Drafting Documents for use in Court: Affidavits & Witness Statements

Thursday 25 September 2014
1.30pm – 5.30pm

UNSW CBD Campus, Level 6, 1 O’Connell St Sydney

Course cost includes tuition, materials and refreshments $440
I cannot attend please provide the papers cost $165

Payment Options (We do not accept American Express)

I enclose a cheque payable to “CLE, UNSW”,
or Payment by credit card □ Mastercard □ Visa

Card number: __________________________
Expiry date: ____________
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Please return this registration form with your payment to:
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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.

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

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### 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

### Objective
This session 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.

### CLE/CPD Points
If this particular educational activity is relevant to your immediate or long term needs in relation to your professional development and practice of the law, then you should claim one “unit” for each hour of attendance, refreshment breaks not included.

### About CLE
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.

<table>
<thead>
<tr>
<th>Time</th>
<th>Session</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.30pm</td>
<td>Introduction from Presenter</td>
<td></td>
</tr>
<tr>
<td>2.00pm</td>
<td>Important steps in taking a witness statement or affidavit</td>
<td>Identifying from who an affidavit is needed, Planning the contents &amp; preparations, Drafting</td>
</tr>
<tr>
<td>2.15pm</td>
<td>Substance of the Affidavit</td>
<td>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</td>
</tr>
<tr>
<td>2.45pm</td>
<td>Evidentiary issues</td>
<td>Hearsay rule and its exceptions, Best evidence rule, Opinion, Relevance, Without prejudice communications, Evidence Act, Improper evidence, Expert evidence reports</td>
</tr>
<tr>
<td>3.15pm</td>
<td>Form &amp; Presentation</td>
<td>Detailed check lists, Headings &amp; prescribed forms, State &amp; Federal Court, Alterations, Signing clauses, Annexures</td>
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<tr>
<td>3.45pm</td>
<td>Afternoon Tea</td>
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<tr>
<td>4.00pm</td>
<td>Drafting Issues</td>
<td>Style and content</td>
</tr>
<tr>
<td>4.45pm</td>
<td>Taking an Affidavit</td>
<td>Affirmations, Blind or unable to read, Language difficulties, Who may be a witness</td>
</tr>
<tr>
<td>5.00pm</td>
<td>Use of an Affidavit</td>
<td>Inclusion in evidence, Cross examination, Use in interlocutory proceedings, Using statements and affidavits to draft pleadings, Drafting tips for preparing pleadings</td>
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<tr>
<td>5.30pm</td>
<td>Conclusion</td>
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### About the Presenter
Paul Venus is a partner in the firm’s Dispute Resolution and Litigation group and has over 20 years experience in complex litigation, intellectual property, information technology law, commercial law and competition law issues. Paul Venus’ practice focuses on complex civil litigation, principally in trade practices law, product liability law, information technology law, franchising law, and patent and trade mark litigation. Paul is an accredited mediator, regularly acting as mediator in franchising disputes and is a graded arbitrator.

For more information visit our website: [www.cle.unsw.edu.au](http://www.cle.unsw.edu.au)