



# **LAWS12064 Legal Advocacy**

## **Term 2 - 2023**

Profile information current as at 19/05/2024 11:50 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

The unit Legal Advocacy is primarily concerned with the craft of lawyering and how to effectively present cases to a court. The unit covers topics such as the qualities of legal advocacy, legal ethics and courtroom etiquette, how to structure and prepare written submissions and oral arguments, examination of witnesses, and other fundamentals. This unit may interest students who wish to pursue careers in litigation, criminal prosecutions, or criminal defence work.

#### 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

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 - 2023

- 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: 40%

#### 2. **Practical and Written Assessment**

Weighting: 60%

### 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 Unit coordinator reflection and student feedback

**Feedback**

The unit has a large number of assessment items, thus it is advisable to bring the number of assessment items into line with the assessment load in other LLB units.

**Recommendation**

The unit should have two assessments. This recommendation has been actioned.

#### Feedback from Unit coordinator reflection and student feedback

**Feedback**

The unit should be offered on an intensive basis

**Recommendation**

This will be reviewed and discussed with the head of course for the LLB

## Unit Learning Outcomes

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

1. Prepare and present persuasive, ethical and quality oral arguments
2. Prepare and present persuasive, ethical and quality written submissions
3. Implement a research strategy to support two moots
4. Apply analytical and critical legal skills in formulating oral and written arguments

## Alignment of Learning Outcomes, Assessment and Graduate Attributes

 N/A Level	 Introductory Level	 Intermediate Level	 Graduate Level	 Professional Level	 Advanced Level
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### Alignment of Assessment Tasks to Learning Outcomes

Assessment Tasks	Learning Outcomes			
	1	2	3	4
1 - Practical and Written Assessment - 40%	•	•	•	•
2 - Practical and Written Assessment - 60%	•	•	•	•

### Alignment of Graduate Attributes to Learning Outcomes

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

## Textbooks and Resources

### Textbooks

LAWS12064

#### Prescribed

#### **Learning to Litigate: A Guide for Young Lawyers** (2022)

Authors: Neil Williams SC and Alison Hammond

The Federation Press

ISBN: 9781760024079

Binding: Paperback

[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 1 and 2 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](mailto:a.capuano@cqu.edu.au)

**Wayne Jones** Unit Coordinator

[w.jones@cqu.edu.au](mailto:w.jones@cqu.edu.au)

## Schedule

### Week 1 - 10 Jul 2023

Module/Topic	Chapter	Events and Submissions/Topic
Qualities and Skills of Legal Advocacy, Ethics and Etiquette	Neil Williams SC and Alison Hammond, Learning to Litigate (2022, Federation Press), ch 4, 5 and 6. Reference readings in Study Guide.	

### Week 2 - 17 Jul 2023

Module/Topic	Chapter	Events and Submissions/Topic
The Tasks of a Legal Advocate and Preparation for Trial	Neil Williams SC and Alison Hammond, Learning to Litigate (2022, Federation Press), chs 7, 8, 9 and 10. Reference readings in Study Guide.	

### Week 3 - 24 Jul 2023

Module/Topic	Chapter	Events and Submissions/Topic
Oral Submissions, Written Submissions and Appeals	Neil Williams SC and Alison Hammond, Learning to Litigate (2022, Federation Press), chs 17 and 18. Reference readings in Study Guide.	

### Week 4 - 31 Jul 2023

Module/Topic	Chapter	Events and Submissions/Topic
Witness Examinations, Special Witnesses, Exhibits and Objections	Neil Williams SC and Alison Hammond, Learning to Litigate (2022, Federation Press), chs 15 and 16. Reference readings in Study Guide.	Assessment 1: Interlocutory application  <b>Interlocutory application</b> Due: Week 4 Monday (31 July 2023) 5:00 pm AEST

### Week 5 - 07 Aug 2023

Module/Topic	Chapter	Events and Submissions/Topic
Criminal practice	Neil Williams SC and Alison Hammond, Learning to Litigate (2022, Federation Press), ch 11. Penalties and Sentences Act 1992 (Qld). Reference readings and links in Study Guide.	

### Vacation Week - 14 Aug 2023

Module/Topic	Chapter	Events and Submissions/Topic
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### Week 6 - 21 Aug 2023

Module/Topic	Chapter	Events and Submissions/Topic
Preparation for moots		Assessment 2: Moots <b>Moots</b> Due: Week 6 Monday (21 Aug 2023) 5:00 pm AEST

## Assessment Tasks

### 1 Interlocutory application

#### Assessment Type

Practical and Written Assessment

**Task Description**

This assessment will require students to make an interlocutory application to a court on an issue relevant to the final moots. Students must: (1) submit written outlines of submission via Moodle; and (2) make oral submissions at a day and time to be set in week 4 of term.

**Assessment Due Date**

Week 4 Monday (31 July 2023) 5:00 pm AEST

Written submissions to be submitted via Moodle. Oral submissions to be made at a day and time to be set by the unit coordinator.

**Return Date to Students**

Vacation Week Friday (18 Aug 2023)

Online

**Weighting**

40%

**Assessment Criteria**

- Ability to identify the issues
- Coherence of argument
- Clarity of argument
- Logical structure
- Proper use of authorities
- Knowledge of facts
- Knowledge of law
- Use of proper court etiquette
- Use of legal ethics

**Referencing Style**

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

**Submission**

Online

**Learning Outcomes Assessed**

- Prepare and present persuasive, ethical and quality oral arguments
- Prepare and present persuasive, ethical and quality written submissions
- Implement a research strategy to support two moots
- Apply analytical and critical legal skills in formulating oral and written arguments

## 2 Moots

**Assessment Type**

Practical and Written Assessment

**Task Description**

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. The moots take place during week 6 of term.

**Assessment Due Date**

Week 6 Monday (21 Aug 2023) 5:00 pm AEST

**Return Date to Students**

Week 8 Friday (8 Sept 2023)

Written submissions to be submitted via Moodle. Oral submissions to be made at a day and time to be set by the unit coordinator.

**Weighting**

60%

**Assessment Criteria**

- Competently prepare and present a concise, relevant and persuasive outline of the intended oral argument.
- Make a presentation that is persuasive, and is clear, comprehensive, unambiguous, ethically sound, ethnically sensitive and in plain language.
- Implement a research strategy to support the argument
- Apply analytical and critical legal skills in formulating the written and oral argument.
- Apply the qualities and skills of advocacy including an ability to respond to questions orally
- Demonstrated use of proper court etiquette
- Demonstrated use of legal ethics

**Referencing Style**

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

**Submission**

Online

**Learning Outcomes Assessed**

- Prepare and present persuasive, ethical and quality oral arguments
- Prepare and present persuasive, ethical and quality written submissions
- Implement a research strategy to support two moots
- Apply analytical and critical legal skills in formulating oral and written arguments



## 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