

LAWS1010: Legal System and Method I

Newcastle City Precinct

Semester 1 - 2024



THE UNIVERSITY OF
NEWCASTLE
AUSTRALIA

OVERVIEW

Course Description

Legal System and Method I introduces the Australian legal system. It analyses the nature and function of law, including the development of common law principles in case law. The course introduces ethical considerations for the legal profession and develops analytical and interpretative skills. Students develop skills in legal research, written and oral communication, all skills valued in the study and practice of law. Students are introduced to alternative models of resolving disputes and their professional role in contemporary legal practice. Students will be introduced to the School of Law and Justice Legal Clinic model and develop best practice in engagement with real clients.

Skills Focus

The skills this course will assist students to develop include:

- Legal research and database use
- Client interview and interest analysis
- Self-reflection and resilience
- Project management in legal practice

Requisites

This course is only available to students enrolled in the Bachelor of Laws (Honours) and associated combined degree programs.

Contact Hours

Newcastle City Precinct

Seminar

Face to Face On Campus
2 hour(s) per Week for Full Term

Workshop

Face to Face On Campus
1 hour(s) per Week for Full Term

Legal Research Lectorial

Face to Face On Campus
6 hour(s) per Term Full starting Week 2 (Weeks 2, 5 & 7).

Unit Weighting Workload

10

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

COURSE OUTLINE

CONTACTS

Course Coordinator and Teaching Staff

Newcastle City Precinct

Mirella Atherton
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Consultation: By appointment.

Marie Hadley
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Consultation: By appointment.

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School Office

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SYLLABUS

Course Content

Legal System and Method I is designed to, and has the objective of, establishing a basis and foundation for all other law courses. The course has a number of substantive law components, which should not be viewed in isolation. Instruction in the methods and skills employed by lawyers are integrated with the substantive law components to provide an introduction to the Australian legal system. The topics in this course include:

- A. Legal System components - Seminars
 1. Law and Lawyers
 2. The Legal System and Sources of Law
 3. Lawyers' Identity and Ethics
- B. Legal Method components - Workshops
 1. Written communication
 2. Oral communication
 3. Self-management and ethics
 4. Alternative Dispute Resolution

Course Learning Outcomes

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

1. Use legal language and terminology, including citations accurately;
2. Read and analyse case law effectively;
3. Identify legal principles and apply these to diverse scenarios;
4. Structure and present a coherent and persuasive argument with confidence using legal data (orally and in writing);
5. Write coherently using legal data for different audiences (academic and non-academic);
6. Reflect critically on one's own learning and the role of legal institutions and 'actors' in the legal system;
7. Identify ethical issues which arise in practice;

8. Recognise and employ a range of self-management and well-being techniques;

9. Orally present and defend arguments in interactive dialogue with the teacher and peers in a style consistent with professional client consultations, mediation, and negotiation.

Course Materials

Prescribed texts

- James, Nickolas, Rachael Field and Jackson Walkden-Brown, *The New Lawyer* (Wiley, 3rd ed., 2024)
- Hyams, Ross and Adrian Evans, *Practical Legal Skills* (Oxford University Press, 5th ed, 2021)
- *Australian Guide to Legal Citation* (AVAILABLE FREE ONLINE):
<https://law.unimelb.edu.au/mulr/aglc/about>

Reference Books / Professional Library (optional to purchase, available in the library)

Legal Dictionary:

- Finkelstein R and D Hamer (eds), *LexisNexis Concise Australian Legal Dictionary* (LexisNexis Butterworths 5th ed 2015) **OR** Mann, T (ed) *Australian Law Dictionary* (Oxford University Press 2nd ed., 2013)- e-book can be accessed through the University Library website.
- Butt, Peter, *Legal Usage: A Modern Style Guide* (LexisNexis Butterworths 1st ed, 2018)

Legal Research:

- Bott, Bruce and Ruth Talbot-Stokes, *Nemes and Coss' Effective Legal Research* (LexisNexis Butterworth 8th ed, 2021).
<https://library.newcastle.edu.au/record=b5140733~S16>

COMPULSORY REQUIREMENTS

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

Contact Hour Requirements:

- Please enrol in one 2 hr seminar and one 1 hr workshop each week and attend the class in which you are enrolled.
- Please attend one of the 2 hr Legal Research Lectorials/Computer Labs in Weeks 2, 5 and 7 (6 hrs in total).

Course Assessment Requirements:

There is a **compulsory attendance** requirement in this course. Attendance at all classes (seminars and workshops) will be monitored and records maintained by the Course Coordinator. In order to satisfy the "Attendance" requirement, students must be present at a minimum of 80% of scheduled classes as spelled out in the course outline, unless they are able to demonstrate that their absence falls within the Adverse Circumstances policy. Unless this requirement is met, despite marks awarded in other assessment items, the student will receive a zero mark and an CF grade for the course.

Please note that meeting the attendance rule each week requires meaningful attendance for the full one hour and fifty minutes of each class. Partial attendance will not meet the attendance requirement for a given class unless prior approval has been given by the Course Coordinator or Lecturer. (To be clear, simply being present for purposes of the roll call does not on its own satisfy the attendance requirement. As such, even if you have been present for the roll call, if you leave early without permission you are agreeing that your attendance will not count for that week.)

Note also that if you miss more than 2 classes for reasons that fall within the University's adverse circumstances policy you may be required to complete additional assessment items to ensure that you have completed the required volume of learning for this course.

It is a course requirement for LAWS1010 that students ATTEMPT all items of assessment in order to achieve a passing grade in the course.

- **Assessment 1** - Referencing and Research Quiz:
Students must attempt/submit this assessment item to pass the course.
- **Assessment 2** - Professional Legal Communication - Client File:
Students must attempt/submit this assessment item to pass the course.
- **Assessment 3** – Formal Exam:
Students must attempt/submit this assessment item to pass the course.
- **Assessment 4** – Each student will be required to attend a client observation at the University of Newcastle Legal Centre in Semester 1 or Semester 2. The observation is compulsory.

Students are required to observe an interview between a real client, a 4th year law student enrolled in the professional program and a solicitor from the Legal Centre during semester one (LAWS1010) OR semester two (LAWS1011).

Observations at the University of Newcastle Legal Centre will be conducted on Level 5, NuSpace. A 4th year practice program law student will mentor you through this exercise. You are required to put your name down in first semester for a time to observe the interview in either first semester or second semester. The observation is compulsory, and you will need to submit a reflection on this observation in either first semester or second semester. Completing the observation will be a mandatory assessment item for LAWS1011 in second semester. Please attend the observation you are allocated as places are limited and it is a compulsory exercise before you can move into your second year of law. If you cannot attend, you **MUST** email the law school in advance so that you can arrange an alternative time. Further detail will be provided in workshops.

You will be required to complete a confidentiality agreement at the Legal Centre before observing the interview. On the Canvas site, under Observation Clinic you can enter your name and your preferred day and date for your observation. This timetable will be available in week 2 of semester one (1) listing available times to observe a real interview 'in action'. You are required to put your name down for a time to observe the interview in first semester or second semester. Ms Ingrid Barnes or Ms Donna Jamieson will verify your attendance at the UNLC. There will be an information session about the University Legal Centre and the observations.

SCHEDULE

Week	Week Begins	System	Method	Assessment Due
1	26 Feb	The Nature and Function of Law	Becoming a Law Student	
2	4 Mar	Lawyers as reflective professionals – building a professional identity and maintaining well-being	Effective Communication and Professional Identity	Legal Research Lectorial
3	11 Mar	Critical Thinking (Part 1) / Aboriginal and Torres Strait Islander nations and the 'reception' of English Law	Australian Guide to Legal Citation	
4	18 Mar	Sources of Law and the English Legal Tradition	Legal Writing Styles	
5	25 Mar	Interpretation Skills	Legal Problem Solving	Legal Research Lectorial
29th March Good Friday - 1st April Easter Monday				
6	1 April	Judges and The Common Law System: Judicial Reasoning	Interviewing Clients	
7	8 April	The Evolution of Legal Principle at Common Law (Part I)	Dispute Resolution (Introduction to Unlawful Discrimination)	Legal Research Lectorial
Mid-Semester Break 15 April – 26 April				
8	29 April	The Evolution of Legal Principle at Common Law (Part II)	Online quiz – to take place in class	Online Quiz: Legal referencing and research.
9	6 May	The Evolution of Legal Principle at Common Law (Part III)	Professional Ethics and File Management	
10	13 May	Critical Thinking (Part 2) / Lawyers and Justice	Process of Conciliation	
11	20 May	The Legal Profession and Legal Ethics	Settlement and Record of Agreement	
12	27 May	Styles of Lawyering	Closing File-no scheduled workshop-drop-in sessions only	Client File due online Friday 31 st May at 5pm
13	3 June	Exam Review	No Classes	
Examination Period				

ASSESSMENTS

This course has 6 assessments. Each assessment is described in more detail in the sections below.

	Assessment Name	Due Date	Involvement	Weighting	Learning Outcomes
1	Referencing and Research Quiz	Online week 8	Individual	20%	1, 2, 3, 4, 5
2	Professional Legal Communication - Client File	Online Friday 31 st May at 5pm	Individual	30%	1, 2, 3, 4, 5, 6
3	Final Examination	Week 13	Individual	50%	1, 2, 3, 4
4	Client Observation	Semester 1 or 2 Further detail provided in Seminars and Workshops	Individual	Pass/Fail	6, 7, 8

To ensure that grades are fair both within and between courses and cohorts, Newcastle School of Law and Justice has a rigorous policy of moderating and reviewing assessment. The School Assessment Board (SAB) reviews all final grades before they are released to students, and the SAB process may result in the overall marks of a class being moved up or down by a specific amount, thus impacting individual marks. This is consistent with grading practices in other Law Schools across the country and important to ensure the integrity of assessment. This means that the final grade you are awarded may not be the sum of marks you have received in all assessments.

Late Submissions The mark for an assessment item submitted after the designated time on the due date, without an approved extension of time, will be reduced by 10% of the possible maximum mark for that assessment item for each day or part day that the assessment item is late. Note: this applies equally to week and weekend days.

Assessment 1 - Referencing and Research Quiz

Assessment Type	Online In Class Quiz
Description	Open book, unlimited notes quiz questions on AGLC referencing and legal research. Students respond to a number of multiple choice questions to demonstrate their level of technical and cognitive skills to plan and conduct independent legal research.
Weighting	20%
Due Date	Week 8
Submission Method	Online
Assessment Criteria	This assessment is designed to introduce students to the critical use of precise legal language and terminology including citations.
Return Method	N/A
Feedback Provided	Feedback provided online

Assessment 2 - Professional Legal Communication - Client File

Assessment Type	Written Assignment
Description	This assessment is designed to immerse the student into the practical role, and professional context, of a lawyer. The use of video clips creates a simulated 'client' experience for students. Recognising the importance of acting as advocates for the rule of law, students will provide professional advice based on their knowledge of law and its application in diverse contexts to legally support either a complainant or respondent 'client.' Students work through the simulation from 'Complaint to Conciliation' to research and analyse ethical issues in discharging responsibilities to clients, and to complete a client case file inclusive of file notes, letters to client, copies of correspondence received and the record of agreement.
Weighting	30%
Compulsory Requirements	Students must attempt and submit this assessment item to pass the course
Due Date	Due online Friday 31st May at 5pm
Submission Method	Final file submitted online through Turnitin.
Assessment Criteria	Performance in this assessment item will be evaluated with reference to the following criteria:

	<ul style="list-style-type: none">• Presentation and clarity of file• Presentation and clarity of documents• Structure of writing• Substance of writing
Return Method	N/A
Feedback Provided	Brief written feedback will be provided on the file.
Opportunity to Reattempt	Students WILL NOT be given the opportunity to reattempt this assessment. No re-attempt is available.

Assessment 3 - Final Examination

Assessment Type	Formal Examination
Description	The end of semester formal exam relates to the second and third components of topics covered in the Legal System seminars: The Legal System and Sources of Law (seminars for weeks 3 to 9) and Lawyers Identity and Ethics (seminars for weeks 10 to 12). The exam will require (a) application of the principles taught in the common law case study to hypothetical fact situations and (b) a critical evaluation of the role of legal professionals.
Weighting	50%
Due Date	In the formal exam period
Submission Method	Formal exam.
Assessment Criteria	In the common law component of the exam students will be examined on their capacity to: <ul style="list-style-type: none">• understand and the apply the common law;• apply precedents to evaluate altered outcomes;• apply lateral thinking to solve legal problems; and• deliver well-structured and presented arguments. In the legal institutions component of the exam students will be assessed on their capacity to: <ul style="list-style-type: none">• demonstrate an understanding of ethical approaches to lawyering through the use of varied resources;• critique the value and challenges associated with contemporary styles of lawyering• apply critical thinking and analytical skills to evaluate the different ethical perspectives of the professionalism models; and• research and critically reflect on the role of the legal profession, and the different models of professionalism which operate in the contemporary legal profession.
Return Method	N/A
Feedback Provided	N/A

Assessment 4 - Client Observation

Assessment Type	Written Assignment
Description	First year law students are required to observe an interview between a real client, a 4th year law student enrolled in the professional program and a solicitor from the Legal Centre during semester one (LAWS1010) OR semester two (LAWS1011)
Weighting	Pass/Fail
Due Date	Semester 1 or 2
Submission Method	Online
Assessment Criteria	The observation is compulsory, and you will need to submit a reflection on this observation in either first semester or second semester. Completing the observation will be a mandatory assessment item for LAWS1011 in second semester. Please attend the observation you are allocated as places are limited and it is a compulsory exercise before you can move into your second year of law.
Return Method	N/A
Feedback Provided	Brief feedback on the observation will be provided

ADDITIONAL INFORMATION

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. Please 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/>

Grading Scheme

This course is graded as follows:

Range of Marks	Grade	Description
85-100	High Distinction (HD)	Outstanding standard indicating comprehensive knowledge and understanding of the relevant materials; demonstration of an outstanding level of academic achievement; mastery of skills*; and achievement of all assessment objectives.
75-84	Distinction (D)	Excellent standard indicating a very high level of knowledge and understanding of the relevant materials; demonstration of a very high level of academic ability; sound development of skills*; and achievement of all assessment objectives.
65-74	Credit (C)	Good standard indicating a high level of knowledge and understanding of the relevant materials; demonstration of a high level of academic achievement; reasonable development of skills*; and achievement of all learning outcomes.
50-64	Pass (P)	Satisfactory standard indicating an adequate knowledge and understanding of the relevant materials; demonstration of an adequate level of academic achievement; satisfactory development of skills*; and achievement of all learning outcomes.
0-49	Fail (FF)	Failure to satisfactorily achieve learning outcomes. If all compulsory course components are not completed the mark will be zero. A fail grade may also be awarded following disciplinary action.

*Skills are those identified for the purposes of assessment task(s).

Communication Methods

Communication methods used in this course include: announcements on the Canvas site and discussion forums on the Canvas site.

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.

Oral Interviews

As part of the evaluation process of any assessment item in this course an oral examination may be conducted. The purpose of the oral examination is to verify the authorship of the material submitted in response to the assessment task. The oral examination will be conducted in accordance with the principles set out in the [Oral Examination Guidelines](#). In cases where the oral examination reveals the assessment item may not be the student's own work the case will be dealt with under the [Student Conduct Rule](#).

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 “Academic Support” and “Personal Support” tab in Canvas contains important information that all students should be familiar with, including various systems, policies and procedures.

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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