUG
4. Drafting Alliance Agreements	<input type="checkbox"/> 14 AUG	N/A
5. Drafting techniques for affidavits and submissions – Family Law	<input type="checkbox"/> 14 AUG	<input type="checkbox"/> 6 AUG
6. Drafting techniques for affidavits and submissions in Family Law	<input type="checkbox"/> 20 AUG	<input type="checkbox"/> 27 AUG
7. Taking instructions for will drafting	<input type="checkbox"/> 21 OCT	<input type="checkbox"/> 14 OCT
8. Employment Contracts – Offering, drafting and enforcing	<input type="checkbox"/> 21 OCT	<input type="checkbox"/> 14 OCT
TOTAL	\$ _____	\$ _____

C

Payment Details Payment is due upon registration

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