

Legal Skills Policy

Category/Sub Category	Student Affairs / Learning and Teaching
Policy Number:	LAW 2.06
Name of Policy:	Legal Skills
Applicability:	All Law students
Contact Position:	Student Affairs and Service Quality Manager
Policy Status:	Approved (Issue 4)
Date of approval:	20 June 2012
Date last amended:	3 August 2018
Date of next review:	3 August 2020
Related policies:	Nil

1. Overview

- 1.1. The subject *LAWS11/75-111 Legal Skills* encompasses the Bachelor of Laws (LLB) and Juris Doctor (JD) legal skills program. The legal skills program has three distinctive features. It is:
- Subject-oriented: skills are taught in connection with substantive law subjects because theory and practice complement and reinforce each other.
 - Compulsory: skills are taught as components of compulsory substantive law subjects because all students should acquire basic 'lawyering' skills.
 - Incremental: the program is spread over the duration of the LLB/JD degree because skilled behaviour takes time to develop.
- 1.2. The aim of the subject *Legal Skills* is to provide student with an introduction to the skills and professional attitudes essential to the successful completion of their law program and subsequent practice of the law and related professions.
- 1.3. *Legal Skills* is a 10 credit point subject consisting of four individual modules of skill areas focusing on the skills associated with legal research and analysis, legal writing and drafting, negotiation, and oral communication and presentation. Each of these modules is described in more detail below. Each module consists of a number of levels or components taught in connection with various relevant substantive law subjects taken throughout the degree. The number and placement of skills components is illustrated in the schedule set out overleaf.

- 1.4. A variety of teaching methods including formal oral and written instruction, demonstrations, interactive small group discussions, moots and other experimental learning exercises, and self-directed learning are utilised to assist students to attain greater proficiency in all skills areas.

2. Definitions

Nil

3. The Policy

Skills Modules

- 3.1. **Legal Research and Analysis:** this module aims to teach students how to use the legal information network, including the Law Library. It also aims to familiarise students with problem solving methodology and analytical skills.
- 3.2. **Legal Writing and Drafting:** this module seeks to provide students with basic good writing and drafting skills, an introduction to the principles of plain English writing and drafting, structure and organisation of documents, proofreading and spelling, methods of footnoting and legal citation, and introduction to the capabilities of computer programs (including the use of precedents), and the application of writing skills in legal letter writing and in drafting legal documents.
- 3.3. **Negotiation:** this module introduces students to the general principles and techniques of negotiation including those involved in team negotiations, and to the advantages and disadvantages of various ADR processes such as mediation and arbitration.
- 3.4. **Oral Communication and Presentation:** this module assists students to develop the ability to define and analyse relevant legal issues in a problem and research the law applicable to those issues, and to formulate concise and coherent legal arguments and present those arguments orally in court. The module also assists students to develop the communication and interviewing skills required to obtain instructions from clients and to render advice to them.

LAW511/75-111 LEGAL SKILLS				
INDIVIDUAL SKILLS COMPONENTS	LEGAL RESEARCH & ANALYSIS	LEGAL WRITING & DRAFTING	NEGOTIATION	ORAL COMMUNICATION & PRESENTATION
SUBJECTS	Australian Legal System	Principles of Contractual Liability	Law of Obligations	Criminal Law and Procedure A
	Principles of Tortious Liability	Law of Civil Remedies	Land Law	Property Law
	Criminal Law and Procedure B	Personal Property Transactions		Business Associations
	Constitutional Law	Equity		Corporations Law
	Administrative Law	Civil Procedure		Evidence

Reviews due or complete	15/08/2013 ✓	29/07/2016 ✓	29/07/2018 ✓	03/08/2020
--------------------------------	--------------	--------------	--------------	------------

- 3.5. All students (with the exception of those granted an exemption from the program) must satisfactorily complete the legal skills program in order to obtain their degree, that is, the subject *Legal Skills* is a compulsory subject for the LLB/JD degrees. Following graduation, students will receive a separate skills certificate that indicates the level of competence they attained in each module.
- 3.6. Students with credit for subjects containing skill components should consult the Law Student Affairs and Service Quality Manager (SASQM) to ascertain whether they are entitled to an exemption from the legal skills program.

Sign-up Process

- 3.7. Subject Coordinators of the substantive law subjects that contain skills components may use 'sign-up sheets' to enable students to register to complete the relevant skills exercise (eg, moot, negotiation, client interview) at a particular time. The Faculty encourages the use of an electronic sign-up process via iLearn for this purpose.
- 3.8. In the interests of maintaining student confidentiality, Subject Coordinators must ensure that 'sign-up sheets' (and other public/iLearn notices) identify students by name or SID only.
- 3.9. As a general rule, students who do not sign up for a skills exercise by the specified deadline will be randomly allocated by the Subject Coordinator to available timeslots and will not be subject to any penalty in relation to the skills exercise.
- 3.10. Where a Subject Coordinator considers it a necessary discipline to penalise the failure of students to sign up for a particular skills exercise by the specified deadline, then the consequences of not signing up on time must be drawn to the attention of students in all materials/announcements relating to the skills exercise, the 'sign-up sheets' must be available for a minimum of one week, and the penalty imposed must not exceed 10% of the marks awarded to that skills exercise (rounded off to the nearest one-half mark). Subject Coordinators retain discretion to waive any penalty where medical reasons or extenuating circumstances explain a student's failure to sign up for the skills exercise on time.

Passing Legal Skills

- 3.11. Students are obliged to obtain an overall pass in *Legal Skills*. If a student does not obtain an overall pass, the student will be obliged to re-enrol in the subject. The student can carry forward credit for the modules passed but will be required to pass supplementary exercises in failed modules to obtain a passing grade in the subject on re-enrolment.
- 3.12. If a student fails *Legal Skills*, and is eligible under University Regulations for a supplementary examination, the Executive Dean has discretion to grant a pass/fail supplementary examination to the student.
- 3.13. A result will be recorded for *Legal Skills* at the end of the semester in which all components have been completed. Until all components are completed a student will have an incomplete result ('INC') for the subject.

Reviews due or complete	15/08/2013 ✓	29/07/2016 ✓	29/07/2018 ✓	03/08/2020
--------------------------------	--------------	--------------	--------------	------------

Marks

- 3.14. In each skill component students will be given a mark which will be recorded for both the substantive subject in which the skill component is contained and for *Legal Skills*.
- 3.15. Legal Skills currently contains 17 components. These components are equally weighted in each module. The final mark for *Legal Skills* will be the average of the percentages gained across each skill module.
- 3.16. Most marks will derive from work undertaken by students on an individual basis. In some components a student's mark will derive from their performance as part of a small group for which either an individual or group mark will be awarded.

Failure or Withdrawal

- 3.17. Students who fail or withdraw from a substantive subject containing a skill component will be required to complete the skill component again when they attempt the substantive subject once more. The mark applied to *Legal Skills* will be the highest mark achieved for the skill component in that substantive subject, whether on the first or subsequent attempt.

Students with Credit from other Institutions and Exempt from Legal Skills

- 3.18. Some students who have been given substantial credits for four or more compulsory law subjects at other institutions will be exempt from the legal skills program. Those students are still obliged to undertake any skill components in the substantive subjects in which they enrol.
- 3.19. If those students are concerned that they are at a disadvantage in undertaking this exercise they should contact the subject coordinator where they can be referred to materials covering that skill module. Exempt students can choose to sit in on other subjects where prior skill components are being taught to upgrade their skills. Students should contact the subject coordinator of any subject where prior skill components are offered before sitting in on that subject.
- 3.20. Exempt students will need to complete a 10 credit point law elective in place of *Legal Skills*.

Students with Credit from other Institutions but not Exempt from Legal Skills

- 3.21. For students with credit for some compulsory substantive subjects but who are not exempt from the skills program, their marks for *Legal Skills* will be averaged across those components attempted.

Skills Certificate

- 3.22. Following graduation, students will receive a legal skills certificate recording the grade obtained in *Legal Skills* and the mark obtained in individual skills modules.

Amendment to Legal Skills Program

- 3.23. As the legal skills program continues over a number of semesters, amendments to the program may be necessary due to curriculum changes, University Regulations,

Reviews due or complete	15/08/2013 ✓	29/07/2016 ✓	29/07/2018 ✓	03/08/2020
-------------------------	--------------	--------------	--------------	------------

professional admission requirements and other contingencies. The Faculty of Law constantly reviews the program to maintain and improve its quality.

University Regulations

3.24. Generally, the University and Faculty of Law regulations and policies will apply to the skills program, for example, regulations in regard to plagiarism.

4. Related Policies/Procedures

Nil

5. Related Guidelines and Forms

Nil

Reviews due or complete	15/08/2013 ✓	29/07/2016 ✓	29/07/2018 ✓	03/08/2020
--------------------------------	--------------	--------------	--------------	------------