

## LAWS4003: Civil Dispute Resolution

Newcastle City Precinct

Semester 1 - 2024



THE UNIVERSITY OF  
NEWCASTLE  
AUSTRALIA

## OVERVIEW

**Course Description** This core course examines the principles, processes, and rules that shape how civil disputes are managed and resolved in New South Wales through the study of litigation, mediation, and negotiation. This course develops core legal knowledge of dispute resolution and litigation based on the relevant Prescribed Academic Areas of Knowledge required for admission to legal practice.

The course is also designed to develop legal skills in accordance with the School of Law and Justice's Graduate Skills Portfolio, focusing on proficiency in three areas: negotiation skills, skills in policy analysis and reform, and writing for a lay (non-legal) audience.

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

**Assumed Knowledge** LAWS1010, LAWS1011, LAWS1020, LAWS1021, LAWS2030, LAWS3040, and LAWS3041.

**Contact Hours**

**Online Activity**  
On Canvas  
1 hour of online activity per week

**Seminar - Newcastle City Precinct**  
Face to Face On Campus  
2 hour(s) per week for 12 Weeks

**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

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# CONTACTS

<b>Course Coordinators</b>	<b>Newcastle City Precinct</b> Dr. Stephenson Chow – Seminars 9, 10, 11 & 12 <a href="mailto:stephenson.chow@newcastle.edu.au">stephenson.chow@newcastle.edu.au</a> (02) 4055 0909 Consultation: By appointment
	Dr. Bin Li – Seminars 1, 2, 3, & 4 <a href="mailto:bin.li@newcastle.edu.au">bin.li@newcastle.edu.au</a> (02) 4921 7899 Consultation: By appointment
	Dr Shaun McCarthy – Seminars 5, 6, 7, & 8 <a href="mailto:shaun.mccarthy@newcastle.edu.au">shaun.mccarthy@newcastle.edu.au</a> (02) 4921 8666 Consultation: By appointment

<b>School Office</b>	<b>School of Law and Justice</b> 5th Floor NU Space 409 Hunter Street Newcastle <a href="mailto:Law-School@newcastle.edu.au">Law-School@newcastle.edu.au</a> +61 2 4921 8666
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# SYLLABUS

<b>Course Content</b>	<p>The course is designed to include all of the Prescribed Academic Areas of Knowledge in civil dispute resolution set out by the Law Admissions Consultative Committee, required for admission into legal practice in Australia. This includes:</p> <ul style="list-style-type: none"><li>• The civil justice system(s) in Australia and the importance of access to justice;</li><li>• The adversarial litigation process and non-adversarial alternatives;</li><li>• The initiation of proceedings in time and the service and execution of process;</li><li>• Procedural mechanisms to obtain and protect evidence and vary proceedings as required; and</li><li>• Bringing proceedings to an end and addressing the issue of costs.</li></ul> <p>The course is also designed to facilitate opportunities to practise and reflect upon the skills embedded in the Graduate Skills Portfolio for this course, namely:</p> <ul style="list-style-type: none"><li>• Negotiation;</li><li>• Writing to a lay audience; and</li><li>• Policy and law reform.</li></ul>
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<b>Course Learning Outcomes</b>	<p><b>On successful completion of this course, students will be able to:</b></p> <ol style="list-style-type: none"><li>1. Apply specialised and advanced knowledge and understanding of the roles of the civil justice system(s), dispute resolution processes (from the commencement of proceedings through to enforcement), and the operation of civil procedure rules to solve complex practical problems.</li><li>2. Practise and reflect upon the skills involved in ethically negotiating to resolve disputes.</li><li>3. Analyse and evaluate the policies and principles that underline the Australian civil justice system and propose meaningful law reform to litigation and other dispute resolution process.</li></ol>
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4. Select and apply appropriate approaches to communicate clearly and persuasively with legal and non-legal audiences, without compromising the accuracy of the legal information.

### Course Materials

The textbook for this course is:

- Sonya Wills, *Civil Dispute Resolution: Balancing Themes and Theory*, (2022) published by Cambridge University Press (available in hard copy and electronic versions, and both versions are available through the library). [The link to the e-copy is here.](#)

You will also need to have access to key pieces of legislation for this course:

- *Civil Procedure Act 2005* (NSW)
- *Uniform Civil Procedure Rules (UCPR) 2005* (NSW) and *Uniform Civil Procedure Rules (UCPR)* forms

This course is supported with materials on [Canvas](#) (which is the replacement system for Blackboard).

## SCHEDULE

Week	Week Begins	Topic	Learning Activity	Assessment Due	
1	26 Feb	Introduction to Civil Dispute Resolution	Each week in this course, there is one hour of online learning activities and a two-hour face-to-face seminar. Please see Canvas for the details of content for each week.  (Please note that 1 <sup>st</sup> April is a public holiday with a following University concession day on 2 <sup>nd</sup> April. There will be no seminar on the two days that week. Students who are originally scheduled to attend that seminar will receive a seminar recording on the content for that week which will satisfy their attendance for week 6)		
2	4 Mar	Dispute Resolution Methods			
3	11 Mar	Negotiation and Mediation: Skills and Strategies			
4	18 Mar	Pre-Litigation Considerations (Jurisdiction and Parties)			
5	25 Mar	Precursors to Litigation, Limitation Periods and Commencing Litigation			
6	1 Apr	Interlocutory Steps and Service			Online Quiz 1 (Assessment 2) – available on Canvas from Tuesday 2 <sup>nd</sup> April at 11:59pm until Wednesday, 3 <sup>rd</sup> April at 11:59pm. Once the quiz is started, students have two hours to complete the quiz.
7	8 Apr	Summary Dispositions, Conduct, and Costs			
<b>Mid-Term Break (15 April – 26 April)</b>					
<b>Mid-Term Break</b> Letter of Advice (Assessment 3) – due Friday 26 <sup>th</sup> Apr 11:59pm					
8	29 Apr	Pleadings	Each week in this course, there is one hour of online learning activities and a two-hour face-to-face seminar. Please see Canvas for the details of the content for each week.		
9	6 May	Documentary Evidence			Online Quiz 2 (Assessment 2) – available on Canvas from Thursday, 9 <sup>th</sup> May, at 11:59pm till Friday, 10 <sup>th</sup> May, at 11:59pm. Once the quiz is started, students have two hours to complete the quiz.
10	13 May	Privilege and Witnesses			
11	20 May	Trial, Judgment, Appeals and Enforcement			
12	27 May	Revision Class			
<b>3hrs-End of Semester Formal Exam to be held during the scheduled Exam Period (10 June – 22 June)</b>					

# ASSESSMENTS

This course has 3 assessments. Each assessment is described in more detail in the sections below.

	Assessment Name	Due Date	Involvement	Weighting	Learning Outcomes
1	Attendance	Ongoing; Attendance is compulsory (see below)	Individual	Formative	all
2	Online Quizzes	Quiz 1 due by Wednesday 3 April 11:59pm Quiz 2 due by Friday 10 May 11:59pm	Individual	30% (15% each)	1, 2, 3
3	Letter of Advice	Friday 26 April by 11:59pm	Individual	20%	1, 3, 4
4	End of Semester Formal Exam	3hrs - Invigilated Exam (date to be announced)	Individual	50%	1, 4

To ensure that grades are fair both within and between courses and cohorts, the School of Law and Justice has a rigorous policy of moderating and reviewing assessments. 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. This applies equally to week and weekend days.

## Assessment 1 – Attendance and Participation

**Assessment Type Description** Attendance and Participation  
There is a compulsory attendance requirement in this course. Attendance at all seminars will be monitored and records maintained by the Course Coordinator and the seminar lecturers. In order to satisfy this requirement, students must be present at a minimum of 80% of scheduled classes (namely, 9 out of 12 seminars) as listed above, 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 a CF grade for the course.

**Weighting** This is a formative assessment and will not contribute to your final grade. However, as explained above, attendance is a pre-requisite for passing the course.

**Due Date** Ongoing

**Submission Method** Please advise your seminar teacher if you are unable to attend in a particular week because of adverse circumstances.

**Please note** 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.

## Assessment 2 – Online Quizzes

**Assessment Type Description** Online Quizzes  
This assessment requires you to answer a (random) set of multiple-choice questions drawn from a pool of questions relevant to this course. The first quiz tests your command of material covered in Weeks 1-4 of the course and the second quiz your command of material covered in weeks 5-8. Each quiz lasts 120 minutes and serves to ensure that you are keeping up with the progress required for this course.

**Weighting** 30% of your final mark (i.e. each quiz counts towards 15% of your final mark)

**Due Date** The first quiz will be made available to you on Canvas on Tuesday 2 April at 11:59pm and you must complete the quiz by Wednesday 3 April 11:59pm. Similarly, the second quiz will be made available to you on Thursday 9 May at 12am and you must complete the quiz by Friday 10 May 11:59pm. Please note that once you start a quiz on Canvas, you will only have 2 hours (i.e. 120 minutes) to complete it.

**Submission Method** Online via Canvas

**Assessment Criteria** On Canvas

**Return Method** Online via Canvas

**Feedback Provided** Marks and answers will be released once the quiz is closed.

## Assessment 3 – Letter of Advice

<b>Assessment Type</b>	Written Assignment (1000 words)
<b>Description</b>	This assessment aims at developing your skills to write clearly and persuasively to non-legal audiences without compromising the accuracy of the legal information. It builds on the material covered in Weeks 1-7.
<b>Weighting</b>	20% of your final mark
<b>Due Date</b>	Friday 26 April by 11:59pm
<b>Submission Method</b>	Online via Canvas
<b>Assessment Criteria</b>	On Canvas and discussed in the seminars
<b>Return Method</b>	Online via Canvas
<b>Feedback Provided</b>	Feedback provided based on the marking rubric. The marking rubric will be made available on Canvas in due course.

## Assessment 4 – End of Semester Exam

<b>Assessment Type</b>	In-person Invigilated Exam (3hrs)
<b>Description</b>	This is a 3-hour formal exam and tests students' ability to identify and analyse legal issues and applying correct legal rules and principles when given hypothetical factual matrixes. It will focus on the material covered in Weeks 4-12.
<b>Weighting</b>	50%
<b>Due Date</b>	To be announced
<b>Submission Method</b>	n/a
<b>Assessment Criteria</b>	Details to be provided on Canvas
<b>Return Method</b>	The exam mark will be released as part of your final grade – see the University Calendar.
<b>Feedback Provided</b>	Provided only upon request via access to exam paper and discussion.

# ADDITIONAL INFORMATION

## Grading Scheme

Assessments 3 and 4 of this course are 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).

<b>Communication Methods</b>	Communication in this course will take place via Canvas and in the face-to-face seminars.
<b>Course Evaluation</b>	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.
<b>Oral Interviews</b>	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 <a href="#">Oral Examination Guidelines</a> . 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 <a href="#">Student Conduct Rule</a> .
<b>Academic Misconduct</b>	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 <a href="https://policies.newcastle.edu.au/document/view-current.php?id=35">https://policies.newcastle.edu.au/document/view-current.php?id=35</a> .
<b>Adverse Circumstances</b>	<p>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:</p> <ol style="list-style-type: none"><li>1. the assessment item is a major assessment item; or</li><li>2. the assessment item is a minor assessment item &amp; the Course Co-ordinator has specified in the Course Outline that students may apply the online Adverse Circumstances system;</li><li>3. you are requesting a change of placement; or</li><li>4. the course has a compulsory attendance requirement.</li></ol> <p>Before applying you must refer to the Adverse Circumstance Affecting Assessment Items Procedure available at: <a href="https://policies.newcastle.edu.au/document/view-current.php?id=236">https://policies.newcastle.edu.au/document/view-current.php?id=236</a></p>
<b>Wellness Contacts</b>	<p>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.</p> <p>To access UON support:</p> <ul style="list-style-type: none"><li>• <a href="https://www.newcastle.edu.au/current-students/support/personal">https://www.newcastle.edu.au/current-students/support/personal</a></li><li>• Ph: 4921 6622 or email: <a href="mailto:counselling@newcastle.edu.au">counselling@newcastle.edu.au</a></li><li>• For support outside of office hours call the University Crisis Support Line on 1300 653 007 or for chat sms 0488 884 165.</li><li>• For immediate support contact Lifeline 24/7 on 131411 or <a href="https://www.lifeline.org.au/">https://www.lifeline.org.au/</a></li></ul>
<b>Important Policy Information</b>	The 'HELP for Students' tab in UoNline 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.*