

## IVAN

Ivan is a quadriplegic. He became a quadriplegic when he was struck by a pallet at his work premises on 3<sup>rd</sup> January 2015. The load on a forklift driven by Bruce toppled off and fell onto Ivan.

Ivan was employed as the managing director of Innovate Pty Ltd, the occupier of the premises in which the accident occurred. Bruce was employed by SkillsShare Pty Ltd, who had sent him to work under a labour hire agreement with Innovate Pty Ltd. Innovate Pty Ltd was deregistered in January 2015. Innovate Pty Ltd was a private company with two shareholders: Ivan and his wife Imelda. Throughout its existence Innovate Pty Ltd had a worker's compensation insurance policy with Target Insurance Pty Ltd, issued pursuant to the *Workers Rehabilitation and Compensation Act 1988* ("the WRC Act"). SkillsShare Pty Ltd had similar insurance through Beastly Careless Insurance Pty Ltd.

Imelda seeks your advice about what she or Ivan can do to claim a payout for the injury that he suffered. Ivan is 65 and Imelda is 60. Ivan is currently living in a rehabilitation centre where he is learning to use a wheelchair and engage in everyday tasks. He is unlikely to work in paid employment again. He is expected to move back home with Imelda by Christmas 2015.

## INSTRUCTIONS

For the first assignment you will all be acting for the same client.

The first assignment task will be to write a letter of advice to Ivan from [Dispute A](#) advising him about his dispute resolution process options to deal with his problem.

Task description	<p><b>Letter of advice</b></p> <p>Each firm will prepare a letter to their client advising about dispute resolution options available to respond to the client's dispute.</p> <p><i>A module containing <a href="#">instructions on and formalities of legal letter writing is located in the Skills Module</a>. Please observe instructions regarding file names.</i></p> <p><b>Oral advocacy A</b></p> <p>One member of each firm will justify and answer questions about the advice given in the letter during the seminar.</p> <p><i>A module containing <a href="#">instructions on and formalities of oral and written advocacy is located in the Skills Module</a>.</i></p>
Assessment criteria	<p>a. Explain how courts contribute to civil dispute resolution</p> <p>b. Advise a client about the options available to them within the civil justice and dispute resolution landscape</p> <p>c. Apply professional and ethical considerations</p> <p>d. Demonstrate respect and observance of legal formalities, etiquette, style, and presentation</p>

	e. Communicate clearly, within word or time limits, and respond to the needs of the audience
Links to unit's intended learning outcomes	ILO1 Contextualise the role of courts that deal with civil disputes. (criteria a, b, d, e)  ILO3 Apply principles of lawyers' professional responsibilities and legal ethics in the context of civil litigation and dispute resolution. (criterion c)  ILO4 Collaborate effectively (embedded in quality of work)
Task length	Maximum 500 words see <a href="#">Faculty procedures for word limit inclusions and exclusions</a>  Maximum 10 minute justification (plus up to 5 minutes for questions)
Date due	Letters of advice must be uploaded onto MyLO by 2pm on Monday of Week 3  During seminars in Week 3 - bring 4 hard copies of letter

Please use the [discussion board](#) to obtain further instructions from Ivan.

The assessment rubric for this task is on the following page.

*\*\* Please note that the links here are to locations within the unit's MyLO site, and are therefore unavailable to you. These links are live and available to students enrolled in the unit, however. \*\**

## ASSESSMENT RUBRIC

The following rubric will be used to assess both the firm's letter and the advocate's oral justification of the advice.

Criteria	High Distinction	Distinction	Credit	Pass	Fail
Explain how courts contribute to civil dispute resolution	Distinction plus: Explanation is accurate and comprehensive, and the client's instructions are comprehensively considered.	Credit plus: Explains some of the advantages and disadvantages of litigation as a dispute resolution option in dealing with the client's dispute.	Pass plus: Takes into consideration the client's instructions about the circumstances of the dispute.	Accurately explains the way litigation can be applied to the client's dispute.	The process option of litigation is ignored or over-emphasised, or the role of the court in dealing with the client's dispute is inaccurately presented.
Advise a client about the options available to them within the civil justice and dispute resolution landscape	Distinction plus: The process options are comprehensively explained and applied to the client's circumstances to justify the recommendation made. The nuanced advice supports the client to make a fully informed choice between the options presented.	Credit plus: The advice is accurate, appropriate and sufficiently detailed to enable the client to make an informed choice between the options presented.	Pass plus: The process options raised are appropriate to the client's dispute.	Provides advice about more than one dispute resolution process option that both accurately explains the process and applies the client's circumstances to justify the recommendation.	Fails to mention more than one process option or the explanation of the process(es) is inaccurate or the process(es) recommended are unsuited to the client's circumstances.
Apply professional and ethical considerations	Distinction plus: Demonstrates application of a nuanced and thoughtful understanding of the	Credit plus: Thoughtful and wise decisions have been made in applying those	Pass plus: Demonstrates that the lawyers' professional and ethical obligations in the context	Complies with the lawyers' professional and ethical obligations in the context.	Does not comply with the lawyers' professional and ethical obligations in the context.

	lawyers' professional and ethical obligations.	responsibilities to the task.	(including costs) are understood and deliberate decisions have been made in applying those responsibilities to the task.		
Demonstrate respect and observance of legal formalities, etiquette, style, and presentation				Legal letter complies with all requirements. Oral presentation is appropriate for real world legal practice and complies with all formalities, etiquette and professional requirements. <i>Requirements are explained in the Legal Letter Writing and Oral Assessment Modules on MyLO.</i>	Legal letter does not comply with all requirements. Oral justification is not appropriately presented or does not comply with requirements. <i>Requirements are explained in the Legal Letter Writing and Oral Assessment Modules on MyLO.</i>
Communicate clearly, within word and time limits, and respond to the needs of the audience	Distinction plus: Communication standard as expected of a senior legal practitioner and tailored artfully to suit the audience.	Credit plus: Professional presentation suited to real world application without further amendment (including competent answers to questions).	Pass plus: Concise and precise presentation suited to real world application with minor amendment (including attempting to answer questions).	Communicates clearly, within word and time limits and responds appropriately to the needs of the audience.	Communication lacks clarity or exceeds word or time limits or is unprofessional or otherwise inappropriate to meet the needs of the audience.