Learning and Teaching Investment Fund 2011

Final Project Report

Submission date: 17 February 2012

Title of project: Enhancing the practical ‘lawyering’ skills in the Juris Doctor.

Strategic objective(s) addressed: To be work-relevant and industry-partnered.

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1. Executive summary (up to half a page)

This project sought to embed into the Juris Doctor program a distinct work-relevant and industry-partnered strategy to develop the professional skills capabilities in the JD so that our graduates will be work-ready with improved employment opportunities. It would introduce an innovative approach to the teaching and learning outcomes for the students and will place RMIT at the forefront of the JD programs in Australia.

The project was to develop a realistic learning environment which would overlay the whole program and assessment was to be based on the completion of a series of hands-on ‘tasks’ as would be carried out by trainee lawyers/legal assistants in legal firms.

To that end, on the 11th Saturday of 2nd Semester 2011, ie the 8th October 2011, students were required to role-play as trainee lawyers of two mock legal firms. They were assigned to six practitioners (three external practitioners and three practitioner-lecturers from RMIT) for various practical tasks as one would find in law firms (meeting partners to discuss files and taking instructions, advising clients for examples) and concluding with written tasks flowing from the practical tasks at the end of each one-hour session per course. The marks allocated by the practitioners was a maximum 10% of the overall marks for the course for the practical tasks and a maximum 10% allocated by the course lecturers to whom the written tasks were submitted to not later than one week after the practical sessions.

I am pleased to report that what was achieved primarily was that most of the students experienced some important basic aspects of the legal practice environment, acquired further knowledge and skills required in legal practice and critically, acquired an appreciation of the relevance and application of other attributes expected in the legal profession such as initiative, dedication and ethical considerations.

Further, by adopting activities and assessment which reflected a vocational context whilst strengthening skills and capabilities in this area, the students also importantly, received feedback from industry.

On a secondary level, this project has significantly complied with the new AQF\(^1\) direction that a masters of course work for professional practice must contain a ‘significant’ component of structured work-integrated or practice-related learning. By implementing the new student learning experience and assessment tool, the University has demonstrated its ability to respond quickly and successfully embraced the new AQF requirements.

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\(^1\) AQF 2011
2. A list of outcomes:

   (i) Improving student learning and experience;

   (ii) Be innovative;

   (iii) Be work-related and industry- partnered

   (iv) That there be a return on investment;

   (v) The project to be evaluated;

   (vi) Sharing and dissemination of knowledge and best practice.

3. The Project outcomes and impacts

   The Project outcomes and impact are:

   (i) to demonstrate clear potential to improve student learning experiences, outcomes and employment opportunities.

   In this Project, student learning experience was to be enhanced and broadened by the application of the various practical skills required of the legal practitioner in a legal environment.

   The practical tasks and activities were based on various scenarios which were produced by the project team in conjunction with three external practitioners. The scenarios were written to reflect and to some extent were loosely based on real life fact situations and the reality that most cases were not limited to one specific area of law. For example, the two main Torts scenarios were set in a bar where various persons were injured and a road accident involving a fatality. The facts in these two situations could also be extended to criminal law and where insurance claims are relevant, to contract and property law. Supporting documents were created to provide as realistic a legal file as could be found in a legal firm (see Attachment Torts-1).

   By embedding the practical skills into the entire program rather than adopting them on an ad hoc basis, the learning experience of students were expanded and enhanced in a structured and consistent way. The new student learning experience and assessment tool were introduced initially into four first-year core courses, that is, Contract Law, Criminal Law, Torts and Australian Property Law. The same structure for both the learning experience and assessment tasks were used.

   Further, these practical skills as were evidenced by the role-plays (examples include interviewing clients, giving of advice on resolving legal and practical issues, interacting with firms’ partners and other legal practitioners) are required in all legal fields, not necessarily confined to those working within legal firms and so will broaden our graduates’ marketability and widen their employment opportunities.
(ii) to be innovative (i.e. which do or create within RMIT something new or different, or which take an innovation from one context and adapt or transform it for use in a new context;

This project is innovative as it will embed practical WIL across the whole program. All core disciplinary aspects of the law and its allied matters will have been introduced to the students in a practical context.

The project also used blended learning in its pedagogy. The project combined online learning with face to face learning. Student tasks were scaffolded using the online environment. Technology was used in the learning experience through a dedicated learning hub site called ‘PAJD’. Some materials on the site included, for example, the introduction explaining the rationale and design of the project (this was also emailed to every student enrolled in the relevant courses), frequently asked questions, mark sheet, information on interviewing tips and two 2-part videos where practitioners explained the role of the legal practitioner, provided advice on basic skills such as writing reports, how to deal with clients and other parties in a particular case and so forth (Examples in Attachment – 2).

Due to the innovative nature of the Project, the Project Team met with the individual lecturers involved separately in relation to all aspects of the Project but it is expected that there will now be a more collective approach on the part of the law staff in embedding the new assessment activity since the staff are familiar with the structure and rationale of the Project after the initial pilot – it is also hoped to result in a stronger collegial and team culture within the School.

It was also envisaged that there would be a wealth of documents and resources from the various activities and tasks which would reflect the depth of strategies utilised to enhance the learning and teaching process. Documents and materials were created and/or sourced and are now stored within the School. The School expects to increase these resources as new activities and tasks are added on over time.

(iii) to be work-relevant and industry-partnered;

This project seeks to systematically embed these principles into the teaching of practical and ‘lawyering’ skills in the Juris Doctor Program so that graduates gain work relevant and practical experience and skills and feedback from the profession so that they are more ‘work ready’ upon completion of their degree. The project design adopted authentic learning approaches that situated student learning in professional legal tasks.

Student focus group feedback when asked about the best features of assessment activity included:

(i) ‘getting the practitioner’s perspective from the relevant partner; seeing the practical rather than the theoretical approach to applying the relevant law; learning by doing.’

(ii) ‘Interaction with Barrister and the pressure of working to find concise information.’

(iii) ‘Having the opportunity to work with ‘real people.’
(iv) to evidence a clear return on investment and demonstrate the potential for application in areas of the university beyond their immediate context;

Improved learning and teaching outcomes and reputational benefits would be clear indicators of the return on investment and there is potential for application of the project model in other areas of the university, for example, in the accounting area or any professional area.

(v) show how the impact of the project will be evaluated (e.g. by improved data in Program Annual Reviews (PARs) or by improved CES;

Evaluation of the project would involve data from CES, PARs and other university surveys. At this stage of the report, analysis of any data from these surveys is yet to be undertaken.

However, the School had conducted a survey prior to the practical sessions which were held in Week 11 of Semester 2 2011)) and a fortnight thereafter a focus group session was undertaken.

It is also expected that surveys of employers will be taken in the future.

(vi) show how knowledge and best practice from the project will be shared and disseminated.

An outline of the project model and information will be produced and disseminated university-wide and refereed articles will be submitted to the legal education journals. For more details, see paragraph 4 below on dissemination strategies.

Whilst the Project Team is pleased with the results of the pilot, there are two specific areas which have been identified by students which require improvement.

Firstly, from the data gathered in the evaluation there was concern amongst some students about the consistency with regard to the allocation of marks by the practitioners. Although very few students failed the practical tasks, there were students who were dissatisfied with their marks and/or the perceived variation in the marks allocated and/or the level of feedback.

It is clear that in future, more effort must be made to ensure that the external practitioners appreciate the necessity of uniformity in the marking scheme and in the level of feedback and guidance to be given to the students during the practical sessions.

From the data the second area which needs improvement is the level of preparation to be given to students. Being a completely new assessment activity, it was expected that there would be some degree of anxiety amongst students as to what was to be expected. It would seem that the students wanted more information about the actual process involved in the practical activities as opposed to the content which did not generate any angst even with the couple of contract law scenarios where the supporting documents were quite voluminous.
Therefore, whilst reiterating that ‘lawyering’ skills anticipates lawyers to ‘think on their feet’ and this is a skill which the practical activities intend to instil in our students, there is also a recognition that first year students with limited work/life experiences will require more instruction or information to reduce the level of uncertainty about the practical activities that they might be called upon to participate in their roles as trainee lawyers in a legal firm. The project team are working on improvements to the 2012 PAJD student experience.

At this stage of this Report, a few strategies are being considered which include but not necessarily limited to providing more detailed information during orientation and on the PAJD site and/or the production of a short video giving a couple of examples of the actual practical activities.

4. Dissemination strategies and outputs

The key stakeholders/identified audiences include the students (present and graduates), RMIT, the School, employers, legal and other professional associations and other universities. Therefore, continuous dissemination about the purpose and progress of the project is a key activity and will be provided to the identified audiences to facilitate opportunities for contributions and feedback.

(i) Staff at the School level were informed of the rationale and project outcomes of the Project at meetings, via email and were referred to the PAJD site at the beginning of the implementation phase. They were kept informed of the progress during the Law lecturers meetings;

(ii) An interim report on the Project was sent to the LTIF committee when requested;

(iii) The project was discussed in a refereed conference paper: Douglas K, et al. ‘Developing Graduate Attributes Through Role-plays and Online Tools: Use of Wikis and Blogs for Preparation and Reflection’ in S. Barton et al. (Eds.), Proceedings of Global Learn Asia Pacific 2011 (pp. 316-323). AACE, 2011.

The Project was discussed in a conference paper: Douglas K et al, ‘Legal Skills Development: Authentic Learning Initiatives’ at the Australasian Law Teachers Association Conference, July 2011, Brisbane

(iv) A refereed abstract has been accepted for the Annual Law Teachers Conference in Oxford, United Kingdom in April 2012. An abstract will be forwarded for the 2012 ALTA Conference later this year.

(v) In progress are two refereed journal articles by various team members;

(vi) Professional bodies will be offered to be presented with our final report.

5. Evaluation of project outcomes

The purpose of the evaluation is two-fold:
-firstly, to monitor and review the project within the time and budget constraints;-
secondly, to evaluate the impact and efficiency of the project by examining whether
the strategic aims and objectives have been achieved and redesigning and modifying
any aspects of the project as required to ensure maximum benefits to the
stakeholders.

Evaluation took place throughout the project but the primary ones were held at the 3
major steps of the project (see Key Outcomes in Project Timelines Item 8 above).

The Project Team undertook the following:

- reviewing existing human and material resources (including literature review of
  legal educational journals);
- obtained views from academics and practitioners on what needs to be done, what can be done
- looked at best practice in teaching and learning, particularly at QUT;
- consulted with JD program and course coordinators, external practitioners;
- reviewed progress via project team meetings;
- consulted with course coordinators and seeking their opinions and perceptions of
  project throughout the project;
- compiled and reviewed all input and feedback from program and course coordinators;
- presented progress reports to School at regular intervals;
- compiled feedback from students (both qualitative and quantitative) and gathered CES data;
- produced report with findings;
- conducted discussion on fine-tuning design and implementation of project.

6. Budget report

What was the amount of funds approved?
$48,000.00

What was the final amount of funds acquitted? $43,394.00
Attached is a financial statement (Attachment 3).

7. Appendices

Attachment Torts -1 includes a Torts Scenario with some accompanying documents Pg 9 - 16

Attachment 2 includes some materials uploaded on PAJD site for students Pg 17 – 22

Attachment 3 is the Financial Statement as per Para. 6 Budget Report Pg 23

Torts – 1
Facts of Scenario 1 (Docklands Bar Case)

Docklands Bar Pty Ltd (DBPL) is the proprietor and licensee of premises situated at Docklands Boulevarde, Docklands, 3008. The premises are a converted one level cargo storage shed. DBPL has a liquor licence for 400 patrons. The terms of the liquor licence require DBPL to have six registered crowd controllers under the Private Agents Act 1988 (Victoria) to control the patrons and premises during permitted operating hours. DBPL contracts out the security to Security Crowd Controllers (Security), a firm registered under the Business Names Act, 1962 (Victoria).

Andrew Xenides, aged 17, and three mates arrived at Docklands Bar about 8 pm on New Year’s Eve, 2010. There was a queue of approximately 20 patrons waiting to access the venue. While waiting in the queue Andrew was behaving in a boisterous manner and he was asked by the two crowd controllers (security) on the door “to tone it down”. When he reached the front of the queue the security guards noticed his breath smelt of alcohol and he was asked to give assurances he would behave if given entry, which assurances he gave.

Andrew and his mates drank heavy beers consistently for the next 2 hours purchased at the bar of DBPL. Prior to arriving at Docklands Bar they had 4 beers each and a counter tea at Four Frogs Hotel in West Melbourne between 5 & 7.30 pm.

By 10 pm Andrew was on the dance floor, beer in hand, and he knocked into some other dancers and fell over on a couple of occasions. The 2 security patrolling the inside of the premises observed his behaviour. They went across and removed his beer glass and gave him a stern warning that if he continued with his disorderly conduct they would exercise their power to remove him from the premises.

Andrew, his three mates and their newly-acquired partners decided to sit out the next medley of dances while having another two rounds of beers. At about 11 pm Andrew and mates (without beer glasses in hand, but with partners) returned to the dance floor with the intention of dancing until midnight and then see in 2011 by watching the fireworks display at Docklands. Shortly after, Andrew while dancing accidentally and unknowingly kicked the ankle of a young woman who was dancing with her partner. The partner went to remonstrate with Andrew who decided attack was the best form of defence. Andrew went to throw a right hook at the partner, but span off his feet, but hit the young woman in the lip and jaw just before he hit the floor.
The 2 security guards who were watching the DBPL TV security monitors of the patrons on or about the licensed premises noticed the incident and alerted the 2 security patrolling the interior. They quickly moved to the dance floor and told Andrew “we are turning you out of the premises for violent, quarrelsome and disorderly conduct in striking the young woman and for the earlier observed disorderly behaviour.”

Security called an ambulance for the injured young woman. Andrew had to be assisted to his feet by the 2 security guards because of the effect of the alcohol he had consumed. Andrew’s mates were told to stay in the premises and he was escorted out of the premises by security on his own. The security took him out the front door and placed him against the front fence of the premises where they obtained his name and address from his driver’s licence. He was told he would probably hear more and he was warned not to return to DBPL.

Just as security turned to head back to the licensed premises, they heard Andrew fall onto the footpath and then the screech of brakes and a bicycle cannoned into Andrew’s head.

The licensed premises have a wire netting front fence (similar to those around tennis courts) and it is a distance of about 25 metres to the front door of the licensed premises. However, adjacent to the front fence is a bicycle path approximately 4 metres wide which is divided into 2 lanes with the lane nearest the front fence for bicycles heading north the other lane for bikes heading south. The collision between the bicycle and Andrew’s head was in the designated bicycle lane for south bound bikes. The public footpath which is 3 metres wide is separate from the bicycle lane and located between the bicycle path and the road, being Docklands Boulevard. There is a large sign on the front fence, illuminated by fluorescent lighting, as you enter and exit stating “BEWARE OF BICYCLES.”

As it transpired Andrew and the young woman he had punched (Gloria Young) travelled in the same ambulance to the Royal University Hospital (RUH). Andrew had severe head injuries and, unsurprisingly, a high blood alcohol reading of 0.261. Gloria sustained a split lip, broken jaw and chipped bone in her right ankle, but her blood alcohol reading was low, being 0.025.
Gloria was a happy 21 year old full time student living at home when the accident happened who enjoyed dancing and horse riding. She had just completed the third year of a four year Commerce degree. As previously stated she suffered a split lip, broken jaw and chipped bone in her right ankle. Her jaw had to be wired for two weeks which meant she had to be fed through a straw. She was discharged from Royal University Hospital (RUH) after 3 weeks. Gloria was told by her treating general surgeon to be careful to eat only soft mushy food over the next month and she would make a good recovery. Further she was told there was a likelihood that she would develop arthritis in her right ankle in the next few years. When she arrived home she developed severe depression. Shortly after a visitor friend purchased some lollies for her as a gift and they included ‘Castlemaine Rock’ a hard type of candy that should be sucked, but most people bite it. Gloria told her friend she was only allowed soft food, but she was so depressed she would try Castlemaine Rock which she loved. She bit a piece and as a result she re-fractured her jaw. It took another two months to recover and this worsened her depression. Medicare has paid all her medical and like expenses. She missed one year’s study and she is about to commence the final year of her Commerce degree in semester 1 of 2011. Recently a psychiatrist assessed her psychiatric injury at 10% according to the American Medical Association guidelines.

You are to accept:

(a) DDPL was operating within the permit conditions in so far as requirements for numbers of crowd controllers and the six were registered. The permit number of 400 was not exceeded and the incidents happened within the permitted licensed hours;

(b) Andrew is a 17 year old student with no assets other than his personal belongings of any real value;

(c) The police, after full investigations, are satisfied the bike rider (Gary) who struck Andrew was not to blame. There is no evidence of excessive speed; his bike, tyres and brakes were in good condition with correct lights operating and he did all it appeared he could to avoid the accident. As it transpires he is an impoverished 18 year old student with no assets of value and no insurance.

(d) Accept no conflict of interests in acting for your firm’s clients.

Torts - 1
Medical Report

Name of Patient: Andrew Xenides
Admitted: 1 January 2011 01.30am
Patient No: X35601
Date of birth: 10 June 1994
Sex: Male

Male patient was brought to the emergency room by paramedics with severe head injuries, cuts and bruising to his face and affected by alcohol. Paramedics reported that he had been hit by a bicycle after falling over and sustained injuries from the impact of the bicycle. Andrew was unable to confirm the cause of his injuries due to the effects of alcohol. His speech was slurred and he appeared disorientated and upset.

Injuries: multiple cuts to the head, with a deep gash on his right temple due to some impact. Swelling around the wound.

A blood alcohol test was administered and his reading was .261. He was admitted to the hospital and his head injuries were assessed as severe. He was in intensive care for 24 hours for observation and moved to a high care ward. He remained an patient for 4 days and was discharged to the care of his family on 5 January 2011.

Dr. Alistair Mclean
Medical Officer(Records)
Police Report: Incident on 31 December 11:36PM at Docklands Bar, Docklands Precinct.

Police were called to the Docklands Bar on this date by the security contractor Security Crowd Controllers who reported a collision between a patron and bicycle at the front of the premises.  
Police arrived at approximately 11.30pm to find a young man with head injuries and a young woman with facial injuries and possible broken jaw.  
Security staff told police that the young man had been ejected from the club by them for unruly behaviour after he had tried to hit another patron but had hit the young woman by mistake in the scuffle. They said that the man had been drinking and behaving in a drunken manner, which they had warned him about earlier in the evening. They said they had escorted him to the front of the club and left him leaning on the front fence where they had taken his identification details. They had left him standing next to the fence and returned to the door of the club when they heard the screech of brakes and turned to see the collision.  
A bicycle ridden by Gary West was lying next to Andrew. The rider Gary was interviewed by police. He stated that he had seen Andrew standing leaning on the fence as he approached, but that as was about to pass Andrew had suddenly collapsed and fallen over the fence in front of him and he was unable to swerve in time. Police checked the bike and found that correct lights were in use and that the bike was in good order.  
Police observed that the young man was bleeding from the head and was conscious but incoherent. It was not clear if this was due to the head injury or alcohol. Paramedics took both patients to hospital.  
Police took further statements from the friends of the young man. They corroborated the statements made by the security staff that their friend had indeed tried to hit another patron, which they claimed was in self defense, and that he had accidently hit the young woman.

Signed  
Inspector Paul Picket

TORTS-1
TO WHOM IT MAY CONCERN

Patient: Gloria Young

I have seen Gloria for treatment of her depression following injuries she received from an incident in a nightclub on New Years Eve last year. Her injuries included a fractured jaw and chipped bone in her ankle. The injuries have required a long and painful recovery period which has substantially impacted on Gloria’s life and mental wellbeing and caused her to suffer severe depression.

The initial injury caused Gloria to develop depression as a result of the pain and suffering during treatment and the disruption to her life caused by the extended recovery period. When the injury re-occurred Gloria’s depression worsened as she felt increasingly hopeless about recovering and resuming her normal life. She also felt deep frustration that this injury occurred through no fault of her own and that the injury would possibly have long term health implications for her with the possibility of arthritis developing in her ankle. Gloria has also felt anxious about the disruption to her university studies and this has contributed to her depression.

I believe that the injuries have resulted in Gloria having a 10% psychiatric injury which will result in permanent impairment of her ability to cope with any other injuries or disruption to her life. Her depression is now managed by anti-depressants, but she will need continued support for some years and may be more susceptible to depression in the future.

I believe the patient has suffered extreme pain and trauma as a result of this injury and has expressed to me her sadness and frustration at this disruption to her life. She has been unable to participate in any normal activities since the accident, has lost weight and fitness, and as a result has begun feeling depressed. She is motivated to return to her study, but feels she may not be able to commence her studies in the coming weeks. I would recommend she receive some counselling to support her in fully recovering.

Signed
Dr. Isa Payne

TORTS - 1
Possible practical tasks may include but not limited to the following:

i. If acting for Gloria, meeting with a partner to discuss a variety of issues such as the likely defendants, the defences that may be raised, the damages that may be claimed.
ii. if acting for Andrew, to discuss defences if sued by Gloria, possible claims against parties.
iii. interviews with various clients.
iv. researching particular issues or matters
Dear Maurice,

Thank you for taking part in the first Practice Aspects in the Juris Doctor practice session. We hope you found it interesting and relevant.

Your practical task was an interview with our client, Andrew, of Scenario 1.

Your written task is as follows:

‘A Memorandum of Advice to the client in relation to possible defences to his claim.’

Please complete and forward it to your lecturer within seven days from the date hereof. Maximum 4 pages, 1.5 spacing.

Yours faithfully,

Action Lawyers
8 October 2011
PRACTICE ASPECTS IN THE JURIS DOCTOR
Frequently asked questions.

Q1. Will the students each be allocated a 'mock' problem? For example, how many for property law are there? And will it be straight property law or mixed with other areas of law - if the latter, for the assessment of for example, property law, will it just be related to their dealing with the substantive parts of the property law principles or completely overall?
ANSWER: There will be about 8 (extra one due to the numbers in Criminal Law) scenarios. They are mostly a mixture of two legal areas eg torts and criminal law, property law and contract. It is possible that there may be scenarios dealing with one particular course. If it is a mixed scenario, students will only be assessed on the one area eg property law and not completely overall.

Q2. When will students be allocated the problem(s) and how will it be distributed to them?
ANSWER: Students will be allocated their tasks on 8th October. They will be given a file with all their practical tasks. The written task will be given to them after the practical tasks, probably by the practitioner. The practitioner would be given all the written tasks allocated for each particular student prior to the session (we need to keep track who has been given what task so it will all be recorded in advance). Students will not be told of the particular scenarios they will be assessed on – this is to make it more realistic and it is after all, a form of assessment. The scenarios will all be up on the PAJD site and there will an announcement by week 3 of the legal areas relating to each scenario. So a student enrolled in contract and torts will only look at the scenarios which has contract and torts issues.

Q3. How many hours on the Saturday is the assessment? And how much of the assessment can they do before the Saturday?
ANSWER: The number of hours depends on the number of subjects enrolled. They can prepare for the practical tasks assessment before 8th October – for eg read up on interview techniques – they can look up on the PAJD (Practice aspects in the Juris Doctor) Blackboard site for some information and tips. A video with tips by two of the practitioners will be on the PAJD site by week 4. They are given one week to complete the written tasks which will be emailed to the respective course lecturers.

Q4. What does the actual Saturday involve??
ANSWER: The students will role play as trainee lawyers and the 'partners' of the legal firms will involve them in the practical tasks as would be expected in a legal firm. There will be two sessions due to the numbers – morning and afternoon and students will be told in advance of the time they are expected to arrive on Saturday so there will be no overcrowding and will allow us to run the sessions smoothly knowing when and where students are.

Q5. Who (and on what criteria) will be assessing the students?
ANSWER:
The practical tasks will be assessed by the external practitioners and others who will role-play the ‘partners’ of the firm. A mark sheet for the practical tasks assessment will include presentation, communication, grasp of issues etc. This will be put up on the PAJD site.
The written tasks are to be emailed to the course lecturers who will assess the written tasks.

Q6. Some students may be undertaking a couple of courses that run this assessment on the Saturday, if doing 2 courses, do they then do two problems? Yes. They will be expected to be at the session maximum two hours.

Other information:
1. The PAJD Blackboard site will be available to students from Monday. They are accessed through the particular course(s) they have enrolled.
2. The scenarios and other documents will be put up over the next few weeks. There is no rush for students to familiarise themselves with all the material immediately – for many, the scenarios may not make sense until the topics have been taught.
3. Not all documents relating to scenarios will be put up on the PAJD but most will so there should be no unpleasant surprises. But don’t forget, it is an assessment activity and so there
Guide to Practice aspects

Whether practising law or otherwise, an important part of most professions is the practical tasks which are undertaken by members of any profession. So we at RMIT have developed a professionally oriented learning environment which will overlay the whole program. You will undertake relevant practical activities in most of the core courses and over the whole Juris Doctor program. Part of the overall assessment of each course will be based on the completion of a series of hands-on 'tasks' as would be carried out by a legal assistant/trainee lawyer in a legal firm. This will provide you with an understanding of the skills and knowledge required in the legal work environment and which will also require an appreciation of the application of other attributes such as people skills and ethics which are expected in the legal profession, therefore building upon and enhancing the prior knowledge and skills you have already acquired prior to entry into the program.

We will create mock legal firms with some of the practitioners on staff together with some practitioners from the profession who will be the purported ‘partners’ of the firm with you students acting as the legal assistants/trainee lawyers. As in a legal firm, the ‘partners’ will give instructions to the legal assistants/trainee lawyers who will be expected to undertake the tasks set within certain time constraints. An example of such a task would be the filing of an urgent application to the court for an injunction hearing within the next few days – this task will necessarily encompass the taking of instructions, interviewing clients, researching the law, preparing documents, briefing the barrister, if applicable, attending to the filing of documents and all the various matters attached to the whole process. This task will involve the application of civil procedure, a particular area of law such as company law or intellectual property law as well as the other practical ‘lawyering’ skills such as the ability to elicit all necessary information from the clients, the giving of opinion and advice, the drafting of documents and the appreciation of the necessary detail, procedural and substantive requirements of the task at hand and the relevant time limitations. There is also the ‘accounting’ aspects to be considered in every task ie the issue of fees, costs, clients and office
accounts as well as other work-related aspects of a legal firm such as ethics and communication.

A ‘practical work experience’ time frame/session of approximately 4 hours (dependent on the number of core courses enrolled per semester but not exceeding four so your session will run for about 2 hours if you have enrolled in two courses) on a Saturday towards the end of each semester.

A total of 20% will be allocated to the practice aspects of each course. The assessment will be split up into two parts:

(i) Role-play as legal assistant/trainee lawyer – the practice tasks such as meetings with partners, clients etc – will be assessed by the practitioner involved and worth 10%;

(ii) Written task built on the earlier practice experience – for eg drafting an application to court or writing a memorandum of advice etc – worth 10% to be submitted by student within a short time frame after the practice session and to be assessed by the lecturer.

Assessment of the practice aspects.

The objectives in undertaking this assessment are:

1. To demonstrate you are able to deal professionally with your employers, your fellow team members, clients and other parties by effectively taking instructions and communicating with relevant parties;

This will involve an assessment of whether you have been effective and persuasive in your communication with various parties (for example, the partners, other team members, clients, witnesses, lawyers from other firms, whether you have acted professionally (speech, manner, presentation, appropriate body language) and whether you had handled all aspects of the particular practice tasks competently. You will need to demonstrate your discipline knowledge and research skills and to exercise
judgment and your ability to explain legal strategies when carrying out some of the tasks (for example when interviewing and advising clients).

2. To demonstrate your discipline knowledge and research skills.

As well as demonstrating your discipline knowledge and research skills, you will need to demonstrate your understanding of the tasks required, identify the relevant law and cases and how they operate in relation to you tasks.

3. To communicate effectively

You will need to demonstrate your ability to use the English language and legal terminology accurately and competently, identification of the legal issues and analyse and apply the relevant law to the task, consistent application of the law required of the particular question and the logical structure to any type of communication.

Objective 1 will be assessed by the practitioners and is worth 10 marks.

Objectives 2 and 3 will be assessed by the lecturer and will be worth 10 marks.
MARK SHEET FOR PRACTICAL TASK  

COURSE:  

Student’s name:  

Practical task:  

1. Presentation 

<table>
<thead>
<tr>
<th>Marks</th>
<th>0-2</th>
<th>3-5</th>
<th>6-8</th>
<th>9-10</th>
</tr>
</thead>
<tbody>
<tr>
<td>Poor</td>
<td>Average</td>
<td>Good</td>
<td>Very good</td>
<td></td>
</tr>
</tbody>
</table>

ie whether student demonstrated  

(i) Clarity of communication

(ii) Manner eg interest, creativity

(iii) Identification of issue/directions

(iv) Understanding of issue/directions

(v) Conveyance of issue/directions

2. Comments, if any:-

3. Marks out of 10:

Signed: 8 October 2011