



LAWS12064 Legal Advocacy

Term 2 - 2021

Profile information current as at 27/04/2024 12:17 am

All details in this unit profile for LAWS12064 have been officially approved by CQU University and represent a learning partnership between the University and you (our student). The information will not be changed unless absolutely necessary and any change will be clearly indicated by an approved correction included in the profile.

General Information

Overview

Legal Advocacy concerns the preparation for and oral presentation of persuasive legal arguments. The unit includes how to prepare for, structure and present oral arguments - examining topics such as interviewing, negotiation, and fundamentals of trial technique. It is essential that lawyers know how to present their arguments in a coherent and persuasive manner. Students will prepare numerous oral presentations culminating in a moot.

Details

Career Level: *Undergraduate*

Unit Level: *Level 2*

Credit Points: 6

Student Contribution Band: 10

Fraction of Full-Time Student Load: 0.125

Pre-requisites or Co-requisites

Pre-requisites: 24 credit point law and LAWS13010 Co-requisite LAWS13017

Important note: Students enrolled in a subsequent unit who failed their pre-requisite unit, should drop the subsequent unit before the census date or within 10 working days of Fail grade notification. Students who do not drop the unit in this timeframe cannot later drop the unit without academic and financial liability. See details in the [Assessment Policy and Procedure \(Higher Education Coursework\)](#).

Offerings For Term 2 - 2021

- Online

Attendance Requirements

All on-campus students are expected to attend scheduled classes - in some units, these classes are identified as a mandatory (pass/fail) component and attendance is compulsory. International students, on a student visa, must maintain a full time study load and meet both attendance and academic progress requirements in each study period (satisfactory attendance for International students is defined as maintaining at least an 80% attendance record).

Website

[This unit has a website, within the Moodle system, which is available two weeks before the start of term. It is important that you visit your Moodle site throughout the term. Please visit Moodle for more information.](#)

Class and Assessment Overview

Recommended Student Time Commitment

Each 6-credit Undergraduate unit at CQUniversity requires an overall time commitment of an average of 12.5 hours of study per week, making a total of 150 hours for the unit.

Class Timetable

[Regional Campuses](#)

Bundaberg, Cairns, Emerald, Gladstone, Mackay, Rockhampton, Townsville

[Metropolitan Campuses](#)

Adelaide, Brisbane, Melbourne, Perth, Sydney

Assessment Overview

1. **Practical and Written Assessment**

Weighting: 10%

2. **Presentation and Written Assessment**

Weighting: 20%

3. **Presentation and Written Assessment**

Weighting: 30%

4. **Presentation and Written Assessment**

Weighting: 40%

Assessment Grading

This is a graded unit: your overall grade will be calculated from the marks or grades for each assessment task, based on the relative weightings shown in the table above. You must obtain an overall mark for the unit of at least 50%, or an overall grade of 'pass' in order to pass the unit. If any 'pass/fail' tasks are shown in the table above they must also be completed successfully ('pass' grade). You must also meet any minimum mark requirements specified for a particular assessment task, as detailed in the 'assessment task' section (note that in some instances, the minimum mark for a task may be greater than 50%). Consult the [University's Grades and Results Policy](#) for more details of interim results and final grades.

CQUniversity Policies

All University policies are available on the [CQUniversity Policy site](#).

You may wish to view these policies:

- Grades and Results Policy
- Assessment Policy and Procedure (Higher Education Coursework)
- Review of Grade Procedure
- Student Academic Integrity Policy and Procedure
- Monitoring Academic Progress (MAP) Policy and Procedure – Domestic Students
- Monitoring Academic Progress (MAP) Policy and Procedure – International Students
- Student Refund and Credit Balance Policy and Procedure
- Student Feedback – Compliments and Complaints Policy and Procedure
- Information and Communications Technology Acceptable Use Policy and Procedure

This list is not an exhaustive list of all University policies. The full list of University policies are available on the [CQUniversity Policy site](#).

Previous Student Feedback

Feedback, Recommendations and Responses

Every unit is reviewed for enhancement each year. At the most recent review, the following staff and student feedback items were identified and recommendations were made.

Feedback from Student feedback

Feedback

Students may benefit from doing two moots instead of one

Recommendation

Requiring students to complete two moots instead of one will unnecessarily increase student workload and replicate learning. As such, the unit should retain one moot.

Unit Learning Outcomes

On successful completion of this unit, you will be able to:

1. Competently prepare and present persuasive quality oral arguments and presentations that are simple, clear, comprehensive, unambiguous, ethically sound, ethnically sensitive, gender neutral, and in plain language.
2. Implement a research strategy to support a moot and a plea in mitigation.
3. Analyse and explain how clients and the public interpret and construct meaning from oral arguments.
4. Apply analytical and critical legal skills in formulating an oral and written argument.

Alignment of Learning Outcomes, Assessment and Graduate Attributes



Alignment of Assessment Tasks to Learning Outcomes

Assessment Tasks	Learning Outcomes			
	1	2	3	4
1 - Practical and Written Assessment - 10%	•		•	
2 - Presentation and Written Assessment - 20%	•			•
3 - Presentation and Written Assessment - 30%	•	•		•
4 - Presentation and Written Assessment - 40%	•	•		•

Alignment of Graduate Attributes to Learning Outcomes

Graduate Attributes	Learning Outcomes			
	1	2	3	4
1 - Communication	•	•	•	•
2 - Problem Solving	•	•	•	•

Graduate Attributes	Learning Outcomes			
	1	2	3	4
3 - Critical Thinking	•	•	•	•
4 - Information Literacy	•	•	•	•
5 - Team Work		•	•	
6 - Information Technology Competence				
7 - Cross Cultural Competence				
8 - Ethical practice	•			
9 - Social Innovation				
10 - Aboriginal and Torres Strait Islander Cultures				

Alignment of Assessment Tasks to Graduate Attributes

Assessment Tasks	Graduate Attributes									
	1	2	3	4	5	6	7	8	9	10
1 - Practical and Written Assessment - 10%	•	•	•	•			•			
2 - Presentation and Written Assessment - 20%	•	•	•	•						
3 - Presentation and Written Assessment - 30%	•	•	•	•						
4 - Presentation and Written Assessment - 40%	•	•	•	•	•					

Textbooks and Resources

Textbooks

LAWS12064

Prescribed

An Introduction to Advocacy

Edition: 2nd (2011)

Authors: Lee Stuesser

Thomson Reuters

Sydney , NSW , Australia

ISBN: 9780455227580

Binding: Paperback

Additional Textbook Information

There should be a good availability of second hand editions of the prescribed textbook. Please note that Assessment Two is a critique of, and requires you to have, the prescribed Stuesser text.

New paper and eBook copies are available at the CQUni Bookshop here: <http://bookshop.cqu.edu.au> (search on the Unit code).

[View textbooks at the CQUniversity Bookshop](#)

IT Resources

You will need access to the following IT resources:

- CQUniversity Student Email
- Internet
- Unit Website (Moodle)
- Microphone and camera for use with Zoom
- Students who do not have access to internet adequate for Zoom (both video and audio) should not enrol in this elective. Zoom.us is a free application via Google, which must be downloaded by all students in this unit. Assessments 2, 3 and 4 are via Zoom. Familiarity with Zoom and access to good quality stable internet is essential.

Referencing Style

All submissions for this unit must use the referencing style: [Australian Guide to Legal Citation, 4th ed](#)

For further information, see the Assessment Tasks.

Teaching Contacts

Angelo Capuano Unit Coordinator

a.capuano@cqu.edu.au

Schedule

Week 1 - 12 Jul 2021

Module/Topic	Chapter	Events and Submissions/Topic
Qualities and Skills of Legal Advocacy	Lee Steusser, An Introduction to Advocacy (2nd ed, 2011), Ch 5; reference readings in Study Guide.	

Week 2 - 19 Jul 2021

Module/Topic	Chapter	Events and Submissions/Topic
--------------	---------	------------------------------

Ethics and Etiquette Lee Steusser, An Introduction to Advocacy (2nd ed, 2011), Ch 15; reference readings in Study Guide.

Week 3 - 26 Jul 2021

Module/Topic	Chapter	Events and Submissions/Topic
		Assessment One due
The Tasks of a Legal Advocate	Reference readings in Study Guide.	Attend court hearing or equivalent (please see below due to COVID-19 restrictions) and post report. Due: Week 3 Friday (30 July 2021) 5:00 pm AEST

Week 4 - 02 Aug 2021

Module/Topic	Chapter	Events and Submissions/Topic
Preparation for Trial	Lee Steusser, An Introduction to Advocacy (2nd ed, 2011), Chs 1, 2, 3, and 4; reference readings in Study Guide.	

Week 5 - 09 Aug 2021

Module/Topic	Chapter	Events and Submissions/Topic
Oral Submissions	Lee Steusser, An Introduction to Advocacy (2nd ed, 2011), Chs 5, 6, 7, and Appendix 1; reference readings in Study Guide.	

Vacation Week - 16 Aug 2021

Module/Topic	Chapter	Events and Submissions/Topic
		Assessment Two written component due
		Opening address text and oral presentation Due: Vacation Week Friday (20 Aug 2021) 5:00 pm AEST

Week 6 - 23 Aug 2021

Module/Topic	Chapter	Events and Submissions/Topic
		Assessment Two oral component due

Week 7 - 30 Aug 2021

Module/Topic	Chapter	Events and Submissions/Topic
Sentencing and Pleas in Mitigation	Penalties and Sentences Act 1992 (Qld); and reference readings and links in Study Guide.	Assessment Three written component due
		Plea in mitigation of sentence Due: Week 7 Friday (3 Sept 2021) 5:00 pm AEST

Week 8 - 06 Sep 2021

Module/Topic	Chapter	Events and Submissions/Topic
		Assessment Three oral component due

Week 9 - 13 Sep 2021

Module/Topic	Chapter	Events and Submissions/Topic
--------------	---------	------------------------------

Witness Examinations, Special Witnesses, and Exhibits and Objections

Lee Steusser, An Introduction to Advocacy (2nd ed, 2011), Chs 9 and 11, Appendix 1; Ch 14 and Chs 10 and 13 and reference readings in Study Guide.

Week 10 - 20 Sep 2021

Module/Topic	Chapter	Events and Submissions/Topic
Written Submissions and Appeals	Lee Steusser, An Introduction to Advocacy (2nd ed, 2011), Ch 8; reference readings in Study Guide.	

Week 11 - 27 Sep 2021

Module/Topic	Chapter	Events and Submissions/Topic
Preparation for Moots	Reference readings in Study Guide.	Assessment Four written component due Participation in a moot Due: Week 11 Friday (1 Oct 2021) 5:00 pm AEST

Week 12 - 04 Oct 2021

Module/Topic	Chapter	Events and Submissions/Topic
Moots		Assessment Four oral component due

Review/Exam Week - 11 Oct 2021

Module/Topic	Chapter	Events and Submissions/Topic
--------------	---------	------------------------------

Exam Week - 18 Oct 2021

Module/Topic	Chapter	Events and Submissions/Topic
--------------	---------	------------------------------

Assessment Tasks

1 Attend court hearing or equivalent (please see below due to COVID-19 restrictions) and post report.

Assessment Type

Practical and Written Assessment

Task Description

Assessment One: attend court hearing or equivalent and post report

1. View a court hearing and evaluate the effectiveness of one or two advocates based on: (1) your observation; and (2) comments and reactions of the judge or judges on the bench, and other advocates involved in the matter. You must NOT make notes in court without the permission of the presiding judge. Make your notes immediately after you leave. See Study Guides for Topics 1 and 2 for guidance. (Maximum 400 words.)

2. Evaluate the effectiveness of one or two advocates in terms of courtroom etiquette; and describe one or two points that relate to an advocate's ethical responsibilities. (Maximum 300 words).

Due to COVID-19 it may not be possible to physically attend court in 2021. As such, to complete this task, you may view recordings of hearings of the High Court of Australia, which are available via the following link:

<https://www.hcourt.gov.au/cases/recent-av-recordings> (you can choose any hearing except for Fairfax Media Publications Pty Ltd v Voller; Nationwide News Pty Limited v Voller; Australian News Channel Pty Ltd v Voller, heard on 18 May 2021).

Assessment Due Date

Week 3 Friday (30 July 2021) 5:00 pm AEST

To be submitted through Moodle

Return Date to Students

Week 5 Friday (13 Aug 2021)

To be returned through Moodle

Weighting

10%

Assessment Criteria

1. Demonstrate powers of observation and assessment.
2. Articulate clearly, concisely and relevantly your observations and assessments.
3. Display critical thinking.
4. Demonstrate knowledge of the factors relevant to the qualities and skills of advocacy.
5. Demonstrate knowledge of the factors relevant to ethics and etiquette in court.

Marking Rubric

All students who post, on time and within the word counts, following the AGLC (where appropriate), a report that complies with the task description will receive 10 marks. Marks will be deducted to the extent that this does not occur.

Referencing Style

- [Australian Guide to Legal Citation, 4th ed](#)

Submission

Online

Learning Outcomes Assessed

- Competently prepare and present persuasive quality oral arguments and presentations that are simple, clear, comprehensive, unambiguous, ethically sound, ethnically sensitive, gender neutral, and in plain language.
- Analyse and explain how clients and the public interpret and construct meaning from oral arguments.

Graduate Attributes

- Communication
- Problem Solving
- Critical Thinking
- Information Literacy
- Cross Cultural Competence

2 Opening address text and oral presentation

Assessment Type

Presentation and Written Assessment

Task Description

Assessments Two, Three and Four via Zoom

Assessments Two, Three and Four require the posting of written material on Moodle and live presentations via Zoom. The live presentations are given in groups of no more than 4 and at a time to be arranged with students during the set week. For each group and after presentations, feedback is provided orally on a group and individual basis. Group members work independently, except when in teams of two in Assessment Four. The presentations are not recorded. Note the Assessment Criteria and Rubrics for each Assessment.

Assessment Two: opening address text and oral presentation

Read the Study Guide for Topic 5. Read about the content of an opening in *Stuesser* Ch 6, pages 51-57. Read and be guided by the Study Guides for Topics 1 - 4 and the required reading, especially about theory of the case and quality of presentation in the courtroom.

Read and watch the opening address of Mr Young QC in *Fairfax Media Publications Pty Ltd v Voller; Nationwide News Pty Limited v Voller; Australian News Channel Pty Ltd v Voller* which was heard by the High Court of Australia on 18 May 2021. To do this, you must access the transcript of the hearing and the recording of the hearing. You will be shown how to do this in workshops. Read aloud the opening address of Mr Young QC. Time it. Compare your timing, tone and manner of speech with that of Mr Young QC. **Devise your own theory of the case.** Write your own opening address no longer than 800 words in length, and provide a list of authorities at the end of the document with working links to the authorities.

You must:

1. Submit your written opening address and list of authorities via Moodle under assessment Two; and
2. Present (not read) your opening address on Zoom during the week 6 workshop.

Assessment Due Date

Vacation Week Friday (20 Aug 2021) 5:00 pm AEST

The due day and time is for the written opening address. Presentations are made during Week 6.

Return Date to Students

Week 7 Friday (3 Sept 2021)

Marks will be released after the opening addresses are conducted

Weighting

20%

Assessment Criteria

1. Demonstrate that you

- Have an understanding of what is required to adequately present oral argument in court;
- Have an understanding of the nature and content of an opening address;
- Are familiar with the aids to structuring your arguments.

2. Demonstrate that you are familiar with the theory of the case.

3. Demonstrate an ability to critically evaluate oral argument prepared by another advocate.

4. Demonstrate in the oral presentation an ability to be concise, relevant and persuasive.

Marking Rubric

Maximum mark of 20 for the presentation and content of the opening address, graded with reference to the assessment criteria and this Rubric (content refers to both the oral and written component of the task. Students who do not submit a component, either the written or oral component, will incur a penalty of 10 marks):

HD 17-20: Court ready in all respects and outstanding down to excellent.

D 15-16: Excellent to very good presentation let down by content, in that it is incomplete and/or repetitive or lacking in focus.

C 13-14: Good presentation let down by lack of clear strategy and focus and/or content that it is incomplete and/or repetitive.

P 10-12: Effort but out of comfort zone with presentation. Adequate down to barely adequate content.

Referencing Style

- [Australian Guide to Legal Citation, 4th ed](#)

Submission

Online

Learning Outcomes Assessed

- Competently prepare and present persuasive quality oral arguments and presentations that are simple, clear, comprehensive, unambiguous, ethically sound, ethnically sensitive, gender neutral, and in plain language.
- Apply analytical and critical legal skills in formulating an oral and written argument.

Graduate Attributes

- Communication
- Problem Solving
- Critical Thinking
- Information Literacy

3 Plea in mitigation of sentence

Assessment Type

Presentation and Written Assessment

Task Description

Assessments Two, Three and Four via Zoom

Assessments Two, Three and Four require the posting of written material on Moodle **and** live presentations via Zoom. The live presentations are given in groups of no more than 4 and at a time to be arranged with students during the set week. For each group and after presentations, feedback is provided orally on a group and individual basis. Group members work independently, except when in teams of two in Assessment Four. The presentations are not recorded. Note the Assessment Criteria and Rubrics for each Assessment.

Assessment Three: written and oral plea in mitigation of sentence

Students will engage in the following steps:

1. The preparation of an imaginary scenario that requires a plea in mitigation of sentence (no more than one page).
2. The preparation of an outline of the plea (no more than one page).
3. Posting of the scenario and outline of the plea in one document by the due date below.
4. An oral presentation of the plea via Zoom during the week 8 workshop.

Assessment Due Date

Week 7 Friday (3 Sept 2021) 5:00 pm AEST

The due day and time is for the written component. Pleas in Mitigation are presented in Week 8 (the week following the submission of the text).

Return Date to Students

Week 9 Friday (17 Sept 2021)

The marks will be released online after the oral component of the assessments are given

Weighting

30%

Assessment Criteria

1. Demonstrate an ability to construct an interesting scenario that also shows knowledge of sentencing rules and guidelines.
2. Competently prepare and present a concise, relevant and persuasive outline and oral argument in mitigation of sentence.
3. Make a presentation that is simple, clear, comprehensive, unambiguous, ethically sound, ethnically sensitive, gender neutral, and in plain language.
4. Implement a research strategy to support the plea in mitigation.
5. Demonstrate knowledge of particular rules and guidelines relevant to the scenario.
6. Apply analytical and critical legal skills in formulating an oral and written argument.

Marking Rubric

Maximum mark of 30 for a combination of presentation of plea, content of presentation and content of document, graded with reference to the assessment criteria as follows (content refers to both the written and oral components. Students who do not submit a component, either the written or oral component, will incur a penalty of 15 marks):

HD 25-30: Court ready in all respects and outstanding down to excellent.

D 22-24: Excellent to very good presentation let down by content, in that it is incomplete and/or repetitive or lacking in focus.

C 19-21: Good presentation let down by lack of clear strategy and focus and/or content that it is incomplete and/or repetitive.

P 15-18: Effort but out of comfort zone with presentation. Adequate down to barely adequate content.

Referencing Style

- [Australian Guide to Legal Citation, 4th ed](#)

Submission

Online

Learning Outcomes Assessed

- Competently prepare and present persuasive quality oral arguments and presentations that are simple, clear, comprehensive, unambiguous, ethically sound, ethnically sensitive, gender neutral, and in plain language.
- Implement a research strategy to support a moot and a plea in mitigation.
- Apply analytical and critical legal skills in formulating an oral and written argument.

Graduate Attributes

- Communication
- Problem Solving
- Critical Thinking
- Information Literacy

4 Participation in a moot

Assessment Type

Presentation and Written Assessment

Task Description

Assessments Two, Three and Four via Zoom

Assessments Two, Three and Four require the posting of written material on Moodle and live presentations via Zoom. The live presentations are given in groups of no more than 4 and at a time to be arranged with students during the set week. For each group and after presentations, feedback is provided orally on a group and individual basis. Group members work independently, except when in teams of two in Assessment Four. The presentations are not recorded. Note the Assessment Criteria and Rubrics for each Assessment.

Assessment Four: participation in a moot

The moot will involve the presentation of written and oral arguments before a court. The moot problem will be posted on Moodle and will be the same for all students. Students will form teams of 2 (each team will either act for the applicant(s)/appellant(s) or the respondent(s)). The Moot Rules will also be posted on Moodle.

Each team will post and exchange a written outline of their intended argument in accordance with the Moot Rules. Each team member will then be required to support that argument in oral submissions before the court and respond to questions from the court. The hearings, which will be no longer than one hour, will be via Zoom.

The written outline of the intended argument must be posted on Moodle and be delivered to the opposing team on or before the due date below. Timetables and hearing times will be fixed in consultation with students. The moots take place during the week 12 workshop.

Assessment Due Date

Week 11 Friday (1 Oct 2021) 5:00 pm AEST

The due date is for the posting and exchange of the written outline. Moots take place during Week 12.

Return Date to Students

Exam Week Friday (22 Oct 2021)

To be released online

Weighting

40%

Assessment Criteria

A demonstration of the following abilities:

1. Competently prepare and present a concise, relevant and persuasive outline of the intended oral argument.
2. Make a presentation that is persuasive, and is clear, comprehensive, unambiguous, ethically sound, ethnically sensitive, gender neutral, and in plain language.
3. Implement a research strategy to support the argument.
4. Apply analytical and critical legal skills in formulating the written and oral argument.
5. Apply the qualities and skills of advocacy including an ability to respond to questions orally.
6. Appropriate manners.

Marking Rubric

Maximum mark of 40 for a combination of presentation at moot, content of presentation and content of outline, graded with reference to the assessment criteria as follows (content refers to both the written and oral component. Students who do not submit a component, either the written or oral component, will incur a penalty of 20 marks):

HD 34-40: Court ready in all respects and outstanding down to excellent.

D 30-33: Excellent to very good presentation let down by content, in that it is incomplete and/or repetitive or lacking in focus.

C 26-29: Good presentation let down by lack of clear strategy and focus and/or content that it is incomplete and/or repetitive.

P 20-25: Effort but out of comfort zone with presentation. Adequate down to barely adequate content.

Referencing Style

- [Australian Guide to Legal Citation, 4th ed](#)

Submission

Online Group

Learning Outcomes Assessed

- Competently prepare and present persuasive quality oral arguments and presentations that are simple, clear, comprehensive, unambiguous, ethically sound, ethnically sensitive, gender neutral, and in plain language.
- Implement a research strategy to support a moot and a plea in mitigation.
- Apply analytical and critical legal skills in formulating an oral and written argument.

Graduate Attributes

- Communication
- Problem Solving
- Critical Thinking
- Information Literacy
- Team Work

Academic Integrity Statement

As a CQUniversity student you are expected to act honestly in all aspects of your academic work.

Any assessable work undertaken or submitted for review or assessment must be your own work. Assessable work is any type of work you do to meet the assessment requirements in the unit, including draft work submitted for review and feedback and final work to be assessed.

When you use the ideas, words or data of others in your assessment, you must thoroughly and clearly acknowledge the source of this information by using the correct referencing style for your unit. Using others' work without proper acknowledgement may be considered a form of intellectual dishonesty.

Participating honestly, respectfully, responsibly, and fairly in your university study ensures the CQUniversity qualification you earn will be valued as a true indication of your individual academic achievement and will continue to receive the respect and recognition it deserves.

As a student, you are responsible for reading and following CQUniversity's policies, including the [Student Academic Integrity Policy and Procedure](#). This policy sets out CQUniversity's expectations of you to act with integrity, examples of academic integrity breaches to avoid, the processes used to address alleged breaches of academic integrity, and potential penalties.

What is a breach of academic integrity?

A breach of academic integrity includes but is not limited to plagiarism, self-plagiarism, collusion, cheating, contract cheating, and academic misconduct. The Student Academic Integrity Policy and Procedure defines what these terms mean and gives examples.

Why is academic integrity important?

A breach of academic integrity may result in one or more penalties, including suspension or even expulsion from the University. It can also have negative implications for student visas and future enrolment at CQUniversity or elsewhere. Students who engage in contract cheating also risk being blackmailed by contract cheating services.

Where can I get assistance?

For academic advice and guidance, the [Academic Learning Centre \(ALC\)](#) can support you in becoming confident in completing assessments with integrity and of high standard.

What can you do to act with integrity?



Be Honest

If your assessment task is done by someone else, it would be dishonest of you to claim it as your own



Seek Help

If you are not sure about how to cite or reference in essays, reports etc, then seek help from your lecturer, the library or the Academic Learning Centre (ALC)



Produce Original Work

Originality comes from your ability to read widely, think critically, and apply your gained knowledge to address a question or problem