

LAWS6014B: Legal Practice 1 Part B

Newcastle City Precinct
Semester 2 - 2023



THE UNIVERSITY OF
NEWCASTLE
AUSTRALIA

OVERVIEW

Course Description

The primary objective of this course is to enable a student to acquire, by way of experiential learning, the specialised technical knowledge and skills required of entry level lawyers. Legal Practice aims to build upon and apply earlier learning in both substantive and procedural law, particularly in the areas of Torts, Contract Law, Criminal Law and Property. The course complements courses such as Civil Procedure and Professional Conduct.

The course will enable students to develop and practice the specialised technical knowledge and legal and other skills needed for litigation and legal transactions, including effective written and oral communication with clients and parties, court room advocacy, drafting letters and legal documents and settlement of litigious and non-litigious matters.

Requisites

Students must be active in the Juris Doctor/ Grad Dip in Legal Practice and successfully completed LAWS6000, LAWS6001, LAWS6120, LAWS6121 (or LAWS6002B), LAWS6130 (or LAWS6003B), LAWS6140, LAWS6141 (or LAWS6004B), and have successfully completed or be concurrently enrolled in LAWS6014A.

Contact Hours

Newcastle City Precinct Seminars

Face to Face On Campus
4 hours per week for Weeks 1-5, 2 hours per week for Weeks 6-12.

Unit Weighting Workload

* This contact type has a compulsory requirement.
10

Students are required to spend on average 120-140 hours of effort (contact and non-contact) including assessments per 10 unit course.

Multi-Term Sequence Advice

This course is part of a multi-term sequence. Both Part A and Part B must be completed to meet the requirements of the sequence. Part A and Part B must be completed in consecutive terms. Students must complete Part A before completing Part B. Students must complete the sequence within a twelve month period. If students complete Part A but are unable to complete Part B within the timeframe, they must re-enrol in Part A. Part A cannot be completed as a standalone course, it will only count towards your program once you have successfully completed Part B.

COURSE OUTLINE

www.newcastle.edu.au

CRICOS Provider 00109J

CONTACTS

Course Coordinator	Newcastle City Precinct Ms Sarah Breusch Sarah.breusch@newcastle.edu.au (02) 4921 8666 Consultation: By appointment
Teaching Staff	Civil Litigation module Ms Jacquie Svenson jacquie.svenson@newcastle.edu.au Consultation: by appointment Trust Accounting module Mr Hugh Arjonilla Hugh.arjonilla@newcastle.edu.au Consultation: by appointment
School Office	Newcastle Law School 5th Floor NU Space 409 Hunter Street Newcastle Law-School@newcastle.edu.au +61 2 4921 8666

SYLLABUS

Course Content	The course introduces the practice of law focussing on litigation, legal transactions and dispute resolution and gives emphasis to professional responsibility and ethical behaviour. The course is made up of components and modules which cover a variety of areas where advocacy skills and legal transaction skills are utilised. These include areas such as dispute resolution, litigation practice and trust accounting. The course examines alternatives to litigation and gives students opportunity to practice alternative dispute resolution skills. It also develops skills in oral and written communication, legal letter writing, document drafting, interviewing, research, non litigious negotiation and settlement. Trust and Office Accounting - Introduction to Accounting, Receiving money, rendering costs, maintaining a Trust Account, Controlled Money, Legislative requirements and record keeping.
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The topics in this course include the following:

1. Litigation and legal transactions
2. Communication skills
3. Advocacy
4. Drafting of legal documents
5. Professional practice
6. Legal research skills and legal reasoning
7. Dispute resolution
8. Thinking skills and self-management
9. Trust and office accounting

Course Learning Outcomes

On successful completion of this course, students will be able to:

1. Demonstrate the attainment of knowledge and development of key skills required of entry level lawyers;
2. Build upon and apply earlier learning in both substantive and procedural law;
3. Understand professional responsibility and professional ethics;
4. Demonstrate effective oral and written communication skills.

Course Materials

Prescribed texts for Civil Litigation Practice

- Uniform Civil Procedure Rules 2005 (NSW) (we suggest you download & save or print an entire PDF of these Rules via the nsw legislation website & annotate them throughout the course);
- Civil Procedure Act 2005 (NSW)

Suggested resources for Civil Litigation Practice:

- Civil Trials Bench Book, Judicial Commission of NSW <https://www.judcom.nsw.gov.au/civil>
- The Law Society of NSW Young Lawyers Civil Litigation Committee *Practitioners Guide to Civil Litigation*, 2014, available [here](#);
- Hugh Zillmann, *A Civil Litigation Practice Manual* Lawbook Co. 1st ed, 2018
- Current texts on Civil Procedure for NSW may be helpful (e.g. Ilija Vickovich, James Metzger, Michael Legg *Civil Procedure in New South Wales* Lawbook Co. 4th Ed 2020.

SCHEDULE

TRUST ACCOUNTING MODULE

Week	Week begins	Topic	Learning Activity	Assessment Due
1	17 Jul	Accounts – Professional Responsibility & Fiduciary Duties	In-class discussion & problem based questions	Compulsory Attendance
2	24 Jul	Introduction to Accounting & Trust Accounting, Overview of Trust Money	In-class discussion & problem based questions	Compulsory Attendance
3	31 Jul	Trust Accounting Records & Accounts	In-class discussion & problem based questions	Compulsory Attendance
4	7 Aug	(No seminar – own revision)		
5	14 Aug	Exam	Exam	Pass/fail

CIVIL LITIGATION MODULE

Week	Week Begins	Topic	Learning Activity	Assessment Due
1	17 July	Introduction to Civil Litigation • What are my obligations? • Is there a case? • Communication • Letters of advice & costs advice/retainer • File management	<ul style="list-style-type: none"> • Seminar • In class exercises & discussion 	
2	24 July	Assessing the merits	<ul style="list-style-type: none"> • Seminar 	

		of a case and identifying dispute resolution alternatives	<ul style="list-style-type: none"> In class exercises & discussion 	
3	31 July	Advising on costs of litigation	<ul style="list-style-type: none"> Seminar In class exercises & discussion 	
4	7 Aug	Initiating and responding to claims	<ul style="list-style-type: none"> Guest Lecture (Stefan Mueller, Barrister) In class exercise: drafting pleadings 	
5	14 Aug	Taking and responding to interlocutory and default proceedings	<ul style="list-style-type: none"> Seminar In class exercises & discussion 	Letter of advice and retainer due 5pm Friday 18 August
6	21 Aug	NO CLASS		
7	28 Aug	Gathering & Presenting Evidence 1: <ul style="list-style-type: none"> Ways to obtain documents Discovery Subpoenas Notices to produce GIPA Expert Evidence Other witness evidence 	<ul style="list-style-type: none"> In class exercise: drafting a notice to produce. 	Statement of claim and defence due 5pm Friday 1 September
8	4 Sep	Dispute resolution, mediation, negotiation, apologies Documenting settlements: <ul style="list-style-type: none"> Authority Revenue implications Modes of settlement Appropriate documentation. 	<ul style="list-style-type: none"> Guest Lecture (Dispute Resolution); In class exercise: drafting a deed of release. 	
9	11 Sep	Gathering & Presenting Evidence 2: Affidavits Witness Statements	<ul style="list-style-type: none"> Seminar In class exercises & discussion 	
10	18 Sep	Taking action to enforce orders	<ul style="list-style-type: none"> Guest Lecture (Sheriff TBC) 	
Mid Term Break				
Mid Term Break				
11	9 Oct	Feedback, revision & wrap up	<ul style="list-style-type: none"> Seminar In class exercises & 	

			discussion	
12	18 Oct	No class		
13	20 Oct	No class		
Examination Period				
Examination Period				

ASSESSMENTS

TRUST ACCOUNTING MODULE

In order to pass this course, each student must complete ALL of the following compulsory requirements:

1. Attend all classes (punctually) and remain for the duration of the class.
2. Demonstrate a professional attitude to learning;
3. Actively participating in the in-class exercises;
2. Complete all written assignments to a satisfactory standard.

Lateness to class (for any reason) beyond 20 mins will count as an absence. (This does not mean it is ok to be 20 minutes late for every class. See point 1. above).

Students may miss one class, regardless of reason, without penalty, but they are expected to familiarise themselves with the content covered in the missed class.

If more than one class is missed, **regardless of reason**, make up work will be set by the lecturer. If more than two classes are missed, students risk not passing the module due to the volume of learning required by the course.

Assessment in the Trust Accounting Module includes compulsory attendance at all seminars and by achieving an ungraded pass in the Trust Accounting exam.

The trust accounting module has one assessment. The assessment is described in more detail in the sections below.

	Assessment Name	Due Date	Involvement	Weighting	Learning Outcomes
1	Exam (Pass/Fail).	18 August 2023	Individual	Formative	1,3

Assessment 1 – Exam

Assessment Type	Exam
Description	An online exam consisting of multiple choice and short answer questions designed to test knowledge of the content covered in the modules.
Weighting	100%
Due Date	18 August 2023 (Friday, Week 5) – Access period to be confirmed prior to exam.
Submission Method	Turnitin, via Canvas
Assessment Criteria	Ungraded pass / fail assessment based on the standard of proficiency required of a new admitted solicitor.
Return Method	Canvas
Feedback Provided	None

CIVIL LITIGATION MODULE

COMPULSORY REQUIREMENTS

In order to pass this course, each student must complete ALL of the following compulsory requirements:

1. Attend all classes (punctually) and remain for the duration of the class.
2. Demonstrate a professional attitude to learning;
3. Actively participating in the in-class exercises;
4. Complete all written assignments to a satisfactory standard.

Lateness to class (for any reason) beyond 20 mins will count as an absence. (This does not mean it is ok to be 20 minutes late for every class. See point 1. above).

Students may miss one class, regardless of reason, without penalty, but they are expected to familiarise themselves with the content covered in the missed class.

If more than one class is missed, **regardless of reason**, make up work will be set by the lecturer. If more than two classes are missed, students risk not passing the module due to the volume of learning required by the course.

Note that it is your responsibility to keep a copy of each written assessment task that is submitted.

This course has 2 assessments. Each assessment is described in more detail in the sections below.

	Assessment Name	Due Date	Involvement	Weighting	Learning Outcomes
1	Letter of advice & retainer	5pm Friday 18 August 2023 (Week 5)	Individual	Formative	1,2
2	Drafting statement of claim & defence	5pm Friday 1 September 2023 (Friday Week 7)	Individual	Formative	1, 2 & 5

Assessment 1 – Letter of advice

Assessment Type	Professional Task
Description	Letter of advice to client on the materials released 5pm Thursday Week 2 in the Assessment 1 tab of the Assignments area of the Canvas site for LAWS4054B/6014B
Weighting	This is a formative assessment. Total length of letter (substantive parts) should be no more than 1000 words).
Due Date	5pm Friday 18 August 2023 (Week 5)
Submission Method	Turnitin
Assessment Criteria	Ungraded pass / fail assessment based on the standard of proficiency required of a newly admitted solicitor.
Return Method	Turnitin
Feedback Provided	General feedback with individual feedback on request.

Assessment 2 – Statement of claim & defence

Assessment Type	Professional Task
Description	Drafting a statement of claim in one matter & a defence in another matter on the (two sets of) materials released 5pm Thursday Week 4 in the Assessment 2 tabs of the Assignments area of the Canvas site for LAWS4054B/6014B. Total length for both assignments (substantive parts) should be no more than 1000 words.
Weighting	This is a formative assessment.
Due Date	5pm Friday 1 September 2023 (Friday Week 7)
Submission Method	Turnitin
Assessment Criteria	Ungraded pass / fail assessment based on the standard of proficiency required of a newly admitted solicitor.
Return Method	Turnitin
Feedback Provided	General feedback with individual feedback on request.

ADDITIONAL INFORMATION

Grading Scheme

This course is graded as follows:

Grade	Description
Ungraded Pass (UP)	There are no marks associated with this result and you have met the level requirements to pass the course.
Fail (FF)	Failure to satisfactorily achieve assessment objectives or compulsory course requirements. A fail grade may also be awarded following disciplinary action.

Communication Methods

Communication methods used in this course include: Canvas and email

Course Evaluation

Each year feedback is sought from students and other stakeholders about the courses offered in the University for the purposes of identifying areas of excellence and potential improvement.

Academic Misconduct

All students are required to meet the academic integrity standards of the University. These standards reinforce the importance of integrity and honesty in an academic environment. Academic Integrity policies apply to all students of the University in all modes of study and in all locations. For the Student Academic Integrity Policy, refer to <https://policies.newcastle.edu.au/document/view-current.php?id=35>.

Adverse Circumstances

The University acknowledges the right of students to seek consideration for the impact of allowable adverse circumstances that may affect their performance in assessment item(s). Applications for special consideration due to adverse circumstances will be made using the online Adverse Circumstances system where:

1. the assessment item is a major assessment item; or
2. the assessment item is a minor assessment item and the Course Co-ordinator has specified in the Course Outline that students may apply the online Adverse Circumstances system;
3. you are requesting a change of placement; or
4. the course has a compulsory attendance requirement.

Before applying you must refer to the Adverse Circumstance Affecting Assessment Items Procedure available at:

<https://policies.newcastle.edu.au/document/view-current.php?id=236>

Important Policy Information

The 'HELP for Students' tab in UoNline contains important information that all students should be familiar with, including various systems, policies and procedures.

Wellness Contacts

There are a variety of pressures on law students, and being able to perform well academically under pressure, without excessive stress will contribute to enhanced outcomes in wellbeing and academic results. Reach out to support services and learn ways to maintain your mental health, deal with stress and common issues like perfectionism, procrastination and anxiety.

To access UON support:

<https://www.newcastle.edu.au/current-students/support/personal>

Ph: 4921 6622 or email: counselling@newcastle.edu.au

For support outside of office hours call the University Crisis Support Line on 1300 653 007 or for chat sms 0488 884 165.

For immediate support contact Lifeline 24/7 on 13 14 11 or <https://www.lifeline.org.au/>

This course outline was approved by the Head of School. No alteration of this course outline is permitted without Head of School approval. If a change is approved, students will be notified and an amended course outline will be provided in the same manner as the original.

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