

Drafting pleadings and particulars

Friday 4 June | 8am–12.10pm
Law Society House, Brisbane

Overview

Level: Essentials

Equip yourself with the skills for drafting pleadings and particulars in civil litigation matters. Be guided by litigation experts on the fundamentals of drafting succinct pleadings and particulars.

3.5 CPD Points



7.30am **Registration**

8am **Welcome remarks**

Presenter: **Sharon Sangha**, Professional Development Solicitor, Queensland Law Society

8.05am **The all important first step: Start gathering the evidence!**



As soon as you take instructions from your client, you will need to think about whether to start gathering evidence. This session will discuss key considerations to make in gathering evidence, including:

- identifying the facts in issue
- working out what needs to be proven by the parties
- consideration of the evidence you have
- gathering further evidence.

Presenter: **Kylie Downes QC**, Barrister, Queensland Bar

Chair: **Andrew Smyth**, Partner, Robbins Watson Solicitors

8.35am **You have now begun collecting the evidence...**



But can you use it? And should you use it?

Once you have gathered the evidence, you need to determine if it's admissible and if it assists your client's case. You will consider the three critical considerations:

- relevance – threshold of admissibility
- exclusionary rules
- probative value or weight.

Presenter: **Kylie Downes QC**, Barrister, Queensland Bar

Chair: **Andrew Smyth**, Partner, Robbins Watson Solicitors

9.05am **Developing your case theory before commencing to draft pleadings**



You can't write a book without first having an outline of your story. Understanding the direction of the case is the fundamental first step in drafting your pleadings and particulars. Let our expert presenter guide you through this important step in the civil litigation process.

Presenter: **Kylie Downes QC**, Barrister, Queensland Bar

Chair: **Andrew Smyth**, Partner, Robbins Watson Solicitors

9.50am **Morning tea**

10.10am

Perfecting the art of drafting pleadings



This presentation will include an overview of drafting claims, including:

- what you must plead
- what not to plead, including the impact of the ASCR 2012
- the general rules with which you must comply under the Uniform Civil Procedure Rules (UCPR)
- the difference between pleadings and particulars
- an introduction to rule 166 Uniform Civil Procedure Rules as a strategic consideration when drafting a claim.

You will be guided on techniques which apply to originating pleadings from the basic through to more complicated claims, including:

- practical comparisons of well drafted and poorly drafted claims
- relevant considerations for managing a more complex claim
- what amounts to a defective pleading and how to avoid delivering one
- using your pleading as a strategic tool in the litigation.

Presenter: **Nola Pearce**, Barrister, Queensland Bar

Chair: **Andrew Smyth**, Partner, Robbins Watson Solicitors

11.10am

Preparing a responsive pleading



Following on from the previous session, there are a number of matters to consider when preparing responsive pleadings such as a defence or a reply. Discover what to do when the time comes to respond to a claim.

Topics covered include:

- formalities and timelines under the UCPR
- is the claim sufficiently pleaded, raising deficiencies, and when to seek particulars and disclosure
- what you should and shouldn't plead in response to a claim
- more about rule 166 UCPR and the crucial avoidance of deemed admissions
- deciding when a reply is required and what it should include
- tips for pleading a counterclaim or set off.

Presenter: **Nola Pearce**, Barrister, Queensland Bar

Chair: **Andrew Smyth**, Partner, Robbins Watson Solicitors

12.10pm

Closing remarks

Presenter: **Sharon Sangha**, Professional Development Solicitor, Queensland Law Society

12.15pm

Close