



# Law students are a special case

---

**Title:** Law Students are a special case

**Target audience:** Law students, law academics.

**Key issues being addressed:** The potential life-long implications of a breach by a law student and the importance of not aggravating the breach by subsequently appearing to minimise its importance.

**Purpose of the case:** To help law students take seriously the citing and referencing of other people's work; to encourage law students to start thinking like a lawyer to the extent it involves being and appearing to be scrupulously honest.

**Materials and preparation needed to answer the case:**

- Remind participants to find and access appropriate policy and academic integrity resources at own institution prior to coming to session.
- Copy of university academic integrity policy, and procedures.
- Separate PowerPoint for facilitator based on 1 or 2 hour session.
- Case of Richardson (2003) TASC 9
- Case of AJG (2004) QCA 88
- Re Liveri (2006) QCA 152
- Case of Humzy-Hancock (2007) QSC 34
- In the Matter of OG (2007) VSC 520

## The case

### *Abstract*

*In his application for admission to practice law, a graduate fails to disclose a breach of academic integrity that occurred in his first year as an undergraduate. This lack of disclosure is discovered and he is struck off.*

A first year law student was reported by his tutor for cheating after a small assignment shows unacceptably high levels of unreferenced text matching. After an investigation the law school finds the cheating proved, but in the circumstances allows the student to pass the course with a warning about referencing and a slightly reduced mark.

The student learns from the experience and is not reported again for any breach over the next five years of study. The student graduates with an LLB and applies to the Supreme Court for admission to practice law. In the application form the applicant has to respond to the statement: 'I am and always have been of good fame and character.' The applicant can hardly remember the incident of cheating six years previously and marks the form so as to agree with the statement.

Another question asks the applicant to respond to 'I am not and have never been the subject of disciplinary action in a tertiary education institution.' This time the applicant

recalls the cheating allegation in his first year of study but decides to ignore it because it was a minor incident and so long ago. He decides 'disciplinary action' must refer to significant cases where students fail the course or are banned from the university. The application is accepted and the man is admitted to practice as a lawyer.

However, following a tip-off, the Law Society investigates the man's academic record, discovers the proven incident of cheating and applies to the Supreme Court to have him struck off. The Supreme Court agrees, removing him from the roll of practitioners. The reason for judgment makes little reference to the cheating incident but relies on the man's failure to acknowledge it in his application for admission to practice.

**Questions for discussion with law lecturers:**

1. Do your courses include sufficient material on academic integrity?
2. Does the design of your courses adequately motivate the students to take the academic integrity content seriously?
3. Should you allow the serious implications of a breach by a law student to affect your application of academic integrity policy in investigating a breach, or in determining a penalty if a breach is proved, or in recording the outcome?

**Questions for discussion with law students:**

1. Why do you think the implications of a finding of breach by a law student are more serious than for other students?
2. Do you think that difference is unfair or justifiable, and for what reasons?
3. If you disagree with the system, what would be a fairer system and why?
4. Based on your experiences at law school so far, can you think of a better way to help law students learn and take seriously good practice in academic integrity?

*Support for this project/activity has been provided by the Australian Government Office for Learning and Teaching. The views in this project do not necessarily reflect the views of the Australian Government Office for Learning and Teaching.*



This work is licensed under a [Creative Commons Attribution-NonCommercial-ShareAlike 3.0 Australia License](https://creativecommons.org/licenses/by-nc-sa/3.0/au/).