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Drafting Documents for use in Court:

Affidavits & Witness Statements

Thursday 26 November 2009

1.30pm–5.30pm

Grace Hotel , 77 York Street, Sydney

Course cost includes tuition, materials and refreshments **\$352**

I cannot attend but please provide the papers **\$165**

Total Price includes GST **Total \$**

Payment Options

I enclose a cheque payable to "CLE, UNSW",

or Payment by credit card Mastercard Visa

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Please return this registration form with your payment to:

**CLE,
Faculty of Law,
UNSW, Sydney
NSW 2052.**

Tel: (02) 9385 2267 or (02) 9385 2195

Fax: (02) 9385 1155 or (02) 9385 1778

Email: cle@unsw.edu.au

Website: www.cle.unsw.edu.au

Programme Variation: The Director of CLE retains the right to vary the programme to deal with unforeseen circumstances. This includes cancelling or re-scheduling a programme and changing speakers or content if occasion obliges us to do so.

Cancellation Policy: Cancellations will be accepted up to two weeks prior to the commencement of the course. Withdrawal after this time and before the commencement of the course will result in a cancellation charge of \$100. Cancellations after the commencement of the course will not be eligible for a refund.

Privacy note: The information you have provided on this form will only be used by UNSW to distribute information about University courses and activities to you.

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THE UNIVERSITY OF
NEW SOUTH WALES

FACULTY OF LAW
CONTINUING LEGAL EDUCATION

Drafting Documents
for use in Court:
*Affidavits & Witness
Statements*

Level: Intermediate

Thursday 26 November 2009

1.30pm-5.30pm

Grace Hotel , 77 York Street
Sydney

www.cle.unsw.edu.au

Audience

- Practitioners specializing in litigation, barristers or solicitors
- Legal advisers to corporations involved in litigation
- General practitioners
- Employment law specialists
- Personal injuries law specialists
- Civil litigation practitioners
- Practitioners returning to work after an extended break or changing responsibilities

CLE & CPD requirements are satisfied by attendance at this course suitable for 4 MCLE points (for solicitors) or 4 CPD points (for Barristers)

Object

This session, updated and revised to reflect the new Uniform Civil Procedure Act 2005, will provide an opportunity to work through a series of documents & fact situations and to see how the documents submitted to court are prepared and settled. Aided by helpful check lists you examine material as it is prepared for superior court litigation. Reference will be made to the relevant cases rules & orders. Much of the court process is determined by written & prepared submission so it is important to lay solid foundations. This course provides intensive skill development in these most fundamental of litigators' documents.

About CLE/CPD

The CLE/CPD programme is an important link between the Law School at UNSW and the professional community. The programme consists of a series of quality short courses assisting lawyers, accountants, financial planners, executives and other professionals whose work demands up-to-date knowledge of, and skills in, the relevant areas.

Drafting Documents for use in Court: *Affidavits & Witness Statements*

Thursday 26 November 2009

Presenter Paul VENUS, Partner, Holding Redlich

1.30pm Introduction from Presenter

2.00pm Important steps in taking a witness statement or affidavit

- Identifying from who an affidavit is needed
- Planning the contents & preparations
- Drafting

2.15pm Substance of the Affidavit

- Use the words of the witness
- Record the conversations in direct speech
- Avoid being responsive to pleadings
- Make sure witness can swear to the facts

2.45pm Evidentiary issues

- Hearsay rule and its exceptions
- Best evidence rule
- Opinion
- Relevance
- Without prejudice communications
- Evidence Act
- Improper evidence
- Expert evidence reports

3.15pm Form & Presentation

- Detailed check lists
- Headings & prescribed forms
- State & Federal Court
- Alterations
- Signing clauses
- Annexures

3.45pm Afternoon Tea

4.00pm Drafting Issues

- Style and content

4.45pm Taking an Affidavit

- Affirmations
- Blind or unable to read
- Language difficulties
- Who may be a witness

5.00pm Use of an Affidavit

- Inclusion in evidence
- Cross examination
- Use in interlocutory proceedings
- Using statements and affidavits to draft pleadings
- Drafting tips for preparing pleadings

5.30pm Conclusion

About the presenter

Paul VENUS, Bcom, LLB, LLM, Partner, Holding Redlich. Solicitor of the High Court of Australia and the Supreme Courts of New South Wales, Queensland, South Australia and the Northern Territory of Australia. Paul has been actively involved in all levels of litigation for many years working with both large firms and midsize litigation teams in NSW & Queensland with experience in other jurisdictions. He has been a regular and very popular presenter on Litigation topics in the UNSW Faculty of Law CLE program. His comprehensive materials and vast personal experience to draw on during the seminar make this a valuable opportunity to add to and develop your litigation skills.

For more information visit our website: www.cle.unsw.edu.au