

Foundations of Law – Lesson Plan – Workshop 1 – Week 1

This workshop supports:	Unit Learning Outcomes 1 and 3: 1. identify the personal skills, capabilities and knowledge necessary to meet the work standards expected by law and justice professionals in the workplace 3. explain and analyse the historical foundations and contemporary roles of Australian legal systems and institutions in domestic and international social, economic and cultural contexts
This workshop links to:	CALD TLO 1(a) and (b): Graduates of the Bachelor of Laws will demonstrate an understanding of a coherent body of knowledge that includes the fundamental areas of legal knowledge, the Australian legal system, and underlying principles and concepts, including international and comparative contexts; and the broader contexts within which legal issues arise...
Objectives:	At the end of this workshop, students should: (a) have a group (or the beginnings of one) for their Law in Action presentation toward the end of the semester, (b) begun to think about what ‘law’ is and how it can be defined in different ways including positivist and social/contextual, (c) begun to think about the skills and attitudes of legal professionals in preparation for the reflective writing assessment in Week 3, and (d) been exposed to different styles of note-taking in university classrooms.
Previous/assumed knowledge:	This is students’ first tutorial in this subject and for most it is their first university tutorial.
Reading(s):	<i>Required reading</i> <ul style="list-style-type: none"> ▪ Robin Creyke et al, <i>Laying Down the Law</i> (LexisNexis, 10th ed, 2018), Ch 1 ▪ Cable v. Sinclair [1788] NSWKR 7 ▪ R v Murrell and Bummaree (1836) 1 Legge 72 <i>Suggested reading</i> <ul style="list-style-type: none"> ▪ David Neal, <i>The Rule of Law in a Penal Colony</i> (Cambridge University Press, 2002), Ch 1 (on Canvas) ▪ Goodnotes, <i>The Best Note-Taking Methods for College Students & Serious Note-takers</i> (9 May 2018) Medium < https://medium.goodnotes.com/the-best-note-taking-methods-for-college-students-451f412e264e>

Preparation required:	<ul style="list-style-type: none"> ▪ Attached slides to support the seminar (attached). ▪ Script for Kable role play (attached) with each participant’s part on a separate piece of paper. ▪ Script for Murrell role play (attached) with each participant’s part on a separate piece of paper. ▪ Seminar room should be set up in a ‘courtroom’ form to support the role plays – this can be done at the start or during the first break.
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Item	Timing	Teaching prompts	Notes
Introduction and roll	5 mins	<ul style="list-style-type: none"> ▪ Introduce yourself and why you are teaching at the university. ▪ Introduce any ground rules you have (eg phones or Facebook). ▪ Take a class roll (the roll is available from Allocate or can be provided). 	<ul style="list-style-type: none"> ▪ Attendance at workshops isn’t compulsory but if a student later complains about their marks, evidence of attendance can be useful.
Questions about the unit	10 mins	<ul style="list-style-type: none"> ▪ Has everyone got access to/seen the Unit Outline and the Canvas site for the unit? ▪ Has everyone got access to the texts for the unit? ▪ Did you have any questions about the unit? 	<ul style="list-style-type: none"> ▪ This is a first-year unit and sometimes students struggle with getting access to university systems for the first time. ▪ It’s also an opportunity to reinforce that they <i>must</i> have access to, and read, the Canvas site and their student emails.
What is law (Part 1) / Icebreaker	20-30 mins	<ul style="list-style-type: none"> ▪ Ask students to take a moment to write down your own definition of ‘law’. ▪ The definition doesn’t need to be ‘correct’ but based on students’ understanding. ▪ Ask students to identify someone in the room they do not know. Take their definition and do four things: introduce themselves; ask who the other person is; share their definition with that person; and listen to their partner’s definition. 	<ul style="list-style-type: none"> ▪ This is a ‘cocktail party’ technique. ▪ If the students do the discussion twice, they will have the foundations for a group of three for the law in action presentation.

		<ul style="list-style-type: none"> ▪ Explain that there are several objectives to this exercise: think about whether the student's definition is the same as someone else's; extend students' network in law school (because research says law students are more likely to finish law school, and be happier, if they have a network of friends); and students will need to form a group for the law in action presentation and this is the first step in that. ▪ At the end of the first pairing, ask students to review and (if they want to) revise their definition. Repeat the process at least one more time. ▪ Ask for students to give their refined definitions and capture them on the whiteboard. Tell students that the workshop will return to the definitions. 	
BREAK			<ul style="list-style-type: none"> ▪ During the break the seminar room can be set up as a courtroom.
What is Law (Part 2) – Kable v Sinclair	10 mins	<ul style="list-style-type: none"> ▪ Orient students by: <ul style="list-style-type: none"> – <i>briefly</i> explaining the idea of common law (or asking if there are students who can explain it) addressing: what it is; where it can be found; and although some decisions are 'old', they are still relevant, and – noting that the workshop is going to look at two examples. ▪ Introduce the courtroom set up including at least: judge; bar table; witness stand; and jury box. ▪ Introduce the background facts to <i>Kable</i> (or ask if there are students who can provide them). Address at least the factual/historical context: detainee and the concept of felons being 'legally dead' and unable to hold property; the setting of a penal colony and military trial (with no lawyers); the uncertain security (about 200 marines and 700 convicts); the distance from England. ▪ Ask for volunteers to play the roles of witnesses. You may want to reserve the role of Judge Advocate for yourself to facilitate the role play. The rest 	<ul style="list-style-type: none"> ▪ The objectives of the two role plays (this and the one below) are to directly engage the students in the teaching episode and at the same time introduce concepts of law reflecting social and historical context. ▪ Students are asked to read the case, but the episode is designed so that even if they have not, they are still able to participate (the script is taken directly from the decision so the case is being read by <i>and to</i> the students). ▪ Providing an overview of the set up will key students in to what they might see on their court visits for law in action.

		<p>of the workshop group can play the role of jurors (there was a jury for civil trials at the time).</p> <ul style="list-style-type: none"> ▪ Ask jurors to listen to the evidence (the best order in which to call the witnesses is <i>Kable</i>, Long, Trimmings, Hunter) and decide whether they would, or would not, order the captain of the <i>Alexander</i> to compensate the Kables. ▪ Explain the outcome (or ask a student to explain it). Invite students to think about/explain why the Judge-Advocate might have ordered compensation for the Kables. So what does that tell us about what law is and how it develops? 	<ul style="list-style-type: none"> ▪ <i>Kable</i> represents the origins of Australian common law as a divergent body of jurisprudence from English law.
What is Law (Part 3) – Murrell	10 mins	<ul style="list-style-type: none"> ▪ Orient students by explaining the background facts to <i>Murrell</i> (or ask if there are students who can provide them). ▪ Ask for volunteers to play the roles of Stephen, Kinchela and the Chief Justice (there are two CJs, but the volunteer can do both). ▪ Explain (or ask the students to explain) what the outcome of <i>Murrell</i> was. ▪ Facilitate a comparative discussion of <i>Kable</i> and <i>Murrell</i>: What was different between the two decisions? Do any of those differences affect the outcome? 	<ul style="list-style-type: none"> ▪ Students are asked to read the case, but the episode is designed so that even if they have not, they are still able to participate (the script is taken directly from the decision so the case is being read by <i>and to</i> the students). ▪ The discussion of <i>Murrell</i> allows for an introduction to the relationship between indigenous people and the law which will be expanded on during the semester.
BREAK			
What is Law (Part 4) Conclusion	20 mins	<ul style="list-style-type: none"> ▪ Return to the definitions that the students developed earlier in the workshop. ▪ Facilitate a discussion of whether the definitions need to change, expand or stay the same in light of the examples looked at. For example: <ul style="list-style-type: none"> – <i>Kable</i> suggests that laws aren't rules and regulations dictated and applied, but demonstrate flexibility, 	<ul style="list-style-type: none"> ▪ The final step in this part is intended to key students in to thinking about what legal professionals do, and their relationship with the law, which will become important in their first assessment on reflective thinking and writing.

		<ul style="list-style-type: none"> - <i>Murrell</i> on the other hand does reflect inflexibility in the application of the law, - both <i>Kable</i> and <i>Murrell</i> still broadly represent the law – convicted offenders can sue in civil courts (detinue was eventually abandoned in UK law in any event) and the law still struggles with the recognition of traditional punishment of indigenous offenders in criminal law. ▪ Introduce a discussion of what the definitions and the examples might begin to suggest about the people who with the law. For example: <ul style="list-style-type: none"> - What roles did the Judge-Advocate, Stephen and Kinchela all play in their construction of the law? - Do students think the Judge-Advocate’s decision or Stephen’s argument were popular in the community? What does that tell us about advocacy? - How do students think Stephen or Kinchela went about preparing for the argument in <i>Murrell</i>? 	
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<p>Assessment</p>	<ul style="list-style-type: none"> ▪ Undertake a formative assessment of students’ understanding by observing and noting their answers throughout the tutorial. <ul style="list-style-type: none"> - If students’ answers reflect change related to the materials and the discussion, affirm that for them. - If students’ answers do not reflect change related to the materials and the discussion, you may need to pause and revisit some of the introductory concepts.
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