Legal Studies Assessment Support Material

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| **Unit standard** | 27844 | | | | |
| **Title** | Describe litigation processes in New Zealand | | | | |
| **Level** | 1 | **Credits** | 4 | **Version** | 3 |

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**Ākonga/Learner Guidelines**

Introduction

You will be assessed on your ability to describe litigation processes in the New Zealand court and tribunal system by completing the four tasks detailed below. This will include:

* New Zealand’s Courts and tribunals and their hierarchy and inter-relationship;
* the key features of the roles of two key participants in the main courts;
* civil and criminal law in terms of subject matter, burden of proof, standard of proof, possible outcomes;
* selecting and applying relevant supporting detail;
* comparing civil and criminal processes, referring to actual cases, selecting a range of relevant supporting detail and drawing clear conclusions.

**Award of Grades**

* For award with ***Achieved***, litigation processes are identified in relation to criminal and civil cases in the New Zealand court and tribunal system.
* For award with ***Merit***, the description of litigation processes 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 the litigation processes in New Zealand is demonstrated by:
* comparing civil and criminal processes
* referring to actual cases
* selecting a range of relevant supporting detail
* drawing clear conclusions.

**Conditions of Assessment**

Assessors will set the conditions of assessment as appropriate.

**Assessment activity**

This assessment activity has four tasks.

**Introduction**

Your friend Tim has heard that you’ve been studying New Zealand’s court system. He’s curious to find out more and so he’s put together some questions for you.

**Task One**

For this task, you must complete activities a and b:

1. To make sure Tim gets a detailed understanding of New Zealand’s courts and tribunals, help him to identify the jurisdiction of **five** courts and **one** tribunal listed below.

* District Court
* High Court
* Court of Appeal
* Supreme Court of New Zealand.

Plus one of:

* Youth Court
* Family Court
* Employment Court.

Plus one tribunal from:

* Waitangi Tribunal
* Tenancy Tribunal
* Disputes Tribunal
* Human Rights Review Tribunal.

1. Tim tells you that he knows we have quite a few different courts in New Zealand but he’s not sure what they all are and how they are organised. Draw a diagram for Tim which shows the hierarchy of the New Zealand Courts from the least powerful through to the most powerful. Using this diagram, describe how the courts relate to each other and include an **example** of a case dealt with in each court.

**Task Two**

Tim knows from watching court room drama that there always seems to be a lot of people involved in the courts. Help Tim to develop his understanding of the participants below in the main courts by explaining the roles of at least two of the following:

* Judge
* Juror
* Lawyer
* Witness
* Registrar / Court taker\*
* Prosecutor
* Plaintiff
* Defendant
* Police
* Probation Officer.

\* The court registry office staff member taking court is commonly known as the court taker and assists the judge to run the court and ensures the court lists and press sheets are available.

**Task Three**

As it happens Tim has more personal reasons for finding out more about litigation processes in New Zealand. Tim’s family is having a rough time at the moment. Tim’s twenty-year-old brother, Alan, was arrested last week and charged with assault. As if this wasn’t bad enough, Tim’s father who owns a building company is being taken to court by a client for breach of contract. Tim understands that his father’s contract case will be dealt with differently from Alan’s assault case, but he’d like you to explain to him the following differences between civil and criminal law. Your description should make it clear to Tim how these differences will apply in both Alan’s case and in the case of his father’s building company.

* Subject matter
* Burden of proof
* Standard of proof
* Possible outcomes
* Terminology used.

**Task Four**

You need now to refer to actual cases and:

* select and apply relevant supporting detail
* compare civil and criminal processes and draw clear conclusions.

## **Resource requirements**

There are no specific resource requirements for this assessment.