

FLINDERS UNIVERSITY LAW SCHOOL

ADELAIDE, AUSTRALIA

Modified Extracts from *Law Handbook 2008*

The Law Programmes

The Flinders University Law School provides undergraduate degrees in law, a major towards the Arts and Behavioural Science degrees, contributions to the teaching in the Justice and Society degree, law teaching for undergraduate and postgraduate degrees in the Business School, and postgraduate courses. There are two undergraduate law degrees, the Bachelor of Laws and the Bachelor of Laws and Legal Practice. They are available for entry immediately from secondary school or during or after completion of another degree, and may usually be taken in combination with another degree. A special sub-quota exists for Indigenous students. The major sequence for BA and BBSoc students, and other teaching for Justice and Society students, is in the field of Criminal Justice and some of these topics are available to law students. The undergraduate law degrees incorporate an honours programme. Postgraduate study is available by way of research degrees (LLM and PhD). An intensive onshore postgraduate suite of topics in International Law and International Relations will be available in 2008 with the commencement of the LLM (International Law and International Relations) degree, a joint offering of the School of Law and the School of Political and International Studies.

The School was established to help meet an overwhelming demand for University places in law. In 1992 the first 60 undergraduates were admitted into the Bachelor of Laws (LLB) programme. Since that time both the size of the intake and the choices available to students have increased dramatically. Most significantly, the Degree of Bachelor of Laws and Legal Practice was introduced by Flinders Law School in 1999 to incorporate practical legal training as part of the undergraduate degree in law. Students are thus able to complete all requirements for admission to practice as a lawyer as part of their undergraduate education and may meet the costs of their education on a HECS-HELP debt basis without any upfront course fees. Part of the delivery of the practical legal training component is achieved through an agreement between Flinders University and The Law Society of South Australia so that Flinders students study a topic taught by The Law Society. The incorporation of practical legal training into the degree flows from a philosophy articulated from the establishment of the Flinders law degree whereby skills training is integrated with the study of substantive law topics. These skills enhance the appreciation of the ways in which legal rights and obligations are given effect in practice but are relevant to almost all applications of legal knowledge not just legal practice.

Features of Flinders' practical legal training component include:

- Practical training topics are integrated with the substantive topics of the course and designed specifically to build on what students have already done.
- The course involves a blend of topics taught at Flinders University and at The Law Society of South Australia. The Flinders University topics involve teaching from experienced teaching staff from within the Law School (many

- of whom have a practice background) and practitioners currently working in the profession.
- Students are enrolled in a Flinders programme of study with all the consequent rights and privileges.
 - The course can be taken on a HECS-HELP debt basis.

As part of the Law School's community involvement, two special lectures are sponsored. The Elliott Johnston Lecture is held during Law Week in mid-May and involves an invited speaker on a topic relating to the law and Indigenous people. The Alex Castles Memorial Legal History Lecture is held in alternate years and involves an invited speaker on a topic relating to the development of the law in Australia. The highly successful Visiting Judicial Fellow programme brings to the Law School a Justice of the Federal Court of Australia, who contributes in various ways to the School's activities for one week. During the law degree opportunities for community service are provided, especially in conjunction with the Southern Community Legal Service and via the elective topic Community Legal Practice.

Charter and Goals of the Law School

Charter

The Law School is a community which seeks to promote a broad understanding of law and legal systems through teaching, scholarship and involvement in the community at large.

Goals

1. To maintain and develop a high quality Bachelor of Laws and Legal Practice programme which provides a broad legal education, integrates practical legal training with the teaching of substantive law, and allows graduates to pursue a variety of careers in the legal profession and in other sectors.
2. To maintain and develop high quality Criminal Justice programmes that provide an understanding of criminological research and criminal justice policy.
3. To maintain and develop other undergraduate, postgraduate and continuing education programmes which reflect staff expertise and meet the needs of the community.
4. To promote equity in access to legal education and to the legal profession.
5. To encourage and provide support for legal and criminological research and to enhance the national and international reputation of the Law School.
6. To foster co-operation with the University community, with other institutions and with other disciplines.
7. To promote a healthy, pleasant, inclusive and mutually respectful working environment in which the Law School can be effectively managed and workloads equitably distributed.
8. To promote a spirit of co-operation and mutual respect between the staff and students of the Law School.

9. To promote a spirit of co-operation and mutual respect between the Law School and the legal profession and the wider community.
10. To gain recognition for having achieved these goals.

Legal Education at Flinders

The course leading to the degree of Bachelor of Laws and Legal Practice is designed with the intention that students will obtain: (a) knowledge, understanding and the capacity to critically appreciate and evaluate Australian law and the Australian legal system, taking into account historical development and societal imperatives; (b) facility in a range of basic legal and generic skills that assist in the translation of legal rights into effective outcomes; and (c) competence in applied legal skills essential to the ethical and professional conduct of legal practice, broadly construed. The overarching aim is to have graduates properly prepared to enter upon the practice of law in Australia.

Particular skills emphasised include:

- *legal research techniques*, in particular the capacity to locate primary source material (statutes and judicial decisions) in both the traditional hard copy and in the developing range of electronic data bases;
- *legal reasoning*, especially case analysis, statutory interpretation and an appreciation of how facts are established and their relevance determined;
- *critical evaluation* of legal rules and policy issues;
- *presentation of arguments*, both orally and in writing;
- *interpersonal communication*, for instance in the contexts of interviewing clients or conducting negotiations; and
- *use of plain and understandable English* in legal drafting and other forms of writing.

Legal skills such as the interpretation and analysis of statute and precedent, the oral and written presentation of legal argument, the ability to retrieve information and the capacity to distinguish the relevant from the irrelevant are of value in a variety of careers as well as professional legal practice.

Within Australia the content of both academic and practical courses in law is influenced by the lists of subject areas, skills and values which have been agreed by admitting authorities. These lists set out what is essential if a graduate is to be admitted as a legal practitioner. Compliance with these lists is regulated in this State by the Legal Practitioners Education and Admission Council (LPEAC), which is satisfied that the Flinders degree is fully compliant.

The topics for the law degree are taught on a semester basis. The first year of the course seeks to introduce students to the nature and structure of the legal system and to a cross-section of substantive legal principles involving civil law, criminal law and public law. The remaining compulsory law topics consolidate these principles and cover the remaining areas of substantive law and legal procedure generally accepted as the core areas. Elective topics enable students to develop specialist knowledge and skills, a greater understanding of the social impact or theoretical bases of the law, and an appreciation of possible future directions of the law. The legal practice topics

provide students with the knowledge, skills and values relevant to the conduct of legal practice. For students who have not previously done so, some tertiary study of topics outside the legal area is required. Combined degrees are encouraged.

Students are expected to view the law in its historical, conceptual and social context. Critical evaluation of the evolution, purpose and operation of the law is part of all compulsory and elective topics. Study of the history and philosophy of law is one topic within the compulsory core. Within the course attention is directed to philosophical, economic, racial and gender-based analyses. The legal practice topics are linked to the substantive topics in the law core so that students are able to apply substantive principles within the related practical environment.

The Bachelor of Laws and Legal Practice Course Details

The Bachelor of Laws and Legal Practice (LLB/LP) may be taken as a four and a half year degree, as a three and a half year degree for graduates or as a five and a half year (or longer) degree for those studying law as part of a combined degree programme. In addition students can elect not to complete the Legal Practice component of the award and can exit the degree and obtain a Bachelor of Laws degree. The Bachelor of Laws degree can be taken as a four year degree, as a three year degree for graduates or as a five year (or longer) degree for those studying law as part of a combined degree programme. Those students exiting the degree with a Bachelor of Laws degree will be required to complete an additional 6 units of Law electives, with some modifications to the civil litigation portion of the compulsory programme. Honours level awards are available in both the Bachelor of Laws and Legal Practice and the Bachelor of Laws. Students exiting the award with a Bachelor of Laws will not be eligible to be admitted to legal practice without the completion of further practical training requirements.

The 4.5 Year LLB/LP

To complete the 4.5 year LLB/LP degree at Flinders University, students must pass a total of 162 units. Of these, 78 units are compulsory topics, 60 units are chosen from a range of elective topics, and 24 units are legal practice topics. Students undertaking the 4.5 year LLB/LP on a full-time basis will ordinarily adopt the following course of studies (but some flexibility exists, especially in relation to electives placement, and especially if students are willing to undertake minor overloads):

FIRST YEAR

<i>Semester 1</i>	LLAW1101 Legal Method [Legal Research]	4.5
	LLAW1102 Principles of Tort Law	4.5
	LLAW1103 Public Law and Regulation	4.5
	Non-law electives	4.5
<i>Semester 2</i>	LLAW1106 Lawyering: Procedures and Ethics	4.5
	LLAW1105 Contract	4.5
	LLAW1104 Principles of Criminal Law and Procedure	4.5
	Non-law electives	4.5

[In first year, students must take one or more non-law topics amounting to 9 units. With certain exceptions, any topic may be chosen, provided any prerequisites or degree requirements are met. Subsequently, up to a further 15 units of non-law topics may be substituted for law elective topics.]

SECOND YEAR

<i>Semester 1</i>	LLAW2104 Constitutional Law [Group Work]	6
	LLAW2103 Advanced Contract [Oral Advocacy]	3
	LLAW2102 Issues in Criminal Law	3
	LLAW2105 History and Philosophy of Law	3
	Law electives	3
<i>Semester 2</i>	LLAW2107 Administrative Law [Interviewing]	6
	LLAW2106 Issues in Torts	3
	LLAW2101 Property Law Concepts	3
	ENGL1011 Professional English in Law	3
	Law electives	3

THIRD YEAR

<i>Semester 1</i>	LLAW3104 Trusts and Assignments	3
	Law electives	15
<i>Semester 2</i>	LLAW3102 Corporate Law [Drafting]	6
	LLAW3101 Real Property Law	3
	Law electives	9

FOURTH YEAR

<i>Semester 1</i>	LLAW4101 Evidence	3
	LLAW4103 Civil Litigation (LLB/LP only) OR	6
	LLAW4103A Principles of Civil Litigation (LLB only)	3
	LLAW5905 Property Practice	3
	LLAW5907 Succession and Estates Practice	3
	LLAW5906 Advocacy (inter-semester break)	3
	Law electives	0/3
<i>Semester 2</i>	LLAW4104 Advanced Civil Litigation (LLB/LP only) OR	3
	LLAW4104A Advanced Principles of Civil Litigation (LLB only)	3
	LLAW5904 Criminal Practice	3
	Law electives	12

FIFTH YEAR

<i>Semester 1</i>	LLAW5901 Legal Practice Management [Placement]	6
	LLAW5902 Commercial and Corporate Practice	3
	Law electives	6

Flinders Practical Legal Training Programme

The Practical Legal Training programme at Flinders Law School is integrated within the Bachelor of Laws and Legal Practice degree in two ways.

Firstly, professional legal skills are taught within the context of substantive law topics throughout the course as follows:

Legal Research is taught within *Legal Method*;

Oral advocacy is taught within *Advanced Contract*;

Working in a group is taught within *Constitutional Law*;

Interviewing skills are taught in the topic *Administrative Law*;

Drafting skills are taught in *Corporate Law*;

Negotiation skills are taught in *Advanced (Principles of) Civil Litigation*.

In addition, the first year topic *Lawyering: Procedures and Ethics* provides an overview of legal practice, a study of ethical responsibilities of lawyers and an introduction to the skills components.

The second level of integration of the PLT programme is found in the practice topics which relate to specific areas of legal practice. Those topics are:

Advocacy	Advanced Civil Litigation
Criminal Practice	Commercial and Corporate Practice
Legal Practice Management	Succession and Estates Practice
[Placement]	Property Practice
Civil Litigation	

All practice topics are taught in concentrated forms so that they are completed in part of a semester. Students must complete both the skills topics and the practice topics to satisfy the requirements for admission to practice.