



# LAWS806

## Applied Legal Ethics

S1 Day 2015

*Dept of Law*

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#### **Disclaimer**

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## General Information

Unit convenor and teaching staff

Unit Convenor

Lise Barry

[lise.barry@mq.edu.au](mailto:lise.barry@mq.edu.au)

Contact via [lise.barry@mq.edu.au](mailto:lise.barry@mq.edu.au)

W3A507

TBA - see iLearn page

Credit points

4

Prerequisites

Admission to JD or GradCertLaw or GradDipLaw or LLM

Corequisites

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:

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 analyze the different theoretical approaches to legal ethics and apply this analysis to the resolution of ethical problems.

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

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

## Assessment Tasks

Name	Weighting	Due
<a href="#">Tutorial participation</a>	0%	Ongoing
<a href="#">Reflective writing</a>	40%	see description for dates
<a href="#">Essay</a>	30%	Friday 15th May 8pm
<a href="#">Exam</a>	30%	Friday 19th June 8pm

### Tutorial participation

Due: **Ongoing**

Weighting: **0%**

**Participation is Pass/Fail. You must pass this aspect of the course.**

#### 1. Class participation

Tutorials in this unit only work if all students attend and give the entire group the benefit of their views based upon the readings and their experience. All students are expected to post at least four times on the iLearn discussion forums.

Specific readings and exercises will be set for each tutorial. The tutorial program is set out on iLearn in a weekly format.

Internal students must attend all tutorials. You are required to participate in the tutorial role plays, discussions, debates, reflective exercises and any other activities. Tutors will engage in ongoing assessment of student participation using the following criteria:

**1. Preparation and understanding of material:** the student has listened to the lecture, read the required reading and has attempted to link the materials to the lectures, to other course materials

and to their life experience

2. **Ability to think critically about the material:** the student is able to critically analyze the materials from different angles, express their views and ask relevant questions about the materials

3. **Clear expression of ideas:** the student is able to clearly express their ideas about the materials

4. **Engaging with other students:** the student engages with others in the class taking an active role in discussions, role plays, debates and other activities assigned by the tutor. The student responds to others in the class by listening to them, providing constructive feedback and asking questions.

5. **Demonstration of skills:** The student is able to demonstrate communication skills including listening skills, interviewing skills, cross cultural communication skills and negotiation skills.

From time to time, tutors will collect examples of student work completed in tutorials.

If you cannot attend a tutorial you must email your tutor to inform them of your absence. Extended absences from tutorials must meet the criteria for Disruption to Studies and be approved by the Unit Convenor. Applications for Disruption to Studies are made online at [ask.mq.edu.au](http://ask.mq.edu.au)

Tutors will raise any concerns about poor participation with the student involved. Students will be given an opportunity to submit remedial work where there are concerns about participation or unexplained absences.

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 analyze the different theoretical approaches to legal ethics and apply this analysis to the resolution of ethical problems.
- Demonstrate advanced communication skills required for ethical practice, especially listening skills, interviewing skills, cross cultural communication skills and negotiation skills.

## Reflective writing

Due: **see description for dates**

Weighting: **40%**

This assessment is designed to encourage students to reflect on what they have learnt in the Unit. Guidance will be provided about what we are looking for in your entries and you will have a chance to write and grade a practise reflection in class or online. Your reflections will be submitted electronically via Turnitin and marked electronically. Your reflections must include references to scholarly sources outside of the textbook materials.

You must submit reflective writing in 2 parts:

**Part 1 is due by 8pm on Friday 24th April** (20%) and includes reflections on Weeks 1 – 6, 1500 words maximum

**Part 2 is due by 8pm on Friday 5th June** (20%) and includes reflections on Week s 7 – 12, 1500 words maximum

The word limits will be strictly applied and any work beyond the word limit will not be marked. The word count does not include footnotes. There is to be no substantive content in your footnotes.

Reflections are to be submitted in Word format, not pdf files.

Papers should be typed in a font of at least size 12 with line spacing of at least 1.5.

Reflective writing should be fully referenced according to the Australian Guide to Legal Citation (3<sup>rd</sup> edition). All work should comply with the Policies and Procedures outlined in this Unit Guide.

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 analyze 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

## Essay

Due: **Friday 15th May 8pm**

Weighting: **30%**

In this paper students will be asked to make a personal response to a question of legal ethics. Students will be required to be familiar with a variety of models of applied legal ethics in order to justify their personal ethical decision making choices.

Student responses are expected to be well researched and to critically reflect upon and analyze

both the law and theory of professional responsibility for lawyers.

Students will also be assessed on their written communication skills, particularly their ability to write in plain English.

The maximum word count for this assessment is 2000 words.

Assessments will be submitted online via Turnitin and must comply with the Macquarie University Policy on Academic Honesty and the Macquarie Law School Assessment policy.

The complete question will be released on iLearn.

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 analyze 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

## Exam

Due: **Friday 19th June 8pm**

Weighting: **30%**

This online examination is a time limited multiple choice exam - 30 questions worth 30%

The exam will be released at 4pm and is due at 8pm on Friday 19th June.

Students will have one hour to complete the exam. The timer will commence when a student opens the quiz. At the end of one hour, the quiz will close down and all the answers that have been completed will be automatically submitted.

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
- Critically analyze the different theoretical approaches to legal ethics and apply this analysis to the resolution of ethical problems.

## Delivery and Resources

There are no "live" lectures for this unit. This unit is delivered in two ways:

- 1) via online learning content that includes recorded lecture material, readings, quizzes, discussions and links to external resources such as videos and blogs
- 2) a weekly seminar for internal students/ a compulsory two day on campus session and optional one day on campus session for external students.

The required text is: Lise Barry (ed) *Lawyers: Roles, Skills and Responsibilities* (2nd ed, 2015) Thomson Reuters. Available from the Macquarie University Co-op Bookshop

Additional reading will be available via iLearn and e-research.

Students require access to a computer and a secure and reliable server. All Unit requirements and a weekly teaching schedule are outlined in iLearn.

All assessments are to be submitted electronically via Turnitin.

## Unit Schedule

The weekly schedule is outlined in the iLearn site for this unit

## Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central](#). Students should be aware of the following policies in particular with regard to Learning and Teaching:

Academic Honesty Policy [http://mq.edu.au/policy/docs/academic\\_honesty/policy.html](http://mq.edu.au/policy/docs/academic_honesty/policy.html)

Assessment Policy <http://mq.edu.au/policy/docs/assessment/policy.html>

Grading Policy <http://mq.edu.au/policy/docs/grading/policy.html>

Grade Appeal Policy <http://mq.edu.au/policy/docs/gradeappeal/policy.html>

Grievance Management Policy [http://mq.edu.au/policy/docs/grievance\\_management/policy.html](http://mq.edu.au/policy/docs/grievance_management/policy.html)

Disruption to Studies Policy [http://www.mq.edu.au/policy/docs/disruption\\_studies/policy.html](http://www.mq.edu.au/policy/docs/disruption_studies/policy.html) *The Disruption to Studies Policy is effective from March 3 2014 and replaces the Special Consideration Policy.*

In addition, a number of other policies can be found in the [Learning and Teaching Category](#) of Policy Central.

## Student Code of Conduct

Macquarie University students have a responsibility to be familiar with the Student Code of Conduct: [https://students.mq.edu.au/support/student\\_conduct/](https://students.mq.edu.au/support/student_conduct/)

## Results

Results shown in *iLearn*, 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](#).

## Additional Macquarie Law School policy on assessment

In the absence of a successful application for special consideration, any assessment task submitted after its published deadline will not be graded and will receive a mark of zero.

Word limits will be strictly applied and work above the word limit will not be marked. Footnotes are only to be used for referencing. Substantive material in footnotes will not be marked.

All assessments in the unit are to be submitted electronically. Plagiarism detection software is used in this unit.

## Student Support

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

## Learning Skills

Learning Skills ([mq.edu.au/learningskills](http://mq.edu.au/learningskills)) provides academic writing resources and study strategies to improve your marks and take control of your study.

- [Workshops](#)
- [StudyWise](#)
- [Academic Integrity Module for Students](#)
- [Ask a Learning Adviser](#)

## Student Services and Support

Students with a disability are encouraged to contact the [Disability Service](#) who can provide appropriate help with any issues that arise during their studies.

## Student Enquiries

For all student enquiries, visit Student Connect at [ask.mq.edu.au](http://ask.mq.edu.au)

## IT Help

For help with University computer systems and technology, visit <http://informatics.mq.edu.au/help/>.

When using the University's IT, you must adhere to the [Acceptable Use Policy](#). The policy applies to all who connect to the MQ network including students.

## Graduate Capabilities

### PG - Discipline Knowledge and Skills

Our postgraduates will be able to demonstrate a significantly enhanced depth and breadth of knowledge, scholarly understanding, and specific subject content knowledge in their chosen



fields.

This graduate capability is supported by:

## **Learning outcomes**

- 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.
- Apply mature and considered approaches to written communication including plain English principles and legal citation methods

## **Assessment tasks**

- Tutorial participation
- Exam

## **PG - Critical, Analytical and Integrative Thinking**

Our postgraduates will be capable of utilising and reflecting on prior knowledge and experience, of applying higher level critical thinking skills, and of integrating and synthesising learning and knowledge from a range of sources and environments. A characteristic of this form of thinking is the generation of new, professionally oriented knowledge through personal or group-based critique of practice and theory.

This graduate capability is supported by:

## **Learning outcome**

- Critically analyze the different theoretical approaches to legal ethics and apply this analysis to the resolution of ethical problems.

## **PG - Effective Communication**

Our postgraduates will be able to communicate effectively and convey their views to different social, cultural, and professional audiences. They will be able to use a variety of technologically supported media to communicate with empathy using a range of written, spoken or visual formats.

This graduate capability is supported by:

## **Learning outcomes**

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

skills.

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

## Assessment tasks

- Tutorial participation
- Essay

## PG - Engaged and Responsible, Active and Ethical Citizens

Our postgraduates will be ethically aware and capable of confident transformative action in relation to their professional responsibilities and the wider community. They will have a sense of connectedness with others and country and have a sense of mutual obligation. They will be able to appreciate the impact of their professional roles for social justice and inclusion related to national and global issues

This graduate capability is supported by:

## Learning outcomes

- Explain how ethical principles inform and underpin the law of professional responsibility that regulates the practice of law in Australia.
- Critically analyze the different theoretical approaches to legal ethics and apply this analysis to the resolution of ethical problems.

## Assessment tasks

- Tutorial participation
- Reflective writing
- Essay

## Changes from Previous Offering

The required textbook is a new 2nd edition of the Barry textbook.

There have been some changes to the assessment. There is no longer a written component to the final exam.