LAWS8006

Applied Legal Ethics

Session 1, Online-scheduled-weekday 2024

Macquarie Law School

Contents

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General Information

Unit convenor and teaching staff
Esther Erlings
esther.erlings@mq.edu.au

Credit points
10

Prerequisites
Admission to GradCertLaw or GradDipLaw or JD

Corequisites
LAWS8001 or LAWS600 or admission to JD in 2014

Co-badged status

Unit description
In this unit students will be encouraged to develop an ethical approach to the study and practice of law. Ethical problems may present in diverse ways, including problems of confidentiality, access to justice or conflict of duty and interest. The lawyer's role in the resolution of these problems is examined in the context of the common law, statute, professional rules of conduct and diverse theoretical approaches to legal ethics. The lawyer's relationships with their client, the court and other legal practitioners as well as with the general public are strengthened through development of skills such as listening, interviewing and negotiation. The unit also emphasizes continued improvements in academic writing skills, concentrating on structure, legal language and issues of academic honesty.

Important Academic Dates

Information about important academic dates including deadlines for withdrawing from units are available at https://www.mq.edu.au/study/calendar-of-dates

Learning Outcomes

On successful completion of this unit, you will be able to:

ULO1: Explain how ethical principles inform and underpin the law of professional responsibility that regulates the practice of law in Australia.

ULO2: Recognise the duties and obligations that are part of the legal practitioner's relationship with his or her client, the court, other practitioners and members of the public.

ULO3: Apply the law of professional responsibility relevant to lawyers in Australia

ULO4: Critically analyse the different theoretical approaches to legal ethics and apply this analysis to the resolution of ethical problems.

ULO5: Demonstrate advanced communication skills required for ethical practice, especially listening skills, interviewing skills, cross cultural communication skills and negotiation skills.

ULO6: Apply mature and considered approaches to written communication including plain English principles and legal citation methods

General Assessment Information

All assessments are submitted electronically via the relevant submission box on iLearn.

Students should carefully check that they submit the correct file for an assessment as re-submissions will not be accepted after the due date and time, including instances where students upload an incorrect file in error.

Marking of all assessments is moderated through a process of blind marking and the use of marking rubrics.

Integrity

Turnitin plagiarism detection software is used to check all written assessments. The use of generative AI such as ChatGPT, Quillbot etc. is NOT allowed. Students are only allowed to use the writing resources suggested by the Macquarie Writing Centre (https://students.mq.edu.au/support/study/writing), even if these resources (eg suggested writing tools) use aspects of AI.

Word count and style

Word limits are strictly applied. Work above the word limit will NOT be marked. Work that falls below the word count does not attract a penalty, but students are advised that work below the word count (with a 2-5% range) is likely falling short on in-depth analysis and other aspects of the rubric. Footnotes are to be used only for referencing. Referencing must conform to the requirements set out in the Australian Guide to Legal Citation 4th edition (https://law.unimelb.edu.au/__data/assets/pdf_file/0005/3181325/AGLC4-with-Bookmarks-1.pdf).

Late penalty policy

Unless a Special Consideration request has been submitted and approved, a 5% penalty (of the total possible mark for the assignment) will be applied each day a written assignment is not submitted, up until the 7th day (including weekends). After the 7th day, a mark of '0' (zero) will be awarded even if the assessment is submitted. Submission time for all written assessments is set at 11.55pm. A 1-hour grace period is provided to students who experience a technical issue of which they have notified the unit convenor.

The above-mentioned late penalty will only apply to non-time-sensitive assessment (incl essays, reports, posters, portfolios, journals, recordings etc). Late submission of time-sensitive tasks (such as tests/exams, performance assessments/presentations, scheduled practical assessments/labs etc) will only be addressed by the unit convenor via a Special Consideration

application. Special Consideration outcomes may result in a new question or topic.

Special Consideration

Students should submit applications for Special Consideration electronically via ask.mq.edu.au, along with the supporting documentation. Before submitting their applications, students should refer to the Special Consideration policy (link provided under 'Policies and Procedures' below).

Assessment Tasks

Name	Weighting	Hurdle	Due
A series of in class and online activities	20%	No	Throughout semester up until 02/06/2024 (end of Week 13)
Client Interview Assessment	40%	No	Video 17/03/2024; Review 24/03/2024; Reflection 14/04/2024
Legal Ethics paper	40%	No	02/06/2024

A series of in class and online activities

Assessment Type [1]: Participatory task
Indicative Time on Task [2]: 0 hours
Due: **Throughout semester up until 02/06/2024 (end of Week 13)**
Weighting: **20%**

A series of activities

On successful completion you will be able to:
- Explain how ethical principles inform and underpin the law of professional responsibility that regulates the practice of law in Australia.
- Recognise the duties and obligations that are part of the legal practitioner's relationship with his or her client, the court, other practitioners and members of the public.
- Apply the law of professional responsibility relevant to lawyers in Australia
- Critically analyse the different theoretical approaches to legal ethics and apply this analysis to the resolution of ethical problems.
- Apply mature and considered approaches to written communication including plain English principles and legal citation methods

Client Interview Assessment

Assessment Type [1]: Simulation/role play
Indicative Time on Task [2]: 15 hours
Due: **Video 17/03/2024; Review 24/03/2024; Reflection 14/04/2024**
Weighting: **40%**

An assessment task built around a simulated client interview and reflective paper

On successful completion you will be able to:
- Recognise the duties and obligations that are part of the legal practitioner's relationship with his or her client, the court, other practitioners and members of the public.
- Apply the law of professional responsibility relevant to lawyers in Australia
- Demonstrate advanced communication skills required for ethical practice, especially listening skills, interviewing skills, cross cultural communication skills and negotiation skills.

Legal Ethics paper

Assessment Type [1]: Essay
Indicative Time on Task [2]: 15 hours
Due: **02/06/2024**
Weighting: **40%**

A research paper on an applied ethics topic

On successful completion you will be able to:
- Explain how ethical principles inform and underpin the law of professional responsibility that regulates the practice of law in Australia.
- Recognise the duties and obligations that are part of the legal practitioner's relationship with his or her client, the court, other practitioners and members of the public.
- Critically analyse the different theoretical approaches to legal ethics and apply this analysis to the resolution of ethical problems.
- Apply mature and considered approaches to written communication including plain English principles and legal citation methods

[1] If you need help with your assignment, please contact:

- the academic teaching staff in your unit for guidance in understanding or completing this type of assessment
- the Writing Centre for academic skills support.

[2] Indicative time-on-task is an estimate of the time required for completion of the assessment task and is subject to individual variation

Delivery and Resources

Unit Delivery

The unit has weekly online lectures from weeks 1 to 12. These lectures consist of 1 (1h) or 2 (30 min) pre-recorded lecture(s), and 1 (1h) live-lecture that is live-streamed and recorded. Students are expected to listen to the lectures and work their way through the other materials on a weekly basis. All lecture recordings and associated slides will be accessible through iLearn in Echo360.

The delivery of tutorials depends on whether a student is an external (online) or internal (face-to-face) student: online tutorials take place fortnightly for 2 hours each (starting in either week 2 or week 3 of the semester through to weeks 12 or 13). Face-to-face tutorials take place on a weekly basis for one hour each (starting in week 1 through to week 12).

Resources

The required texts are:

- Paula Baron and Lillian Corbin, *Ethics and Legal Professionalism in Australia* (Oxford University Press, 3rd ed, 2020)
- Nichola Corbett-Jarvis and Brendan Grigg, *Effective Legal Writing: A Practical Guide* (LexisNexis, 3rd ed, 2021)

Students are expected to purchase these books. Whilst they are also available via the library, it is important to note that only three students at a time can access the online library edition. Additional readings will be accessible through iLearn in the weekly modules and/or Leganto.

Students require access to a computer, internet with decent speed and a secure/reliable server. During online tutorials students are expected to turn on their cameras and have the ability to communicate via a working microphone.

The iLearn page contains all Unit requirements and a weekly schedule for teaching, readings and tutorials. Information about all assessment tasks is also available on iLearn. Students MUST submit all assessments through iLearn.

Unit Schedule

The following is tentative:

1. Framework of Lawyering
2. What is Lawyering?

3. Confidentiality and Privilege

4. Admission and Discipline

5. Loyalty to the Client: Conflicts

6. Loyalty to the Client: Costs

7. Loyalty to the Client: Representation

8. Competence

9. Truth and Honesty

10. Fidelity to the Law

11. Service and Access to Justice

12. Civility and Courtesy

Policies and Procedures

Macquarie University policies and procedures are accessible from Policy Central (https://policies.mq.edu.au). Students should be aware of the following policies in particular with regard to Learning and Teaching:

- Academic Appeals Policy

- Academic Integrity Policy

- Academic Progression Policy

- Assessment Policy

- Fitness to Practice Procedure

- Assessment Procedure

- Complaints Resolution Procedure for Students and Members of the Public

- Special Consideration Policy

Students seeking more policy resources can visit Student Policies (https://students.mq.edu.au/support/study/policies). It is your one-stop-shop for the key policies you need to know about throughout your undergraduate student journey.

To find other policies relating to Teaching and Learning, visit Policy Central (https://policies.mq.edu.au) and use the search tool.

Student Code of Conduct

Macquarie University students have a responsibility to be familiar with the Student Code of Conduct: https://students.mq.edu.au/admin/other-resources/student-conduct

Results

Results published on platform other than eStudent, (eg. iLearn, Coursera etc.) or released directly by your Unit Convenor, are not confirmed as they are subject to final approval by the University. Once approved, final results will be sent to your student email address and will be made available in eStudent. For more information visit ask.mq.edu.au or if you are a Global MBA student contact globalmba.support@mq.edu.au

Academic Integrity

At Macquarie, we believe academic integrity – honesty, respect, trust, responsibility, fairness and courage – is at the core of learning, teaching and research. We recognise that meeting the expectations required to complete your assessments can be challenging. So, we offer you a range of resources and services to help you reach your potential, including free online writing and maths support, academic skills development and wellbeing consultations.

Student Support

Macquarie University provides a range of support services for students. For details, visit http://students.mq.edu.au/support/

The Writing Centre

The Writing Centre provides resources to develop your English language proficiency, academic writing, and communication skills.

- Workshops
- Chat with a WriteWISE peer writing leader
- Access StudyWISE
- Upload an assignment to Studiosity
- Complete the Academic Integrity Module

The Library provides online and face to face support to help you find and use relevant information resources.

- Subject and Research Guides
- Ask a Librarian

Student Services and Support

Macquarie University offers a range of Student Support Services including:

- IT Support
- Accessibility and disability support with study
- Mental health support
- Safety support to respond to bullying, harassment, sexual harassment and sexual assault
- Social support including information about finances, tenancy and legal issues
- Student Advocacy provides independent advice on MQ policies, procedures, and processes

Student Enquiries

Got a question? Ask us via AskMQ, or contact Service Connect.

IT Help

For help with University computer systems and technology, visit http://www.mq.edu.au/about_us/offices_and_units/information_technology/help/.

When using the University's IT, you must adhere to the Acceptable Use of IT Resources Policy. The policy applies to all who connect to the MQ network including students.

Unit information based on version 2024.02 of the Handbook