

LAWS4055A: Legal Practice 2 - Part A

Newcastle City Precinct

Semester 1 - 2024



THE UNIVERSITY OF
NEWCASTLE
AUSTRALIA

OVERVIEW

Course Description	This course builds upon the course Legal Practice 1, focusing on the more advanced aspects of commercial law and legal transactions. It gives emphasis to professional responsibility and relevant ethical behaviour. The course is made up of components and modules which cover a variety of areas of legal practice where communication, research, advocacy and legal transaction skills are utilised. Students undertake simulation and drafting exercises.
Requisites	This course is only available to students enrolled in the Bachelor of Laws / Diploma of Legal Practice [10861] or Bachelor of Laws (Honours) / Diploma of Legal Practice [12347]. Students must have completed LAWS4054A and LAWS4054B.
Assumed Knowledge	LAWS1010, LAWS1011, LAWS1020, LAWS1021, LAWS2030, LAWS3040, LAWS3041, LAWS4007, LAWS4011, LAWS4001, LAWS4002, LAWS4003, LAWS4054A, LAWS4054B
Contact Hours	Newcastle City Precinct Seminar * Face to Face On Campus 2 hours per Week for 12 Weeks * This contact type has a compulsory requirement.
Unit Weighting	10
Workload	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

CONTACTS

Course Coordinator	Newcastle City Precinct Ms Sarah Breusch Sarah.Breusch@newcastle.edu.au 18605 Consultation: By appointment
Teaching Staff	Mr Daniel Matas (Corporate and Commercial module) Daniel.Matas@newcastle.edu.au Mr Andrew Knight (Conveyancing module)
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	<ol style="list-style-type: none">1. This course builds upon the course LAWS4054A & LAWS4054B Legal Practice 1, focusing on more advanced aspects of commercial law and legal transactions. It gives emphasis to professional responsibility and relevant ethical behaviour.2. The course further develops awareness and refines the skills that lawyers need when conducting legal transactions.3. The course comprises components and modules which cover a variety of areas where legal transactional and drafting skills are utilised. These include Conveyancing Practice, and Corporate & Commercial Law Practice.4. Students undertake simulation exercises.5. The course also examines, oral and written communication skills, legal letter writing, document drafting, interviewing, research, non-litigious negotiation and settlement skills.
Course Learning Outcomes	<p>On successful completion of this course, students will be able to:</p> <ol style="list-style-type: none">1. Demonstrate knowledge and skills required of an entry level lawyer;2. Apply earlier learning in both substantive and procedural law;3. Demonstrate development of the oral and written skills needed to practice law;4. Demonstrate an understanding of the management of legal practices, time management, professional responsibility and professional ethics.
Course Materials	<p><u>Please refer to the "Additional Module Information" document on Canvas in relation to each of the modules (Corporate and Commercial Practice and Conveyancing Practice)</u></p>

COMPULSORY REQUIREMENTS

In order to pass this course, each student must complete ALL of the following compulsory requirements. **There are two modules in this course, Corporate and Commercial Practice (weeks 1-5) and Conveyancing Practice (weeks 6-12). The modules take place consecutively in the same timetable timeslot.**

Contact Hour Requirements:

- There is a compulsory attendance requirement in this course. Attendance is face to face attendance. One class in each of the two modules may be missed without penalty, however if more than one class is missed make up work will be required. If more than two classes are missed in any one module, you may not be able to pass the course.
- Even where make up work is not required for a missed class, students are still expected to familiarise themselves with the content they missed.
- All assessment tasks in each module must be completed to a satisfactory standard to pass this course.

CORPORATE & COMMERCIAL PRACTICE SCHEDULE

Week	Date of class	Topic	Learning Activity	Assessment Due
1	1 March	Introduction Taking Instructions Solicitor's role Business Structures (incl. Set up & Officer's duties) Due Diligence: Inquiries, requisitions & searches	Learning Activity 1	
2	8 March	Plant & Equipment Trading Stock Goodwill Intellectual Property	Learning Activity 2	
3	15 March	Finance & Security Restraints & Employees	Learning Activity 3	
4	22 March	CGT Land Tax, Stamp Duty, GST & FBT	Learning Activity 4	
5	29 March	NO CLASS (Good Friday)		Assessment tasks 1 & 2 due 11PM on 28/03/24
6	5 April	Pre & Post Completion activities & Drafting Skills		

ASSESSMENTS

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

	Assessment Name	Due Date	Involvement	Weighting	Learning Outcomes
1	File Note	28 March 2024 11pm	Individual	Formative	1-4
2	Contract of sale and Guarantee	28 March 2024 11pm	Individual	Formative	1-4

Late Submissions

In the absence of approval from the Lecturer, any student who fails to submit an assessment task by the due date may be required to complete an additional comparative assessment task.

Note: A hypothetical set of facts will be placed on the course canvas site for this module.

Assessment 1 – File Note

Assessment Type	File note Students are required to draft a file note that reflects the instructions given by the client and the advice provided to the client, addressing issues arising from the client's instructions.
Weighting	Pass/Fail
Due Date	11pm 28 March 2024
Submission Method	Upload to Turnitin on Canvas
Assessment Criteria	The file note will be marked on the student's ability to clearly and effectively summarise: <ul style="list-style-type: none">• Discussions with the client and any instructions given by them;• Key points required to be included in the drafting of a Sale Contract to address any issues raised to the standard expected of a graduate lawyer
Return Method	Canvas
Feedback Provided:	Yes – general feedback provided unless resubmission is required, when feedback will be individual

Assessment 2 – Contract of Sale and Guarantee

Assessment Type	Drafting legal documents
Description	Using the facts provided students are to complete pages 1 & 2 of the Contract of Sale of Business and draft a guarantee for the Vendor finance being provided.
Weighting	Pass/Fail
Due Date	11pm on 28 March 2024
Submission Method	Upload to Turnitin on Canvas
Assessment Criteria	Accuracy of the information inserted on the Contract for Sale of Business contract and a suitably drafted guarantee to the standard expected of a graduate lawyer.
Return Method	Canvas
Feedback Provided	Yes – general feedback provided unless resubmission is required, when feedback will be individual

CONVEYANCING SCHEDULE

Week	Date of class	Topic	Learning Activity	Assessment Due
7	12 April	Introduction to Conveyancing	Seminar problem solving tasks	
Mid Term Break				
Mid Term Break				
8	3 May	Pre-exchange Vendor and Purchaser	Seminar problem solving tasks	
9	10 May	Post-Exchange Vendor and Purchaser, Settlement	Seminar problem solving tasks	Conveyancing Letter of advice Assignment due 13 May 2024 at 11pm
10	17 May	Introduction to Leases	Seminar problem solving tasks	
11	24 May	Acting for Lessor	Seminar problem solving tasks	
12	31 May	Acting for Lessee		Leasing assignment due 3 June 2024 at 11pm
13	7 June	Mortgages		
Examination Period				
Examination Period				

ASSESSMENTS

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

	Assessment Name	Due Date	Involvement	Weighting	Learning Outcomes
1	Conveyancing Letter of advice Assignment	11pm on 13 May 2024	Individual	Pass/ Resubmit	1-4
2	Leasing assignment	11pm on 3 June 2024	Individual	Pass/ Resubmit	1-4

Assessment 1 – Letter of advice

Assessment Type	Professional Task
Description	Research and draft letter of advice for a purchaser regarding a Contract for Sale of Land including the special conditions, land use and revenue implications.
Weighting	Pass/Resubmit. If you do not satisfactorily pass the task you will be required to resubmit the assessment item.
Due Date	11pm on 13 May 2024
Submission Method	Electronic submission to Canvas.
Assessment Criteria	Your letter of advice will be assessed with regard to its accuracy in research and legal advice, clear expression and structure and the appropriately tailored advice provided to protect the client's interests..
Return Method	Electronically
Feedback Provided	Electronically – where a student is required to resubmit their work, individual feedback will be provided. Where work is of a satisfactory standard, written generic feedback to the student cohort will be provided.

Assessment 2 – Lease Assignment: Drafting a special lease condition and advice

Assessment Type	Professional Task
Description	Draft a special lease condition and explain the lease condition to a client by written advice.
Weighting	Pass/Resubmit. If you do not satisfactorily pass the task you will be required to resubmit the assessment item.
Due Date	11pm on 3 June 2024
Submission Method	Electronic submission to Canvas.
Assessment Criteria	Your draft and advice will be assessed with regard to its accuracy in research and legal advice, clear expression and structure and the appropriately tailored advice provided to protect the client's interests
Return Method	Electronically.
Feedback Provided	Electronically – where a student is required to resubmit their work, individual feedback will be provided. Where work is of a satisfactory standard, written generic feedback to the student cohort will be provided.

ADDITIONAL INFORMATION

Grading Scheme

This course is Part A of a multi-term sequence. A grade will be awarded at the completion of Part B.

Communication Methods

Communication methods used in this course include:

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

Wellbeing 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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