

**Flinders University Law School  
Bachelor of Laws and Legal Practice**

**LLAW1211 LEGAL RESEARCH AND WRITING**

Semester 1, 2015

**ASSIGNMENT 2: Memo**

This is worth **30%** of the assessment in LLAW1211 Legal Research and Writing

**Please Note:**

- The total word limit for this piece of work is **1100** words.
- The **due date** for this piece of work is **18 May at 4pm**.
- Assignments must be submitted by the deadline into the Assignment 2 Dropbox on FLO.
- Any applications for an extension must be submitted **prior to the due date**. Please see the FLO site for LLAW1211 for information.
- The University's policy on **academic integrity** applies to this work and will be strictly enforced.
- **Penalties** will be applied to work which is **over-length**. **Penalties** will also be applied to work that is submitted **late** without an extension. See the SAM for details.
- When working on your assignment you should have regard to the marking criteria provided below. They will be used to mark your paper and provide **feedback** to you about your work when it is marked and returned to you.
- Students should have regard to the material contained in Chapters 2, 3 and 4 and sections 6.89-6.101 of Chapter 6 of Corbett Jarvis and Grigg *Effective Legal Writing* (LexisNexis 2014) for the purposes of this assignment.
- **Compliance with the AGLC** is a requirement of this assignment.

## **Assignment Task:**

### **THE SCENARIO:**

You are still working as a Law Clerk with Bridget at her law firm, Flinders Legal.

Bridget has been impressed by the work you did for her on Barbara's file and asks you for help on another matter. This time it concerns Barbara's son Gennaro Napolitano. Barbara mentioned it when she last met with Bridget. Bridget has opened a new file for this matter.

Barbara is an important client for the firm so Bridget is very keen to do a good job for her.

She has left another memo for you on your desk.

### **THE TASK:**

Your task is to do what Bridget has requested in the attached memo.

The memo asks you to include a report that reflects on the research path/process you undertook to locate the primary and secondary sources that you have used in your memo.

For the purposes of this assignment, such a report must contain the following points as a minimum:

- ✓ It must be sufficiently detailed to allow the reader to repeat the research path undertaken.
- ✓ It must contain an actual self-reflection on your research path. This involves considering and reflecting on matters such as:
  - ✓ what worked/didn't work and why;
  - ✓ what was easy/difficult; and
  - ✓ what tips/traps/techniques etc to remember for next time.

The workbook used in the Library Skills Workshops for this topic contains sections that were designed to get you thinking about this issue during your research exercises. Use them as a guide for this aspect of the assignment.

## MEMO

**TO:** The Law Clerk  
**FROM:** Bridget Laws  
**DATE:** 27 April 2015  
**RE:** **New File 125/2012 –/Admission to practise law: Barbara’s son, Gennaro**

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At my last meeting with Barbara, she told me that her son Gennaro has recently finished his double degree in Engineering/Law and Legal Practice at the University of Norwood.<sup>1</sup> He is preparing the documents he needs to submit for admission to practise law in South Australia.

Barbara is very concerned because during Gennaro’s first year at University when he was studying *ENGG1101 Engineering Physics and Materials* he got caught out for a breach of academic integrity. Although Gennaro went on to complete his studies successfully, Barbara feels that this “might mean trouble for him if the Law Society finds out.”

I have a feeling that Gennaro has a duty to disclose this to the Supreme Court in his application documents, but I need to know whether I am right. I attended a professional development seminar on this. The presenter mentioned a couple of Australia cases. There is a Queensland case ***Re Liveri [2006] QCA 152***. There is also a Tasmanian case called ***Richardson (or some name like that)*** and there is a **Victorian Supreme Court** case with an odd-sounding name that I can’t remember. There may be others. There will also be some **key South Australian legislation** on this topic.

Undoubtedly, there will be **secondary sources** on the topic.

I need you to prepare:

1. A memo telling me what are the requirements of disclosure for admission to practise law in South Australia;
2. a report that reflects on the research path/process you undertook to locate the primary and secondary sources that you have used in your memo.

Once you have done that, we will interview Barbara and Gennaro to get the relevant facts. We will then decide how to provide them with the legal advice they need.

I need the memo by **18 May at 4pm**. Try to present and structure it so that it is as readable as possible and so that I can quickly understand what you are communicating. Take into account the feedback you received about your last memo.

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<sup>1</sup> Assume that this is a university in Adelaide, just like Flinders University, The University of Adelaide and the University of South Australia.

**LEGAL RESEARCH AND WRITING:  
Assignment 2 Marking Criteria and Feedback Sheet**

CRITERIA THAT WE LOOK FOR AND REWARD WHEN MARKING ASSIGNMENT 2:	Unsatisfactory	Satisfactory	Good	Excellent	COMMENTS WHERE APPROPRIATE:
<b>Memo Structure:</b>					
Demonstrates an understanding of the requirements of the assignment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
The way in which you separate each issue is clear and logical to the reader.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Your ideas flow and you deal with the issues in a logical sequence.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Memo content:</b>					
You identify the main cases and analyse them appropriately and effectively.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
You rely on the authorised or most authoritative versions of cases.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
You identify and use the main legal rules relating to admission to practise law in SA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
You use secondary sources appropriately and to add depth and context to your analysis of the primary sources.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
The research path/process is sufficiently detailed to allow the reader to repeat the research path undertaken.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
The research path/process contains actual self-reflection on your research path.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

<b>Writing style:</b>					
You have adopted a memo format, as requested.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Your writing style is lively, clear and efficient.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
You implement a range of plain English writing techniques to good effect.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Your punctuation, grammar and spelling are impeccable.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Overall, the memo communicates effectively and efficiently.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Your writing shows a professional attention to detail.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Academic Integrity:</b>					
You acknowledge the source of all words and ideas that are not your own.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Compliance with Referencing Conventions:</b>					
You comply with the AGLC referencing conventions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
You provide pinpoint references where necessary.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>General Comments:</b>					