



UNSW Course Outline

JURD7489 Class Actions and Mega-Litigation - 2024

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General Course Information

Course Code : JURD7489

Year : 2024

Term : Term 3

Teaching Period : T3B

Is a multi-term course? : No

Faculty : Faculty of Law and Justice

Academic Unit : School of Private and Commercial Law

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

Civil litigation is more frequently giving rise to cases that are labelled "mega-litigation", "heavy and complex" or "supercase". At the same time concerns have been raised about cost, delay, access to justice, efficiency and proportionality. This course examines what factors cause civil

litigation to be complex such as "high stakes", multiple parties, with an emphasis on class actions, the need for expert evidence and electronic discovery. The course then addresses how complex civil litigation may be effectively managed and the challenge of promoting efficiency without compromising justice. The course will examine the use of case management techniques by the judiciary and methods for limiting or resolving issues in dispute including summary judgment and ADR. The course will draw on Australian, UK and US experience.

Main Topics

- Complexity in civil litigation
- "High Stakes" litigation
- Pleadings in complex cases
- Class actions in the Federal Court of Australia and Supreme Court of NSW
- Litigation funding
- Case management requirements and techniques
- Discovery in the Electronic Age
- Expert evidence
- Alternative dispute resolution in complex civil litigation

Course Aims

This course aims to:

- Develop an understanding of the possible causes of complexity in civil litigation.
- Discuss how multiple-parties, technology and the need for experts may impact on the complexity of civil litigation.
- Analyse how complexity, accuracy of decision making, cost and delay in the judicial system are related.
- Discuss and evaluate methods for managing complex civil litigation, including recent innovations in the Federal Court of Australia and Supreme Court of New South Wales.
- Examine Australian, US and UK practices and research on complex civil litigation so as to facilitate comparative analysis.
- Undertake practical group exercises in relation to real-world examples so as to prepare students for practice.
- Encourage students to be able to express their arguments orally as is frequently needed in practice for hearings and mediations.
- Facilitate students being able to critically evaluate the information and ideas presented in the course and to research and write a well-reasoned a research essay.

Course Learning Outcomes

Course Learning Outcomes
CL01 : Demonstrate knowledge of advanced principles of civil procedure and the management and resolution of complex civil litigation.
CL02 : Demonstrate effective oral communication skills by discussing and debating course concepts in a scholarly, reflective and respectful manner
CL03 : Demonstrate effective collaboration and team work to address a case study on advanced principles of civil procedure and the management and resolution of complex civil litigation , including producing a coherent written response.
CL04 : Engage in advanced critical analysis of key themes, emerging trends and practical problems in civil procedure and complex civil litigation to successful completion of a research essay.

Course Learning Outcomes	Assessment Item
CL01 : Demonstrate knowledge of advanced principles of civil procedure and the management and resolution of complex civil litigation.	<ul style="list-style-type: none"> • Class Participation • Group Assignment • Research Essay
CL02 : Demonstrate effective oral communication skills by discussing and debating course concepts in a scholarly, reflective and respectful manner	<ul style="list-style-type: none"> • Class Participation
CL03 : Demonstrate effective collaboration and team work to address a case study on advanced principles of civil procedure and the management and resolution of complex civil litigation , including producing a coherent written response.	<ul style="list-style-type: none"> • Group Assignment
CL04 : Engage in advanced critical analysis of key themes, emerging trends and practical problems in civil procedure and complex civil litigation to successful completion of a research essay.	<ul style="list-style-type: none"> • Research Essay

Learning and Teaching Technologies

Moodle - Learning Management System

Assessments

Assessment Structure

Assessment Item	Weight	Relevant Dates
Class Participation Assessment Format: Individual	20%	
Group Assignment Assessment Format: Group	30%	
Research Essay Assessment Format: Individual	50%	

Assessment Details

Class Participation

Assessment Overview

Preparation for and active participation in class discussion and group exercises.

Course Learning Outcomes

- CL01 : Demonstrate knowledge of advanced principles of civil procedure and the management and resolution of complex civil litigation.
- CL02 : Demonstrate effective oral communication skills by discussing and debating course concepts in a scholarly, reflective and respectful manner

Detailed Assessment Description

This is a reading and research course. The literature has been chosen to deepen and inform your knowledge of the topics in the course. You should be ready to participate in class discussion, and to do so with reference to the material on the reading list. A list of questions for each topic will be developed by the lecturer to assist in guiding your reading and which may be used to provoke discussion in class.

Assessment for class participation is designed to encourage student preparation for classes, by reading, analysing, reflecting on and evaluating material prior to covering that content in class. It is also there to provide opportunities for students to express their understanding in class discussion, to share their learning, to develop skills in clear and critical thinking and to gain low-key but valuable experience in presenting oral arguments.

The mark for class participation will be influenced by the general contribution students make across the course to class discussion and group learning. Class participation includes offering an observation based on the readings, by posing a pertinent question or by volunteering a

thoughtful response to someone else's comment or question.

The following, while not exhaustive, illustrates the achievement levels in Class Participation that correlate to standard grades:

Fail: Unsatisfactory performance and effort, below the minimum expected level. This grade characterises work which shows a significant lack of understanding of the topic or its context, and is therefore unsatisfactory, and/or shows a lack of sufficient effort to contribute. Students who do not participate will receive no marks.

Pass: An acceptable level of performance and effort. Indicates that the student has demonstrated an acceptable understanding of the issues entailed and has made some effort to contribute.

Credit: A good performance and effort. Indicates that the student has demonstrated: sound technical understandings of the course content, the ability to think analytically and contextually about the course, the ability to understand/present alternative points of view/perspectives and supporting evidence, and has also made a good effort to contribute.

Distinction: A superior performance and effort. Indicates that the student has demonstrated superior ability to consider the course from a number of perspectives and to explore their interrelation, while maintaining a strong technical grasp of the topics covered. And has made a substantial effort to contribute.

High Distinction: An outstanding performance. Indicates that the student has produced a consistently outstanding level of contribution to group learning, and has demonstrated in class a high level of understanding and critical thinking across the entire content of the course.

Note: You can't record a class on a laptop, phone or other device or use a translation app during class unless you have got permission from your teacher or Equitable Learning Services. Law & Justice classes are intended to be safe environments to discuss sensitive issues. Recording fellow students undermines that environment and is a serious breach of the ethical responsibilities of students. It is a criminal offence to share recordings with other people.

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](#).

Group Assignment

Assessment Overview

This assessment requires you to work collaboratively to complete a written response.

Course Learning Outcomes

- CLO1 : Demonstrate knowledge of advanced principles of civil procedure and the management and resolution of complex civil litigation.
- CLO3 : Demonstrate effective collaboration and team work to address a case study on advanced principles of civil procedure and the management and resolution of complex civil litigation , including producing a coherent written response.

Detailed Assessment Description

Students in groups of 3 will undertake the tasks set out below. The case studies and the background knowledge to address the case studies will be available from Moodle. The case study will be discussed in class and the groups will be expected to begin work on their answer in class. Each group will submit a written answer by the due date set out below. All group members will receive the same mark and are expected to share the work evenly and comment on the work undertaken by each of the other group members.

More information will be provided on Moodle.

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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Research Essay

Assessment Overview

This assessment requires you to write a research essay.

Course Learning Outcomes

- CL01 : Demonstrate knowledge of advanced principles of civil procedure and the management and resolution of complex civil litigation.
- CL04 : Engage in advanced critical analysis of key themes, emerging trends and practical problems in civil procedure and complex civil litigation to successful completion of a research essay.

Detailed Assessment Description

Students must submit a research essay upon one of the suggested topics or on an approved topic lying squarely within the concerns of the course and which is selected by the student. If a student wishes to submit an essay on a topic chosen by them then they should prepare a brief synopsis and arrange to discuss the topic with the lecturer well before the due date.

Assessment Length

5000 words maximum

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.

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

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

Attendance Requirements

This course is taught intensively. 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

See the Moodle Course page for topics and required reading for each class.

Course Resources

Prescribed Resources

[Michael Legg, *Case Management and Complex Civil Litigation* \(Federation Press 2d ed 2022\)](#)

Recommended Resources

See the Moodle course page.

Staff Details

Position	Name	Email	Location	Phone	Availability	Equitable Learning Services Contact	Primary Contact
Convenor	Michael Legg					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 &](#)

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.