

J K Aitken, *Piesse The Elements of Drafting*, 9th edition, Sydney: Law Book Company Limited, 1995.

An essential skill of all lawyers is that of drafting. But for many law students and young lawyers, acquiring this skill is one of the most challenging aspects of their chosen profession. That the law reports are replete with cases where careful drafting may have avoided the dispute illustrates the need for sound training in the skills of drafting and for well written reference materials.

It is almost 50 years since the first edition of *Piesse The Elements of Drafting* was published and it continues to be an excellent text not only for the law student learning how to draft but also for practitioners wishing to revise their skills or verify a point. From the beginning *Piesse The Elements of Drafting* was in the forefront of calls for improvements in drafting. While not all practitioners are in agreement as to just how far the quest for plain language should extend, there is no controversy about the need for clarity in drafting. Successive editions have advocated the use of a straightforward style and intelligible language freed from legal jargon and old-fashioned terms. Statutory developments in consumer law have given added impetus to the need for a style of drafting intelligible to the ordinary reader.

Aitken presents the reader with the means by which to achieve the necessary clarity. As advocated in his work, there is a logical order in the presentation of material beginning with general principles such as the overall arrangement of a document through to troublesome problems such as the use of "shall" and expressions of time. The author notes common problems caused by poor drafting citing decided cases, extracts from statutes and documents and other examples. To show the difficulties which can be caused, Aitken cites, as an example of poor drafting, a sentence from the preface of an earlier edition of the work. A lovely touch and one which will gratify those readers struggling to overcome their bad habits.

The use of bold type to highlight the examples aids readability, although there are some puzzling inconsistencies in the use of the bold type. Some examples given in Chapter 5 "Definitions" are in ordinary type. Somewhat curious too was the sentence on page 105 citing a 1945 document and suggesting it "contains one or two terms which would be regarded as old-fashioned to-day". The use of "to-day" might be regarded as old-fashioned in itself.

Such quibbling aside, the latest edition of *Piesse The Elements of Drafting* is as welcome as the first. Law students would do well to keep a copy along side their dictionaries referring to it constantly as they embark on the often difficult task of mastering the skill and art of careful drafting.

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