



## UNSW Course Outline

# JURD7784 Legal Experimentalism - 2024

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## General Course Information

**Course Code :** JURD7784

**Year :** 2024

**Term :** Term 3

**Teaching Period :** T3

**Is a multi-term course? :** No

**Faculty :** Faculty of Law and Justice

**Academic Unit :** School of Law, Society and Criminology

**Delivery Mode :** In Person

**Delivery Format :** Standard

**Delivery Location :** Kensington

**Campus :** Sydney

**Study Level :** Postgraduate

**Units of Credit :** 6

### Useful Links

[Handbook Class Timetable](#)

## Course Details & Outcomes

### Course Description

The Legal Experimentalism course aims to equip law students to employ legal skills and knowledge in innovative, creative ways. The course will do so by combining two main elements. First, it offers students a firm grounding in the legal traditions of Legal Realism and their

contemporary derivations. Second, it affords students opportunities to engage collaboratively in the creative rewriting and redeployment of legal instruments, texts and institutions and/or to start to think through the potential development of new legal technologies and institutions.

## Course Aims

The aims of this course may be summarised as follows:

1. To equip students with a deep knowledge of the core texts, concerns, and innovations of Legal Realism, and some of this tradition's global derivations;
2. To enable students to understand and engage critically with Legal Realism's influence in contemporary legal thought and practice, including in Australia;
3. To build student capacity in the innovative deployment of legal skills and reasoning and in the creative shaping or re-shaping of legal institutions and practices; and
4. To enhance student skills of collaborative problem-solving, communication, and teamwork.

# Course Learning Outcomes

Course Learning Outcomes
CLO1 : Understanding of core texts and theoretical contributions of Legal Realism (PLO 1);
CLO2 : Awareness of variations and derivations of Legal Realism across jurisdictions (PLO 1)
CLO3 : Skills of legal reasoning, creative legal design, and legal writing (PLO 5 and 6);
CLO4 : Skills of reform-oriented analysis of legal practices, norms and institutions and related problem-solving skills (PLO 7);
CLO5 : Communication, interpersonal, and self-management skills, especially in the context of group collaboration (PLO 9, 10, and 12).

Course Learning Outcomes	Assessment Item
CLO1 : Understanding of core texts and theoretical contributions of Legal Realism (PLO 1);	<ul style="list-style-type: none"><li>• Class Participation</li><li>• Group Presentation</li><li>• Research Essay</li></ul>
CLO2 : Awareness of variations and derivations of Legal Realism across jurisdictions (PLO 1)	<ul style="list-style-type: none"><li>• Group Presentation</li><li>• Research Essay</li></ul>
CLO3 : Skills of legal reasoning, creative legal design, and legal writing (PLO 5 and 6);	<ul style="list-style-type: none"><li>• Group Presentation</li><li>• Research Essay</li></ul>
CLO4 : Skills of reform-oriented analysis of legal practices, norms and institutions and related problem-solving skills (PLO 7);	<ul style="list-style-type: none"><li>• Class Participation</li><li>• Group Presentation</li><li>• Research Essay</li></ul>
CLO5 : Communication, interpersonal, and self-management skills, especially in the context of group collaboration (PLO 9, 10, and 12).	<ul style="list-style-type: none"><li>• Class Participation</li><li>• Group Presentation</li></ul>

## Learning and Teaching Technologies

Moodle - Learning Management System | Slido, Padlet

## Assessments

### Assessment Structure

Assessment Item	Weight	Relevant Dates
Class Participation Assessment Format: Individual	20%	Start Date: Not Applicable Due Date: Not Applicable
Group Presentation Assessment Format: Group	20%	Start Date: Not Applicable Due Date: Week 7: 21 October - 27 October
Research Essay Assessment Format: Individual	60%	Start Date: Not Applicable Due Date: 22/11/2024 08:00 PM

# **Assessment Details**

## **Class Participation**

### **Assessment Overview**

Information about CP will be provided in class.

### **Content/ Skills**

- Critically engage with the readings
- Elicit constructive discussions in class with peers

Feedback includes formative feedback and peer feedback in class

### **Course Learning Outcomes**

- CLO1 : Understanding of core texts and theoretical contributions of Legal Realism (PLO 1);
- CLO4 : Skills of reform-oriented analysis of legal practices, norms and institutions and related problem-solving skills (PLO 7);
- CLO5 : Communication, interpersonal, and self-management skills, especially in the context of group collaboration (PLO 9, 10, and 12).

### **Detailed Assessment Description**

Active participation in class sessions (verbal input).

Participation in discussion forum exercises (interactive written input, including responding to peers)

Participation in nine online modules (written input, non-interactive).

### **Assessment information**

Please review the information on the Course's Moodle page.

### **Assignment submission Turnitin type**

This is not a Turnitin assignment

### **Generative AI Permission Level**

#### **No Assistance**

This assessment is designed for you to complete without the use of any generative AI. You are not permitted to use any generative AI tools, software or service to search for or generate information or answers.

For more information on Generative AI and permitted use please see [here](#).

Use of translation software, ChatGPT, and similar applications in class is **not allowed**.

## Group Presentation

### Assessment Overview

In-class presentation from groups of 4 or 5 presenting for 20-25 mins each.

### Content/ Skills

- Communication, interpersonal, group collaboration and self-management skills

Feedback includes formative feedback, peer feedback in class, online and the use of rubric.

### Course Learning Outcomes

- CLO1 : Understanding of core texts and theoretical contributions of Legal Realism (PLO 1);
- CLO2 : Awareness of variations and derivations of Legal Realism across jurisdictions (PLO 1)
- CLO3 : Skills of legal reasoning, creative legal design, and legal writing (PLO 5 and 6);
- CLO4 : Skills of reform-oriented analysis of legal practices, norms and institutions and related problem-solving skills (PLO 7);
- CLO5 : Communication, interpersonal, and self-management skills, especially in the context of group collaboration (PLO 9, 10, and 12).

### Detailed Assessment Description

You will work together collaboratively to address a legal problem, redesign a legal institution, rewrite a legal statute or court judgment, develop a new legal instrument, or sketch out the preliminary design for a new legal institution or technology of your team's choice. The outcome of this work will be a group presentation.

Each group member will also complete a one-page form self-assessing your group work project.

### Assessment Length

maximum 21 minutes

### Assignment submission Turnitin type

This is not a Turnitin assignment

### Generative AI Permission Level

#### Simple Editing Assistance

In completing this assessment, you are permitted to use standard editing and referencing functions in the software you use to complete your assessment. These functions are described below. You must not use any functions that generate or paraphrase passages of text or other

media, whether based on your own work or not.

If your Convenor has concerns that your submission contains passages of AI-generated text or media, you may be asked to account for your work. If you are unable to satisfactorily demonstrate your understanding of your submission you may be referred to UNSW Conduct & Integrity Office for investigation for academic misconduct and possible penalties.

For more information on Generative AI and permitted use please see [here](#).

Using generative AI to conduct research or to organise your argument is not prohibited but is not encouraged. We note that the output from generative AI tools is often incorrect and almost always more superficial than is required to achieve a passing grade. Moreover, any substantive errors in the assessment, such as inappropriate references or incorrect statements, will be regarded negatively by the marker, just as they would if not generated by AI. You should limit your use of AI to simple editorial assistance, such as standard editing and referencing functions in word processing software in the creation of your submission. You must not use any functions that generate or paraphrase passages of text, whether based on your own work or not. If your marker or Turnitin identify the use of generative AI in the text of your assessment submission, including the use of paraphrasing software, your assessment may be referred to the Student Integrity team for investigation.

## Research Essay

### Assessment Overview

Essay of 3500 words addressing the connection between theoretical work read in the course and the praxis of the design exercise.

### Content/ Skills

- Understanding of core texts and theoretical contributions of Legal Realism
- Awareness of variations and derivations of Legal Realism across jurisdictions
- Skills of legal reasoning, creative legal design, and legal writing

Feedback includes formative feedback on thesis statement, peer feedback in class, online and the use of rubric.

### Course Learning Outcomes

- CLO1 : Understanding of core texts and theoretical contributions of Legal Realism (PLO 1);
- CLO2 : Awareness of variations and derivations of Legal Realism across jurisdictions (PLO 1)
- CLO3 : Skills of legal reasoning, creative legal design, and legal writing (PLO 5 and 6);
- CLO4 : Skills of reform-oriented analysis of legal practices, norms and institutions and related problem-solving skills (PLO 7);

### Detailed Assessment Description

Sample topics will be provided later in the term, and you can also propose your own topic.

### Assessment Length

3500 words including footnotes

### Assignment submission Turnitin type

This assignment is submitted through Turnitin and students can see Turnitin similarity reports.

### Generative AI Permission Level

#### **Simple Editing Assistance**

In completing this assessment, you are permitted to use standard editing and referencing functions in the software you use to complete your assessment. These functions are described below. You must not use any functions that generate or paraphrase passages of text or other media, whether based on your own work or not.

If your Convenor has concerns that your submission contains passages of AI-generated text or media, you may be asked to account for your work. If you are unable to satisfactorily demonstrate your understanding of your submission you may be referred to UNSW Conduct & Integrity Office for investigation for academic misconduct and possible penalties.

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## **General Assessment Information**

For further information on generative AI use in the Faculty of Law & Justice, please review the section titled 'Academic Honesty and Plagiarism' under the 'Other Useful Information' tab.

## Grading Basis

Standard

# Course Schedule

Teaching Week/Module	Activity Type	Content
Week 1 : 9 September - 15 September	Seminar	Introduction & Overview
	Seminar	Context (Legal Formalism)
Week 2 : 16 September - 22 September	Seminar	Sociological Jurisprudence
	Seminar	American Legal Realism
Week 3 : 23 September - 29 September	Seminar	Using Realism to Read Cases
	Seminar	Using Realism to Think Through Problems
Week 4 : 30 September - 6 October	Seminar	Student Design Projects
	Seminar	Legal Process Theory
Week 5 : 7 October - 13 October	Seminar	Treating Welfare Recipients Fairly
	Seminar	Student Design Projects
Week 6 : 14 October - 20 October	Other	Reading week - no classes
Week 7 : 21 October - 27 October	Seminar	Group Presentations
Week 8 : 28 October - 3 November	Seminar	Law and Society
	Seminar	Law and Anthropology
Week 9 : 4 November - 10 November	Seminar	Law and Economics
	Seminar	Democratic Experimentalism
Week 10 : 11 November - 17 November	Seminar	Writing Workshop
	Seminar	Critical Legal Studies

## Attendance Requirements

Please see information about attendance requirements in **Law & Justice Assessment Procedure and Student Information** located in the Other Useful Information tab in the Academic Information field.

Please be advised there will be no classes on public holidays. If your class falls on a public holiday, alternative arrangements will be made by the course convenor to make up the missed class.

## General Schedule Information

Classes are held twice a week in person on Monday and Thursday from 9-11am. Nine online learning components **must** be completed - deadlines are specified on Moodle.

# Course Resources

## Prescribed Resources

Readings provided via Moodle or Leganto

## Recommended Resources

There is no textbook to acquire.

## Additional Costs

There are no additional costs although group presentation preparation will require access to visual presentation software of some kind, such as Powerpoint.

## Course Evaluation and Development

Past feedback requested earlier feedback so the group presentation is now scheduled to occur earlier in the term than was previously the case.

## Staff Details

Position	Name	Email	Location	Phone	Availability	Equitable Learning Services Contact	Primary Contact
Convenor	Nofar Sheffi		2nd Floor Law Building			Yes	Yes

## Other Useful Information

### Academic Information

Upon your enrolment at UNSW, you share responsibility with us for maintaining a safe, harmonious and tolerant University environment.

You are required to:

- Comply with the University's conditions of enrolment.
- Act responsibly, ethically, safely and with integrity.
- Observe standards of equity and respect in dealing with every member of the UNSW community.
- Engage in lawful behaviour.
- Use and care for University resources in a responsible and appropriate manner.
- Maintain the University's reputation and good standing.

For more information, visit the [UNSW Student Code of Conduct Website](#).

## UNSW Law & Justice Assessment Policy

It is essential that all students undertaking this course read and abide by the [UNSW Law & Justice Assessment Policy & Student Information](#). This document includes information on Class Attendance, Late Work, Word Limits, Marking, Special Consideration, Workload, and Academic Misconduct & Plagiarism. More information can also be found at [Assessment & Exam Information](#).

Information regarding Course Outlines are subject to change and students are advised to check updates. If there is a discrepancy between the information posted here and the handbook or the UNSW Law & Justice website, please contact [Student Services via The Nucleus Hub](#) for advice. UNSW Law & Justice reserves the right to discontinue or vary such courses or staff allocations at any time. If your course is not here, please visit [Handbook](#) for information.

## Academic Honesty and Plagiarism

As a student at UNSW you are expected to display [academic integrity](#) in your work and interactions. Where a student breaches the [UNSW Student Code](#) with respect to academic integrity, the University may take disciplinary action under the Student Misconduct Procedure. To assure academic integrity, you may be required to demonstrate reasoning, research and the process of constructing work submitted for assessment.

To assist you in understanding what academic integrity means, and how to ensure that you do comply with the UNSW Student Code, it is strongly recommended that you complete the [Working with Academic Integrity](#) module before submitting your first assessment task. It is a free, online self-paced Moodle module that should take about one hour to complete.

## Generative AI

Using generative AI to conduct research or to organise your argument is not prohibited but is not encouraged. We note that the output from generative AI tools is often incorrect and almost always more superficial than is required to achieve a passing grade. Moreover, any substantive errors in the assessment, such as inappropriate references or incorrect statements, will be regarded negatively by the marker, just as they would if not generated by AI. You should limit your use of AI to simple editorial assistance, such as standard editing and referencing functions in word processing software in the creation of your submission. You must not use any functions

that generate or paraphrase passages of text, whether based on your own work or not. If your marker or Turnitin identify the wrongful use of generative AI in the text of your assessment submission, including the use of paraphrasing software, your assessment may be referred to the Student Integrity team for investigation. Please go to the link for further information about [referencing and acknowledging the use of artificial intelligence tools](#).

### Prohibition on use of translation apps

With limited exceptions for language study, the course of study and assessment in Australian universities must be in English (Higher Education Standard Framework (Threshold Standards) 2021 1.5 6(c)).

In Law & Justice many classes have assessable class participation. This must be in English. **Use of a translation device to assist with contributions to class discussion is not allowed.** Marks for class participation may be reduced where use of translation devices is detected. Similar prohibitions apply to use of any other generative text app that is not specifically permitted by the class teacher. However, use of translation software to assist a student to understand material outside of class, or to assist with preparation for assessment is generally permitted.

Further considerations apply to LLB and JD students. International lawyers who seek to be admitted in NSW must satisfy an English proficiency test. That test is expressed as equivalent to IELTS scores of 7.0 -8.0 across the tests. It is assumed that UNSW graduates are at or above those levels of English proficiency. Use of translation apps can impede the attainment of that level of proficiency. Students should avoid behaviours that put them at risk of breach of legal requirements which can have significant consequences, including potential consequences for your admission as a lawyer.

### Submission of Assessment Tasks

Before submitting assessment items all students must read and abide by the [UNSW Law & Justice Assessment Policy & Student Information](#).

### Special consideration

Special consideration is primarily intended to provide you with an extra opportunity to demonstrate the level of performance of which you are capable. To apply, and for further information, see Special Consideration on the UNSW [Current Students](#) page.

## **Feedback**

UNSW Law & Justice appreciates the need for students to have feedback on their progress prior to the last date for withdrawal without failure. All courses will therefore provide feedback to students prior to this date, as well as throughout the course. However, students should note that feedback does not take the form only of formal grades and written comments on written assessments. Rather, formative feedback, which helps students to self-assess, to identify misunderstandings, and to identify areas requiring further work, will occur during class and possibly online. For example, where a teacher asks the class a question, all students should think about how they might answer. Even though not all students will necessarily be able to respond orally, everyone can reflect on their tentative answer in light of the teacher's response and subsequent class discussion. If you are struggling to understand what is being asked in class, or if your tentative answers prove incorrect and subsequent discussion does not clear things up, then you should continue to ask questions (of yourself, your peers or your teacher). Similarly, you can get a sense of your ability in a course through peer feedback during group work, your teacher's responses to your in-class contributions, and your own response to in-class problems and examples (whether or not you are called on to relay your answer to the class) and also your online activities and responses by others to those activities. Students enrolled in this course may check their Moodle course page for details on the specific feedback used in this course.

## **Faculty-specific Information**

### **Additional support for students**

- Student support: <https://www.student.unsw.edu.au/support>
- Academic Skills and Support: <https://student.unsw.edu.au/academic-skills>
- Student Wellbeing, Health and Safety: <https://student.unsw.edu.au/wellbeing>
- Equitable Learning Services: <https://student.unsw.edu.au/els>
- UNSW IT Service Centre: <https://www.myit.unsw.edu.au>

### **Course improvement**

Student feedback is very important to continual course improvement. This is demonstrated within the Faculty of Law & Justice by the implementation of the UNSW online student survey myExperience, which allows students to evaluate their learning experiences in an anonymous way. myExperience survey reports are produced from each survey. They are released to staff after all student assessment results are finalised and released to students. Course convenors will use the feedback to make ongoing improvements to the course. Students enrolled in this

course may check their Moodle course page for details on the actions taken in response to evaluation feedback in Student Survey.

## School Contact Information

Please contact [Nucleus Student Hub](#) for all enquiries. The Nucleus acts as a central communications hub for UNSW and will distribute your enquiry to the best person to respond.