

LAW5000: Australian Legal Reasoning and Methods

Trimester 2, 2022

Written Assignment and Case Note

Release Date:	Friday, 6 May (11.55pm)*
Due date:	Friday, 10 June (11.55pm)
Word limit:	2,250
Value:	30%

*NOTE: It is an expectation of this unit that you start to work on this assessment AS SOON AS YOU RECEIVE IT. You should find the case and read it immediately, and you should start necessary research as soon as possible.

Trigger Warning:

Some of the materials you deal with in law, including in this assessment may be disturbing, upsetting or trigger strong/negative emotions for victims and survivors of sexual/interpersonal violence and trauma as well as their supporters.

Details of Task:

There are two parts to this assessment. Part 1 requires that you draft a Case Note. Part 2 requires that you draft a research assignment. The broad theme of this assessment is 'Bail in the Victorian Court System'.

Part 1: CASE NOTE (10 marks)

You must submit (via Moodle) an individual Case Note (not a 'headnote') of up to 1,000 words. The Case Note must explain and critically evaluate the decision of the Victorian Court of Appeal in *Roberts v The Queen* [2021] VSCA 28. Your headnote should briefly explain the material facts, the parties, and the legal issues raised and considered. However, the *reasoning is the focus of this Case Note*.

This must be your own understanding of the case in your own words. The case may have been the subject of some analysis and commentary, but this part of the assessment requires that you read and analyse the decision yourself. Do not rely on law blogs. You must demonstrate that you have read and understood the reasoning in this case. *In the past, students who have not complied with this instruction have been subject to action for academic misconduct.*

You should NOT include footnotes for the Part 1: Case Note. YOU MUST NOT REFER TO SECONDARY MATERIAL WHEN COMPLETING THE CASE NOTE. You do not therefore require footnotes. If you want to include a direct quote from the judgment in your Case Note you should specify in the text where in the judgment you are quoting from. For instance, you might say:

- Justice Kourabas noted, at para 5, that 'students must not include footnotes in the Case Note';
or
- Justice Kourabas noted that 'students must not include footnotes in the Case Note' (at para 5).

Part 2: RESEARCH ASSIGNMENT (20 marks)

Write an analytical essay (in the style of a short article as you might see in a law journal) of up to 1,200 words explaining the legal significance and wider consequences of this case. You may choose to focus on one theme or topic arising out of the case, but you must relate that to the legal impact of the case itself. In this part of the assessment, you should refer to any developments in the relevant case law and evaluate the significance of any changes in the law. You may also like to focus on the approach adopted in other jurisdictions as a comparison.

You may refer to (or cite) your earlier case note (if necessary). You should draw upon relevant secondary material when drafting your essay. This means that you MUST include footnotes and a bibliography in Part 2 of the assessment when referring to the work of others.

Please Note: We are not asking you to provide your personal opinion on the subject matter. We want you to analyse and discuss the significance of the law. You must explain the basis for your argument using the legal principles we have learned in this unit. You must address all aspects of the question.

General Instructions:

Please carefully read the instructions on Moodle regarding this assessment, together with the instructions provided below. If there is an inconsistency between any information set out in this document and Moodle, then the information in this document takes precedence.

A. Word Limit

The overall word limit for this assessment is 2,250 words. We will strictly enforce this word limit so you MUST NOT exceed it. You should include a word count at the end of *both* Part 1 and Part 2 of your assessment. The word count excludes footnotes and bibliography required for Part 2.

If you do exceed the word limit, we will take this into account when assessing your work. Adhering to a word limit illustrates your capacity to follow instructions and to draft concisely and effectively.

B. Citations and References (for Part 2 only):

- 1) Footnotes should usually contain citation references only. Any substantive analysis included in your footnotes may contribute to your overall word count.
- 2) You must reference consistently with the *Australian Guide to Legal Citation* (4th edition). The library has information on citation that may be useful
- 3) You must use pinpoint references (i.e., ones which refer to a specific page or paragraph number) when quoting from or referring to specific material in case, journal, book etc.

C. Marking Guidance

We use a number of measures to assess your work. We will generally allocate marks according to the The factors that we consider for each part of this assessment include:

Guidance for Part 1	Guidance for Part 2
<ul style="list-style-type: none"> • Coherent structure • Organisation and effective use of headings • Clarity and accuracy of expression • Editing, spelling and grammar • Extraction of relevant facts • Extraction of procedural history • Articulation of legal arguments in case • Articulation of ratio of decision • Understanding of any obiter in decision • Relevance and understanding of issues 	<ul style="list-style-type: none"> • Coherent structure • Organisation and effective use of headings • Clarity and accuracy of expression • Editing, spelling and grammar • Quality of analysis and critical evaluation • Articulation of developments in case law • Relevance and understanding of issues • Evidence of breadth of research • Integration of research materials into report • Correct citation of references