Legal Studies Assessment Support Material

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| **Unit standard** | 27838 |
| **Title** | Describe concepts of justice |
| **Level** | 1 | **Credits** | 4 | **Version** | 3 |

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**Ākonga/Learner Guidelines**

Introduction

You will be assessed on your ability to demonstrate understanding of these concepts of justice by completing the two tasks detailed. Keep in mind as you work on these two tasks that:

* The concepts of justice include balancing competing claims, coercive power, impartiality and equity.
* Specific examples of each concept of justice include name suppression as a specific example of the court balancing competing claims and contempt of court as a specific example of the coercive power of the courts.

**Award of Grades**

* For award with ***Achieved***, two concepts of justice are described, in relation to their application.
* For award with ***Merit***, the description of concepts of justice in relation to their application is demonstrated by selecting and applying relevant supporting detail that may include but is not limited to any one of:
* particular facts and legislation;
* past or present events from New Zealand and overseas;
* case law;
* news media reports.
* For award with ***Excellence***, the description of two concepts of justice in relation to their application is demonstrated by:
* referring to actual examples;
* selecting and applying a range of relevant supporting detail;
* drawing clear conclusions.

**Conditions of Assessment**

Assessors will set the conditions of assessment as appropriate.

**Assessment activity**

## **Task One**

Read through scenario 1 below. Use this scenario as a starting point for your discussion of contempt of court as an example of one of the concepts of justice, coercive power.

You need to describe:

* the concept of coercive power as it applies to the judicial system;
* the law relating to contempt of court;
* the relationship between the concept of contempt of court and coercive power.

You also need to provide:

* an actual example of contempt of court from New Zealand or overseas, past or present. This must include references to relevant supporting detail such as:
	+ - particular facts or events;
		- particular legislation;
		- case law, media reports.

For Excellence ākonga/learners need to refer to the actual example; select and apply a range of relevant supporting detail; and draw clear conclusions.

**Scenario 1**

Mark is seventeen. His father was killed in a car accident a week ago which was caused by repeat drink driver, Paul Thomas. Mark is understandably devastated at the loss of his father. When Paul appears in court to enter his plea, Mark leaps forward from the public gallery in the court room and hurls abuse and rocks at him. After being restrained by security guards, he is arrested and charged with contempt of court.

**Task Two**

Read through scenario 2 below. Use this example as a starting point for your discussion of name suppression as an example of one of the concepts of justice, balancing competing claims.

You need to describe:

* the concept of balancing competing claims as it applies to the judicial system;
* the law relating to name suppression;
* the relationship between the concept of balancing competing claims and name suppression.

You also need to provide:

* an actual example of name suppression from New Zealand or overseas, past or present. This must include references to relevant supporting detail such as:
	+ - particular facts or events;
		- particular legislation;
		- case law, media reports.
* for Excellence, ākonga/learners need to refer to the actual example; select and apply a range of relevant supporting detail; and draw clear conclusions.

**Scenario 2**

David Smartov is a well-respected businessman who is a partner in a leading Wellington accountancy firm. He has been charged with fraud, with the prosecution alleging that he embezzled over $700,000 dollars of client money. David is married to a well-known real estate agent who owns her own self named company, Smartov’s. Their one daughter, Mary, is in Year 11 at a prestigious Wellington private school.

David has his first court appearance tomorrow and he has asked his lawyer to apply for name suppression. He is concerned that if his name is revealed, his wife may suffer with people choosing to sell their properties through another real estate agency. He is also worried about his daughter who has already lost a lot of weight after David told her about the charges and he’s worried that if her peers find out about the charges he’s facing, she may be bullied.

The partners at the accountancy firm where David works strongly support his application for name suppression as they fear that if his name is revealed, many of their clients will take their work elsewhere despite the fact that only David is facing charges.

Margaret and Jim are two of the clients whose money David is alleged to have taken. They plan to be at David’s first court appearance as they say that he has ruined their lives through the money he took from them. They can’t wait for David’s name to be released so he can be ‘named and shamed’